

SENATE JOURNAL

OF THE

ELEVENTH LEGISLATURE

OF THE

STATE OF WASHINGTON

BEGUN AND HELD AT

OLYMPIA, THE STATE CAPITAL

JANUARY 11, 1909

Adjourned Sine Die, March 11, 1909

M. E. HAY, President
A. S. RUTH, President *pro tem.*
WM. T. LAUBE, Secretary

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WM. T. LAUBE
SECRETARY OF THE SENATE

JOURNAL OF THE SENATE.

ELEVENTH SESSION

FIRST DAY.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, January 11, 1909.
12 o'clock, noon.

The Eleventh Senate of the State of Washington assembled at the Senate chamber, in the state capitol, pursuant to law, at 12 o'clock noon, this day. Lieutenant Governor Charles E. Coon, president of the Senate, called the Senate to order.

Prayer was offered by Rev. E. L. Swick, pastor of the First Baptist church, of Olympia.

The following certificate from the secretary of state, Sam H. Nichols, was read:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam H. Nichols, secretary of state of the State of Washington, do hereby certify that the following is a full, true and correct list of the persons elected at the general election held on the 3rd day of November, A. D. 1908, from the several senatorial districts, as shown by the official returns on said election on file in this office, and are entitled to seats in the Senate of the legislature of the State of Washington, at its eleventh biennial session, commencing on Monday, January 11th, 1909; and also the list of the "holdover" senators from the tenth session of said legislature:

HOLD-OVER SENATORS.

	<i>Name.</i>	<i>Counties Represented.</i>
District No. 2.....	A. W. Anderson.....	Stevens
District No. 6.....	Will G. Graves.....	Spokane
District No. 7.....	Harry Rosenhaupt.....	Spokane
District No. 8.....	Peter McGregor.....	Whitman
District No. 16.....	Winthrop B. Presby.....	Klickitat Skamania

	<i>Name</i>	<i>Counties Represented.</i>
District No. 19.....	Henry S. McGowan.....	Pacific Wahkiakum
District No. 21.....	Alex Polson.....	Chehalis
District No. 24.....	John L. Blair.....	Clallam Jefferson San Juan
District No. 26.....	Ralph Metcalf.....	Pierce
District No. 30.....	I. B. Knickerbocker.....	King
District No. 31.....	Ralph D. Nichols.....	King
District No. 32.....	E. M. Williams.....	King
District No. 33.....	P. L. Allen.....	King
District No. 34.....	George U. Piper.....	King
District No. 35.....	William G. Potts.....	King
District No. 36.....	George F. Cotterill.....	King
District No. 37.....	Robert F. Booth.....	King
District No. 39.....	S. T. Smith.....	Snohomish
District No. 40.....	B. D. Minkler.....	Skagit
District No. 42.....	Robert L. Kline.....	Whatcom

LIST OF SENATORS ELECTED IN 1908.

	<i>Name.</i>	<i>County.</i>
District No. 1.....	Evan C. Davis.....	Douglas Ferry Okanogan
District No. 3.....	Jesse Huxtable.....	Spokane
District No. 4.....	R. A. Hutchinson.....	Spokane
District No. 5.....	E. C. Whitney.....	Spokane
District No. 9.....	Joseph Arrasmith.....	Whitman
District No. 10.....	John R. Stevenson.....	Asotin Columbia Garfield
District No. 11.....	John D. Bassett.....	Adams Franklin Walla Walla
District No. 12.....	D. H. Cox.....	Walla Walla
District No. 13.....	John H. Smithson.....	Chelan Kittitas
District No. 14.....	Charles E. Myers.....	Lincoln
District No. 15.....	Samuel J. Cameron.....	Benton Yakima
District No. 17.....	A. B. Eastham.....	Clarke
District No. 18.....	F. L. Stewart.....	Cowlitz
District No. 20.....	H. O. Fishback.....	Lewis
District No. 22.....	A. S. Ruth.....	Thurston

	<i>Name.</i>	<i>Counties Represented.</i>
District No. 23.....	James W. Bryan.....	Island Kitsap Mason
District No. 25.....	W. H. Paulhamus.....	Pierce
District No. 27.....	John L. Roberts.....	Pierce
District No. 28.....	Arvid Rydstrom.....	Pierce
District No. 29.....	H. H. Fatland.....	Pierce
District No. 38.....	J. A. Falconer.....	Snohomish
District No. 41.....	Ed. Brown.....	Whatcom

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at Olympia, this 11th day of January, 1909.

[SEAL.]

SAM H. NICHOLS, *Secretary of State.*

Chief Justice Frank H. Rudkin of the supreme court administered the oath of office to the following senators-elect: Evan C. Davis, Jesse Huxtable, R. A. Hutchinson, E. C. Whitney, Joseph Arrasmith, John R. Stevenson, John D. Bassett, D. H. Cox, John H. Smithson, Charles E. Myers, Samuel J. Cameron, A. B. Eastham, F. L. Stewart, H. O. Fishback, A. S. Ruth, James W. Bryan, W. H. Paulhamus, John L. Roberts, Arvid Rydstrom, H. H. Fatland, J. A. Falconer, Ed. Brown.

The roll was called by the secretary of the last Senate, J. W. Lysons, and all members were present.

Senator Potts nominated for president *pro tem.* of the Senate Senator A. S. Ruth, of Thurston county, and Senator Ruth was elected president *pro tem.* by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

Senator Williams nominated for secretary of the Senate, Wm. T. Laube, who was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper,

Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

Senator Huxtable nominated for assistant secretary of the Senate, Marvin L. Arnold, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

Senator Roberts nominated James M. Hayes for sergeant-at-arms of the Senate. The secretary of the Senate, Wm. T. Laube, called the roll and James M. Hayes was elected sergeant-at-arms by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

On motion of Senator Presby, an assistant sergeant-at-arms was elected.

Senator Stewart nominated A. J. Ahola for assistant sergeant-at-arms, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

On motion of Senator Knickerbocker, the following resolution was adopted:

Resolved, That a committee of five, consisting of Senators Allen, Smith, Kline, Roberts and Huxtable, be and the same is hereby appointed and instructed to receive applications for additional positions as Senate employes, to consult with the secretary of the Senate relative

to such additional employes and the personnel thereof, and to recommend to the Senate the names of such additional employes and the salaries to be paid each, the number of such additional employes, however, not to exceed thirty-two.

On motion of Senator Booth, the following resolution was adopted:

Resolved, That a committee of three senators be appointed to notify the House of Representatives that the Senate is now organized and ready for business.

The president appointed as a committee under the above resolution Senators Booth, Graves and Falconer.

On motion of Senator Piper, the following resolution was adopted:

Resolved, That the rules of the tenth session of the Senate be adopted temporarily, pending the adoption of permanent rules, for the present session of the Senate.

Senator Allen nominated George Gregory for minute clerk of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

Senator Allen moved that A. F. Haynes be elected janitor, and A. F. Haynes was elected janitor by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

The following employes of the Senate were sworn in: James M. Hayes, sergeant-at-arms; A. J. Ahola, assistant sergeant-at-arms; Wm. T. Laube, secretary of the Senate; Marvin Arnold, assistant secretary; George Gregory, minute clerk; A. F. Haynes, janitor.

On motion of Senator Myers, the following resolution was adopted:

Resolved. That the state auditor be and he is hereby directed to draw his warrants for the payment of the members and employes of the Senate every week of the session upon payrolls which shall be signed by the members and employes, and certified by the president and secretary of the Senate, and he is hereby authorized and directed to deliver the warrants so issued to the secretary of the Senate, taking his vouchers therefor. The incidental expenses of the Senate shall be paid upon vouchers signed by the payees, certified by the president and secretary, and attested by the sergeant-at-arms.

The following resolution, introduced by Senator Cotterill, was read by the secretary:

SENATE CONCURRENT RESOLUTION NO. 1.

By Senator Cotterill:

WHEREAS, The 12th day of February, 1909, is the centennial anniversary of the birth of Abraham Lincoln, the martyr president, whose life and work are a priceless heritage and a constant inspiration of American citizenship; and

WHEREAS, It is fitting and appropriate that this Lincoln Centennial day should be observed not merely as the usual holiday, but rather as a day set apart and consecrated to a study and a reminder of the principles of Americanism in whose cause the life of Abraham Lincoln was so freely given; now therefore,

Resolved by the Senate, the House concurring. That Friday, the 12th day of February, 1909, be and the same is hereby designated and set apart for the proper observance by this legislature of the Lincoln Centennial; that a joint committee of six members, three to be named by the president of the Senate and three by the speaker of the House, together with the governor of the State of Washington to act as chairman of such committee, be appointed to arrange and provide for appropriate exercises upon said day, in joint session of the legislature, in commemoration of the life and service of Abraham Lincoln to America and to humanity; and be it further

Resolved. That the governor of the State of Washington be requested to issue a proclamation to the people throughout the state to assemble in their accustomed places and give like observance to this Lincoln Centennial day, making it throughout our commonwealth a day for re-consecration of citizenship, that the sacrifices and struggles of the past shall not have been in vain, but, in the language of the immortal address at Gettysburg, "that this nation, under God, shall have a new birth of freedom and that government by the people and for the people shall not perish from the earth."

On motion of Senator Cotterill, the rules were suspended, and Senate concurrent resolution No. 1 was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

The following resolution was introduced by Senator Williams:

SENATE CONCURRENT RESOLUTION NO. 2.

Resolved by the Senate, the House concurring, That a committee of two members on the part of the Senate and three members on the part of the House be appointed to notify the governor that the legislature is organized, in session, and ready to receive any communication he may have to make.

On motion of Senator Williams, the rules were suspended, and Senate concurrent resolution No. 2 was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

The president appointed as a committee on the part of the Senate under Senate concurrent resolution No. 2, Senators Williams and Kline.

On motion of Senator Williams, the rules were suspended, and Senate concurrent resolution No. 2 was ordered immediately transmitted to the House.

Senate concurrent resolution No. 3 was introduced by Senator Blair as follows:

SENATE CONCURRENT RESOLUTION NO. 3.

Resolved by the Senate, the House concurring, That the Senate meet the House in joint session on Tuesday, January 12th, at two o'clock p. m., for the purpose of canvassing the vote of the state officers.

On motion of Senator Blair, the rules were suspended, the secretary called the roll, and Senate concurrent resolution No. 3 was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

On motion of Senator Blair, the rules were suspended, and Senate concurrent resolution No. 3 was ordered transmitted to the House forthwith.

Senate joint memorial No. 1, by Senator Minkler, was read by the secretary, as follows:

SENATE JOINT MEMORIAL NO. 1—AGAINST THE REMOVAL OF
THE DUTY ON FOREST PRODUCTS.

WHEREAS, The lumber industry is the leading one in the State of Washington, giving employment to over one hundred thousand men, to whom are paid annually in wages the sum of seventy-five million dollars, and has for many years been the mainstay of the Pacific Northwest; and

WHEREAS, Owners of Canadian timber lands and others are advocating the removal of the duty on lumber and forest products, with the view of transferring the lumber industry of this country to Canada; and

WHEREAS, The State of Washington had a bitter experience under the free trade Wilson bill a decade ago, and realizing the effect of a similar measure on wages and general business, therefore, be it

Resolved, That the legislature of the State of Washington, in session assembled, do most earnestly urge upon the Ways and Means Committee and congress to retain the existing duty on forestry products; and be it further

Resolved, That these resolutions be wired to the chairman of the Ways and Means Committee, now in session, and to our representatives in congress, and that copies be forwarded to the president of the Senate and the speaker of the House.

Senator Cotterill moved that the memorial be referred to the Committee on Commerce and Manufactures, when appointed.

The motion was lost.

Senator Minkler moved that the rules be suspended and that Senate joint memorial No. 1 be ordered printed and placed on passage. The motion was carried.

The secretary called the roll on the passage of Senate joint memorial No. 1, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stewart, Whitney—36.

Those voting nay were: Senators Arrasmith, Cotterill, Graves, Rosenhaupt, Stevenson—5.

Absent or not voting: Senator Williams—1.

On motion of Senator Minkler, the rules were suspended and Senate joint memorial No. 1 was ordered transmitted to the House immediately.

The following Senate joint memorial was read by the secretary:

SENATE JOINT MEMORIAL NO. 2.

By Senator Potts:

To the Honorable the Senate and House of Representatives of the United States:

Your memorialists, the Senate and House of Representatives of the State of Washington, most respectfully represent, that

WHEREAS, Alaska has no government of its own and must look to the Federal legislature for all public aid and assistance, and it is of the highest importance that wagon roads be constructed in Alaska, to facilitate the transportation of freight and supplies to the various interior mining districts, where transportation charges now run into hundreds and even thousands of dollars per ton; and

WHEREAS, The State of Washington being nearest in point of distance to Alaska, has more intimate relations of commerce than any other state, and directly receives the great harvest of gold flowing from that great district, whence it finds its way throughout the Union, to the great enrichment of the whole United States;

Therefore, Your memorialists do pray the Congress of the United States that the sum of one million dollars be forthwith appropriated to be used under the direction of the board of road commissioners of Alaska, who have done most valuable work with the limited means at their disposal, for trunk roads in Alaska, which will speedily be followed by railroad construction, to the permanent development of a vast mineral region.

Senator Potts moved that the rules be suspended and that the memorial be ordered printed and placed on passage. The mo-

tion was carried, and Senate joint memorial No. 2 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

On motion of Senator Potts, the rules were suspended and Senate joint memorial No. 2 was ordered immediately transmitted to the House.

INTRODUCTION OF BILLS.

Senate bill No. 1, by Senator Knickerbocker, entitled "An act appropriating the sum of eighty-five thousand dollars, or so much thereof as may be necessary, for the expenses of the eleventh legislature."

The bill was read first time, and on motion of Senator Knickerbocker, the rules were suspended, the bill was read second time by title, ordered printed and referred to the Committee of the Whole.

On motion of Senator Knickerbocker, the Senate resolved itself into a Committee of the Whole, to consider Senate bill No. 1.

Senate bill No. 1 was considered in the Committee of the Whole, Senator Ruth in the chair, and reported back to the Senate with recommendation that it do pass.

On motion of Senator Ruth, the report of the Committee of the Whole was adopted, the rules were suspended, the reading had in the Committee of the Whole considered the third reading, the bill was considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 1 passed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

There being no objection, the title of the bill was ordered to stand as the title of the act, and on motion of Senator Knickerbocker, the rules were suspended and Senate bill No. 1 ordered immediately transmitted to the House.

The Senate received a committee from the House, consisting of Representatives Slayden, Palmer and Byerly, who announced that the House was in session and ready for the transaction of business.

Senate bill No. 2, by Senator Booth, entitled "An act providing for seven judges of the superior court of the State of Washington, in and for King county, and fixing the term of office of the additional judge appointed, and providing for the election of a judge at the general election in November, 1910, and providing for the election of seven judges at the general election in November, 1912, and every four years thereafter, and declaring an emergency."

The bill was read first time, and on motion of Senator Booth, the rules were suspended, the bill read second time by title, ordered printed and made special order for Wednesday morning, January 13, 1909, at 11 o'clock.

The following Senate joint memorial was read by the secretary:

SENATE JOINT MEMORIAL NO. 3.

By Senator Blair:

To His Excellency Theodore Roosevelt, President of the United States of America; to the Honorable Secretary of War, and to the Honorable Senators and Representatives from the State of Washington:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled (eleventh regular session), respectfully petition as follows:

That lots 2 and 3 in section 12, township 35, north of range 3, west of the Willamette meridian, and lots 4 and 5 in section 11, township 35, north of range 3, west of the Willamette meridian, now held by the war department as a portion of a military reserve on San Juan Island, State of Washington, be donated to the State University of the State of Washington, for a site on which to erect buildings for a biological school to be used in conjunction with said university.

On motion of Senator Blair, the rules were suspended, and Senate joint memorial No. 3 was ordered printed and placed on

final passage. The secretary called the roll, and Senate joint memorial No. 3 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

On motion of Senator Blair, the rules were suspended and Senate joint memorial No. 3 was ordered transmitted to the House immediately.

The following communication was read by the secretary:

THE STATE OF WASHINGTON, DEPARTMENT OF STATE,
OFFICE OF THE SECRETARY, OLYMPIA.

To the Honorable the Senate of the State of Washington, Olympia:

GENTLEMEN:—Pursuant to section 36, chapter 209, Laws of 1907, I hereby certify that Wesley L. Jones, republican, and George F. Cotterill, democrat, were regularly nominated and received the highest number of votes cast by their respective parties for preference for United States senator for the State of Washington, at the primary election held on the eighth day of September, 1908, as shown by the official returns and canvass of said primary election now on file in my office.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Done at Olympia, this 11th day of January, A. D. 1909.

[SEAL]

SAM H. NICHOLS, *Secretary of State.*

The secretary also read the following communication from the secretary of state:

STATE OF WASHINGTON, DEPARTMENT OF STATE,
OLYMPIA, January 11th, 1909.

To the Honorable President of the Senate, Olympia, Washington:

SIR—Pursuant to section 12, article 3, of the constitution of the State of Washington, I have the honor to transmit herewith for the consideration of the Senate, Senate bill No. 190, which was passed at the tenth session of the legislature, vetoed by the governor and filed in his office with his reasons for so vetoing attached thereto.

Very respectfully,

[SEAL]

SAM H. NICHOLS, *Secretary of State.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 23, 1907.

I herewith transmit Senate bill No. 190 with my disapproval. This act in substance provides that a commission to be appointed by munic-

pal authorities may condemn contiguous tide lands of the first class and other lands lying adjacent thereto belonging either to the state or any person, persons, company, corporation or individual, and may develop and improve the same by constructing and maintaining permanent and substantial improvements in the aid of commerce, navigation and transportation. The extent to which property may be acquired and improvements made is within the discretion of the commission. The total cost of acquiring the property and making the improvements is to be borne by special assessment upon such district as the commission may deem benefited by the improvements. There is no limit upon the amount for which the property may be assessed other than that it shall not exceed the benefit. The amount of assessment which each piece of property is to bear is fixed by the secretary of the board, subject to a review by the board, of which he is a member.

The legislature evidently intended to provide for an appeal from the decision of the commission as to the regularity, validity, correctness and justness of the assessment, since the concluding portion of section 10 provides that an appeal may be taken to the superior court in the manner prescribed by law. There is no existing law for appeals from similar commissions; hence, at least a serious question would arise as to the right or method of appeal, if this bill became a law.

I cannot conceive of any improvement that would be an aid to commerce or navigation that would not lie in whole or in part within the harbor area. The inner harbor line is, generally speaking, removed from dockage facilities suitable for ocean craft by reason of the depth of water at such point, and in most cases sufficient depth for ocean craft is only found within the harbor area or at the outer boundary thereof, and, therefore, in order to build docks and wharves suitable for navigation, it would then be necessary for the plans to embrace the harbor area, and this is evidently one of the express purposes of the act.

The act undertakes to give to the commission power to establish and maintain fair, just and equal rates for the use of the facilities constructed under it, and to collect and to provide for the collection of such rates.

Any legislation within the purview of this bill must be in harmony with the provisions of sections 1 and 2 of the constitution concerning harbors and tide waters, such sections being as follows:

SECTION 1. Harbor Line Commission and Restraint on Disposition of Certain Tide Lands.—The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays, and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof upon either side. The state shall never give, sell or lease to any private person, corporation, or association, any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever

reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

SEC. 2. Leasing and Maintenance of Wharves, Docks, etc.—The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks, and other structures, upon the areas mentioned in section one of this article, but no lease shall be made for any term longer than thirty years, or the legislature may provide by general laws for the building and maintaining upon such area, wharves, docks and other structures.

If this bill should be approved notwithstanding these provisions, among the first inquiries presented to the courts would be:

First. In the enactment of the "general laws," contemplated by section two, has the legislature the authority to surrender the control of harbor areas or wharves erected thereon to a commission appointed by municipal authorities?

Second. If the legislature has the right to surrender such control to a municipal corporation, has it not the right to surrender such control to a private corporation?

Our supreme court has heretofore answered these inquiries in the case of *State ex rel. Trimble vs. Bridges*, 22 Wash. 98, page 101, where this language appears:

The control perpetually of the harbor area by the state is made plain in the constitution. The legislature may provide by general laws for the building and maintaining of necessary structures upon such area by the state, or it may by general laws lease to individuals or corporations the "right to build and maintain wharves, docks and other structures" thereon, but it is not authorized to relinquish the control of the improvement of the harbor area to any individual or corporation.

See also *Seattle & Mont. Ry. Co. vs. State*, 7 Wash. 150-3; *Wilson vs. State Land Commissioner*, 13 Wash. 65-68.

The act in question makes the commission a body corporate and subject to no control of the state. It does not even report to the state, but reports to the city and county in which the improvements are situated.

So far as structures outside of the outer harbor line are concerned or the various waterways laid out across the tide flats, these are the exclusive jurisdiction of the federal authorities.

In some respects the act undertakes to divest the state and federal authorities of jurisdiction pertaining to matters exclusively vested in them by federal law and the state constitution, and is, as to such matters, void. And since it is evident that any improvement which is to be of substantial benefit in aid of commerce and navigation must lie within the harbor area and be under the control of the state, the primary object of the act fails through invalidity, and I cannot believe that the legislature would have enacted the remaining portion as an independent law.

So far as facilities for railroad terminals are concerned, railroad companies under existing laws have ample power of condemnation. Nor is it possible under the holding of our supreme court in *Seattle & Montana Ry. Co. vs. B. B. A. Eastern R. R. Co.*, 29 Wash. 491, and later

cases to the same effect, for one railroad to monopolize and hold in an undeveloped state tide lands not in actual use for railroad purposes. In addition to this, a railroad company is now required to pay from its own funds for property both taken and damaged, while under this act it would be possible to acquire railroad facilities for the benefit of railroad companies at the actual cost and expense of private owners and that, too, within such district as the commission might determine. It is a serious question if this is not undertaking to do indirectly what cannot be done directly under section 16 of article one of the constitution.

Under existing laws, the state, through its land commission, regulates the price of wharfage, and the railroad commission has power over railroad terminals and rates. The act undertakes to vest these matters in a municipal commission created by the act, and even were there no constitutional objections to encounter, serious complications would arise were such commission to undertake to establish and control wharfage and terminal rates.

It is perfectly evident that the purpose of the act is not to make "local improvements by special assessment," as the legislature is authorized to do under section 9, article 7 of the constitution, but to construct and maintain substantial and permanent improvements in aid of commerce, navigation and transportation. The supreme court of Illinois, in the case of *City of Chicago vs. Law*, 33 *Northeastern* 855, under a constitutional provision identical with the one last referred to, held that the city of Chicago did not have the power to levy a special assessment for the purpose of widening the Chicago river, since the improvement of a navigable stream for the benefit of commerce is not a local improvement. In the course of the opinion the court uses the following language:

Was it ever intended that a few land-owners bordering on one of the navigable streams of the country should be compelled to pay for an entire improvement in a river, the object of which was to benefit the public at large rather than the locality where the improvement is made? . . . The proposed improvement has none of the elements of a local improvement, such as incorporated towns and cities have seen in the habit of making by special assessment. The term "local improvement" is one which has been recognized as applying in cities and incorporated towns to opening, grading and paving and otherwise improving streets and alleys, making sidewalks, construction of drains and sewers, and other improvements of this character—the improvements designed to be of benefit to the locality where they are made. But the improvement here involved is of a different character. It was not ordered to benefit specially the locality, and thus local, but it was ordered to be made to benefit the public at large, and was thus a national rather than a local improvement.

The court also held that it was not lawful to alter or modify the course, location, condition or capacity of the channel of any navigable waters of the United States unless such change is approved by the secretary of war, and that any property owner affected could raise the question, even if the government did not.

There is scarcely a harbor of any importance subject to this act that the federal government has not already expended money upon plans for its improvement. The act in question ignores this fact, and leaves the plans, their cost, their construction and their control solely to a municipal commission, undertaking to exclude both state and federal control.

While our court has not to my knowledge passed upon the power of the legislature to impose burdens upon a small locality for the benefit of a whole people, the court in *Seattle & Lake Wash. W. Co. vs. Seattle Dock Co.*, 35 Wash., at page 512, in reply to a contention of counsel reading as follows: "The act is an excess of legislative power and is for a private purpose, or if for a public purpose, then it imposes burdens upon a small locality for the benefit of the whole people," uses this language:

One hundred and sixty pages of appellant's brief are taken up in discussing these four propositions. The general principles laid down and discussed, and the authorities cited in the brief are no doubt correct when applied to a state of facts where the state itself is not the owner of the land; but in this case it was conceded that the state was the owner of all the tide lands in controversy at the time the act was passed.

While the policy of the act is for the legislature, it is worthy of comment that the act in question is not in harmony with existing ones relative to public utilities. Even in the matter of a municipality acquiring waterworks, electric light plants, street railways, etc., the cost of which might be insignificant compared with the possibilities under the act in question, the plan must be prepared, the cost determined and its advisability submitted to the electors for ratification before the council can undertake such enterprises (Pierce's Code, section 3644), none of which precautions are required by the act in question.

A measure in which every material provision excites doubt and uncertainty, a measure that would be prolific of litigation in every seaport city in the State of Washington, ought at least to be held in abeyance by executive disapproval until such time as another legislature may reconsider its provisions. While this act received but one dissenting vote in its final passage in the legislature, I am constrained to believe that had the law-making body an opportunity to have more fully considered its provisions the vote in favor of its rejection would have been almost as large as the vote recorded in its favor.

However, no unanimous expression of the legislature can make an evil law good, neither can such a vote alter, modify or change the provisions of the state constitution.

Believing that the progress of cities upon Puget Sound would be seriously retarded, and the construction of manufacturing plants and transportation facilities now under way materially checked by the passage of this bill, I herewith transmit Senate bill 190 with my disapproval.

ALBERT E. MEAD, *Governor.*

Senate bill No. 190, entitled "An act for the improvement of tide lands and adjacent lands, waterways, water areas and

streams in aid of commerce, navigation and transportation, providing public facilities for shippers and others, creating a commission therefor, declaring certain laws relating thereto, and granting the power of eminent domain."

On motion of Senator Metcalf, Senate bill No. 190, with the governor's message pertaining to same, were made special order for Monday, January 25, at 3 o'clock in the afternoon.

Senate bill No. 3, by Senator Fatland, entitled "An act providing for four judges of the superior court of the State of Washington, in and for Pierce county, providing for the appointment of the additional judge therein to serve until the general election in November, 1910; providing for the election of his successor to serve thereafter until the second Monday of January, 1913, providing for the election of four judges of said court at the general election in November, 1912, and every four years thereafter; and declaring an emergency."

Senate bill No. 3 was read first time, and on motion of Senator Fatland, the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary, when appointed.

Senate concurrent resolution No. 4, by Senator Cameron, was read as follows:

SENATE CONCURRENT RESOLUTION NO. 4.

WHEREAS, In His infinite wisdom, Divine Providence has seen fit to remove from his sphere of activity and influence among us Walter J. Reed, who at the time of his death was a member of the Senate of the State of Washington;

WHEREAS, It is desired to pay special tribute to the memory of Senator Reed; on account of his many virtues, his recognized honesty and integrity, his kindness, his admirable qualities of heart and mind, and to express our sympathy to his bereaved family;

Resolved, That in the death of Senator Walter J. Reed the State of Washington has suffered a very great loss;

Resolved by the Senate, the House of Representatives concurring, That in recognition of the valued services rendered his constituents by Senator Reed, appropriate services be held in the House chamber Friday, the 29th day of January, at 2 p. m., 1909, and that an opportunity be then given for a tribute to his memory;

Resolved, That a joint committee of two members of the Senate and three members of the House be appointed to arrange for said memorial services;

Resolved. That as a further mark of respect to the memory of the deceased, that the secretary of the Senate be instructed to transmit a copy of these resolutions, suitably engrossed, to the family of the deceased.

The president of the Senate announced that at the time of Senator Reed's demise he communicated with the following named senators, viz.: Senators Potts, Booth, Cotterill, Allen, Metcalf, Graves, Paulhamus, Williams and Cameron.

On motion of Senator Cameron, Senate concurrent resolution No. 4 was adopted by the following vote, the rules being suspended and the resolution ordered printed:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

On motion of Senator Cotterill, at 1:07 p. m., the Senate adjourned until tomorrow, as a mark of respect to the memory of Senator Walter J. Reed, deceased.

WM. T. LAUBE,
Secretary of the Senate.

CHAS. E. COON,
President of the Senate.

SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, January 12, 1909.

The Senate was called to order at 10 o'clock a. m., by President Coon.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Allen, the reading of yesterday's journal was dispensed with and it was approved.

On motion of Senator Knickerbocker, the following resolution was adopted:

Resolved. That all employees of the senate who are elected to clerical positions be and are hereby placed under the direction of the secretary of Senate, and all other employees be and are hereby placed under the direction of the sergeant-at-arms.

The following resolution was adopted on motion of Senator Knickerbocker:

Resolved. That the secretary of the Senate be authorized to make such changes in assignment of clerks as in his judgment will give to this body the most efficient service; and

Resolved further, That all employees of the Senate, except stenographers, shall be required to report to the secretary or the sergeant-at-arms at 9 o'clock a. m. daily and that all stenographers of the Senate shall be required to report to the secretary at 8:30 o'clock a. m. daily; and

Resolved further. That it shall be the duty of the secretary and sergeant-at-arms of the senate to report to the Committee on Senate Employes other than Regular any violations of this resolution.

On motion of Senator Huxtable, the following resolution was adopted:

Resolved. That the sergeant-at-arms is hereby authorized and directed to supply each member of the Senate and to the president, secretary and assistant secretary of the Senate, five dollars worth of postage stamps.

The secretary read the following Senate concurrent resolution:

SENATE CONCURRENT RESOLUTION No. 5.

By Senator Kline:

WHEREAS, In His infinite wisdom, Divine Providence has seen fit to remove from his sphere of activity and influence among us John Earles, a former member of the Senate of the State of Washington and of the House of Representatives; and

WHEREAS, It is desired to pay special tribute to the memory of former Senator Earles on account of his many virtues, his recognized honesty and integrity, his kindness, his admirable qualities of heart and mind, and to express our sympathy to his bereaved family;

Resolved. That in the death of John Earles, the State of Washington has suffered a very great loss;

Resolved by the Senate, the House of Representatives concurring. That in recognition of the valued services rendered his constituents by former Senator Earles, appropriate services be held in the House

chamber on Friday the 29th day of January at 2 p. m., 1909, and that an opportunity be then given for a tribute to his memory;

Resolved, That a joint committee of two members of the Senate and three members of the House be appointed to arrange for said memorial services;

Resolved, That as a further mark of respect to the memory of the deceased the secretary of the Senate be instructed to transmit a copy of these resolutions, suitably engrossed, to the family of the deceased.

On motion of Senator Kline, the rules were suspended, and Senate concurrent resolution No. 5 was placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—41.

Absent or not voting: Senator Cox—1.

On motion of Senator Kline, the rules were suspended and Senate concurrent resolution No. 5 was ordered transmitted to the House immediately.

On motion of Senator Williams, the Senate adopted the following resolution:

Resolved, That the secretary of the Senate is hereby instructed to furnish each senator daily a copy of the previous day's minutes.

On motion of Senator Booth, the special order for Wednesday morning, January 13, 1909, at 11 o'clock, for the consideration of Senate bill No. 2, was dissolved, and Senate bill No. 2 was ordered referred to the Committee on Judiciary, when appointed.

The following communication was read by the secretary and ordered placed on file:

OFFICE OF THE LIEUTENANT GOVERNOR,
OLYMPIA, WASH., January 11th, 1909.

To the Honorable Legislature of the State of Washington:

GENTLEMEN:—I have to report that of the appropriation of \$500 made by the last legislature for my traveling expenses, I have used the sum of \$151.92, leaving a balance of \$348.08 to be returned to the general fund.

All of the above expense was incurred by me in sojourning in Olympia at different periods in the last two years as acting governor.

Very respectfully,

CHARLES E. COON, *Lieutenant Governor.*

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 11, 1909.

To the President of the Senate.

MR. PRESIDENT:—The House has passed Senate bill No. 1;

Also Senate joint memorial No. 1;

Also Senate joint memorial No. 2;

Also Senate concurrent resolution No. 3;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., January 12, 1909.

MR. PRESIDENT:—The secretary respectfully reports that Senate bill No. 1, entitled "An act making an appropriation for the 11th legislative session," has been compared with the original bill and found to be correctly enrolled.

Respectfully submitted,

W. T. LAUBE, *Secretary.*

Senate bill No. 1 was signed by the president of the Senate.

At 10:27 a. m., on motion of Senator Paulhamus, a recess was taken until 1:45 o'clock p. m.

AFTERNOON SESSION.

The Senate was called to order at 1:45 p. m., by President Coon.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 12, 1909.

To the President of the Senate:

MR. PRESIDENT:—The speaker has signed Senate bill No. 1, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Nichols, the following resolution was adopted:

Resolved. That the president appoint a committee of three senators to wait upon the state board of control and make the necessary arrangements for vacation of the Senate postoffice and sergeant-at-arms' rooms, now occupied by members of the supreme court.

The president appointed as a committee under the above resolution: Senators Paulhamus, Ruth, Nichols.

The following resolution was read by the secretary:

SENATE CONCURRENT RESOLUTION No. 6.

By Senator Huxtable:

Resolved by the Senate. House concurring. That the Senate meet the House in joint session on January 13th, 1909, at 2 p. m., for the purpose of hearing the governor's message.

On motion of Senator Huxtable, the rules were suspended and Senate concurrent resolution No. 6 was placed on passage.

The secretary called the roll and Senate concurrent resolution No. 6 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—42.

On motion of Senator Paulhamus, the rules were suspended and Senate concurrent resolution No. 6 was ordered immediately transmitted to the House.

The sergeant-at-arms of the House announced that the House of Representatives was ready to receive the Senate in joint session.

The hour of 2 o'clock p. m. having arrived, on motion of Senator Graves, the Senate repaired to the House chamber to meet the House in joint session.

JOINT SESSION.

The arrival of the Senate was announced by the sergcant-at-arms of the House.

The joint session was called to order at 2 p. m. The speaker presided.

Roll call of the Senate showed all members present.

Roll call of the House showed all members present.

The speaker called Mr. Slayden to the chair.

The joint session proceeded to canvass the election returns of the various counties for state officers.

The speaker resumed the chair.

The speaker announced the result of the canvass of votes for state officers as follows:

GOVERNOR.

Samuel G. Cosgrove.....	110,190
John Pattison	58,126
Geo. E. Boomer.....	4,311
A. S. Caton.....	3,514

LIEUTENANT GOVERNOR.

M. E. Hay.....	108,914
A. C. Edwards.....	57,232
W. E. Tibbets.....	4,435
Jay N. Emerson.....	138

SECRETARY OF STATE.

Sam H. Nichols.....	109,324
Otis Johnson	57,420
E. E. Martin.....	4,417
W. F. McDowell.....	132

TREASURER.

John G. Lewis.....	109,232
John Schram	57,333
H. H. Hetzer.....	4,377
Edw. O. B. Nugent.....	138

AUDITOR.

C. W. Clausen.....	110,211
W. H. Carson.....	55,932
C. S. Rood.....	4,415
Carl H. Reeves.....	140

ATTORNEY GENERAL.

W. P. Bell.....	111,059
W. A. Holzheimer.....	55,138
T. F. Burns.....	4,358
C. T. Trimble.....	139

COMMISSIONER OF PUBLIC LANDS.

E. W. Ross.....	108,113
Albert Schooley	58,294
Andrew Derringer	4,412
J. R. Elmore.....	130

SUPERINTENDENT PUBLIC INSTRUCTION.

Henry B. Dewey.....	109,627
Eldredge Wheeler	56,075
Chas. A. Thompson.....	3,712

INSURANCE COMMISSIONER.

John H. Schively.....	107,195
Edwin F. Masterson.....	57,929
C. C. Hale.....	4,373
E. E. Pelz.....	130

The speaker declared the following persons elected:

For governor, Samuel G. Cosgrove.

For lieutenant governor, M. E. Hay.

For secretary of state, Sam H. Nichols.

For state treasurer, John G. Lewis.

For state auditor, C. W. Clausen.

For attorney general, W. P. Bell.

For commissioner of public lands, E. W. Ross.

For superintendent of public instruction, Henry B. Dewey.

For insurance commissioner, John H. Schively.

RESOLUTION.

By Senator Falconer:

Resolved, The speaker of the House of Representatives be and hereby is instructed to wire to the Honorable Samuel G. Cosgrove greetings from the joint session of the House and Senate, and further notify him of his election to the office of governor of the State of Washington.

Senator Falconer moved the adoption of the resolution.

The motion was carried and the resolution was declared adopted.

On motion of Senator Graves, the joint session dissolved at 3:15 p. m.

The Senate was called to order by President Coon at 3:15 p. m.

At 3:25 p. m., on motion of Senator Rosenhaupt, the Senate adjourned until 12:45 p. m. tomorrow.

WM. T. LAUBE,
Secretary of the Senate.

CHAS. E. COON,
President of the Senate.

THIRD DAY.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, January 13, 1909.

The Senate was called to order at 2 o'clock p. m., by the president *pro tem.*, Senator Ruth.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senator Hutchinson.

On motion of Senator Williams, the reading of yesterday's journal was dispensed with, and it was approved.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 13, 1909.

To the President of the Senate:

MR. PRESIDENT:—The House has passed Senate concurrent resolution No. 1, relating to observance of anniversary of birth of Abraham Lincoln;

Also Senate concurrent resolution No. 4, relating to memorial exercises in memory of Senator Walter J. Reed, deceased;

Also Senate concurrent resolution No. 5, relative to memorial exercises in memory of former Senator John Earles, deceased;

Also Senate concurrent resolution No. 6, relating to a joint session for the purpose of hearing the governor's message;

Also House concurrent resolution No. 1, relating to memorial services in memory of Representative Wm. H. Thompson;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The secretary read the following resolution :

RESOLUTION BY COMMITTEE ON SENATE EMPLOYES.

Resolved. That the Committee on Senate Employes be instructed to select six additional employes.

Senator Allen moved the adoption of the resolution.

The following senators demanded a roll call on the above motion : Senators Booth, Knickerbocker, Allen, Metcalf, Nichols, Kline, Paulhamus, and Cotterill.

The roll was called and the resolution failed of adoption by the following vote :

Those voting aye were : Senators Bassett, Brown, Graves, Rosenhaupt—4.

Those voting nay were : Senators Allen, Anderson, Arrasmith, Blair, Booth, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams— 37.

Absent or not voting : Senator Hutchinson—1.

Senator Allen moved the adoption of the following resolution :

RESOLUTION BY COMMITTEE ON SENATE EMPLOYES.

Resolved. That the Committee on Senate Employes be instructed to select two additional employes.

The following senators demanded a roll call on the above resolution : Senators Booth, Allen, Cotterill, Nichols, Brown, Bryan, Cameron, Falconer.

The secretary called the roll and the resolution was adopted by the following vote :

Those voting aye were : Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Cameron, Cox, Davis, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—37.

Those voting nay were: Senators Brown, Bryan, Cotterill, Eastham—4.

Absent or not voting: Senator Hutchinson—1.

The sergeant-at-arms of the House announced that the House was in session and prepared to receive the Senate in joint session.

The hour of 2:00 o'clock having arrived, the Senate repaired to the House to meet that body in joint session for the purpose of hearing the governor's message.

JOINT SESSION.

The sergeant-at-arms of the House announced the arrival of the Senate.

The joint session was called to order by Senator Ruth, president *pro tem.* of the Senate.

The roll of the Senate was called by the secretary of the Senate and showed all senators present.

The roll of the House was called by the chief clerk of the House and showed all members present, except Representatives David and Thayer.

The following telegram was received from Governor-elect Samuel G. Cosgrove:

PASO ROBLES, CAL., Jan. 12, 1909.

The President of the Senate and Speaker of the House, Washington State Legislature, Olympia, Wash.:

Grateful to legislature for services rendered me. Will add I shall be in Olympia to qualify as soon as health and weather will permit.

10.32 p. m.

(Signed) S. G. COSGROVE.

The president appointed Senators Smith and Paulhamus and Representatives Rogers, Beach and R. A. Jackson a committee to notify the governor that the Senate and House of Representatives, in joint session, awaited his pleasure.

Governor Mead appeared before the joint session and delivered the following message:

THIRD MESSAGE OF GOVERNOR ALBERT E. MEAD.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, January, 1909.

Gentlemen of the Senate and of the House of Representatives:

This, the eleventh regular session of the Legislature of the State of Washington, is assembled at the opening of a year which promises to exert a stronger influence upon the future weal of this state than any other period in its history. This virile young commonwealth, in the full enjoyment of a wonderful prosperity, has entered upon an era of progress and economic development seldom equalled in the history of any other state. In addressing my message to the Tenth Legislature I optimistically predicted that at the close of the next biennium this state would boast a population of one million people. In this even my most sanguine expectation has been surpassed, which demonstrates that in this state the events of tomorrow may easily exceed what appear to be the exaggerations of today and which were considered the dreams of yesterday.

The resources and the wealth of Washington and of the Northwest will be displayed to the world this year at the Alaska-Yukon-Pacific Exposition. There is every prospect that this fair will realize the fondest hopes of its projectors and will exert a profound and far-reaching influence in the years to come. By fully and fitly advertising the opportunities and the advantages of this opulent country on such a scale as is planned, a great influx of home-builders will be assured and an added stimulus injected into every avenue of trade and commerce.

The past four years have witnessed the greatest industrial growth and expansion in the history of Washington. At the beginning of the year 1905 there were 3,145.47 miles of main line railway tracks in the state. During the past four years 1,150 additional miles of main line have been constructed, and there are now 920 miles in process of building, while several hundred miles more are projected.

The construction of these lines has opened large areas of country and made possible their rapid settlement and complete development. The roads yet to be constructed and now proposed will afford transportation facilities to other extensive areas which need only this to make them the scene of an active and progressive prosperity. Several thousand acres of arid land have already been reclaimed by irrigation and now are yielding abundant and valuable products, while the other irrigation projects now under actual construction will reclaim thousands of additional acres within the next few years. These are at once the evidence of our progress and the guaranty of our continued prosperity.

The domination of the political machine has ceased in Washington. No longer can a few adroit manipulators dictate party platforms and

name party candidates. This prerogative, which our forefathers intended should be vested in the people only, has been restored to the electorate of this state through the passage of the direct primary law. The people exercised that prerogative for the first time last summer. They have chosen their representatives for the various administrative positions and through them the people rule.

The heads of the different institutions and departments of the state government will lay before you detailed reports of their stewardship, and from these reports you can learn of the manner in which the state's affairs have been conducted during the last biennium by the administration now drawing to a close.

ACCOUNTING GOVERNOR'S OFFICE.

The following sums have been received by me and transmitted to the State Treasurer from the beginning of my administration up to January 7, 1909:

Notary fees from 3,664 applicants.....	\$36,640 00
Commissioners of Deeds from 21 applicants.....	105 00
From Federal Government, as National aid to Soldiers' Home....	116,848 78
From Federal Government on 5 per cent. refund of sales of public lands	128,538 34
From Federal Government for refund on Forest Reserve revenue....	5,653 78
From states requiring of other states extradition fees.....	156 50
From Elmer E. Johnston, Executive Commissioner of Lewis & Clarke Exposition Commission, as refund of overcharge on freight....	39 20
Total	\$287,981 60

While the amount received in fees from states that charge other states extradition fees is small, this administration is the first to pay the money thus received into the state treasury, it having been the previous custom to charge \$5 for issuing the Governor's warrant and apply the same to office expenses.

COLLECTION OF PORTRAITS.

For the purpose of collecting portraits and otherwise perpetuating the memory of former governors and others prominently connected with the history and development of the state and territory, the sum of \$2,000 was appropriated by the last Legislature to be expended under the direction of the Governor. Of this amount, \$1,270 was paid to Mrs. Minnie Sparling Brown for painting oil portraits of the four former State Governors and of Gen. Isaac I. Stevens, the first Governor of Washington Territory. These portraits are now hanging on the walls of the executive offices. The balance of the fund was used in collecting and framing portraits of Senators and Delegates who represented the territory and state in Congress, members of the territorial and state supreme bench, members of legislative bodies of the territory and state from 1833 to 1907, and the Constitutional Convention of 1889, and other citizens of Washington who distinguished themselves in the service of the state or nation. I had hoped to use a portion of

the amount appropriated in erecting monuments over the graves of those territorial Governors whose remains lie buried in this state, but found the sum insufficient for that purpose when the other work had been completed.

I recommend the continuation of this work that the state may, by its example, induce the cities and other municipalities to commemorate in fitting manner the memory of those who have played an important part in the development of the various localities of the state.

The Washington State Historical Society is rendering invaluable service to posterity in preserving historical records, in assisting various organizations to erect monuments at places made sacred by events of unusual importance, and otherwise commemorating occurrences of historical significance. This society should be encouraged to continue its patriotic efforts, and I recommend that the state co-operate with it in providing financial assistance.

STATUE OF GOVERNOR ISAAC I. STEVENS.

An act of Congress approved July 2, 1864, authorizes the President of the United States to invite each of the states to provide and furnish statues in marble or bronze, not exceeding two in number, of deceased persons meriting special renown, to be placed in Statuary Hall in the National Capitol. I recommended that a sufficient appropriation be made to provide a statue of Governor Isaac I. Stevens, the most illustrious of our pioneers, to be placed in Statuary Hall as a contribution from the State of Washington. The selection and appointment of a sculptor and the installation of the statue should be entrusted to a commission consisting of at least five citizens of the state who are veterans of the Civil war.

LORADO TAFT'S STATUE OF WASHINGTON.

Rainier Chapter of the Daughters of the Revolution has started a movement to raise the necessary sum to purchase the Lorado Taft statue of George Washington, which it is proposed to place at the main entrance to the Alaska-Yukon-Pacific Exposition, and later to present to the University of Washington. This statue will be the crowning effort of Lorado Taft's career. The appropriateness of securing, by the state which so proudly bears his name, this master likeness in bronze of the Father of His Country must forcibly appeal to every patriotic citizen, and I recommend that an appropriation of a reasonable sum be made from the general fund to assist the members of Rainier Chapter, D. A. R., in their laudable undertaking.

ATTENDING NATIONAL ASSEMBLIES.

The Legislature of 1907 appropriated \$500 for the expenses of the Executive in attending national assemblies. This sum was expended by me in attending the Nation Irrigation Congress at Sacramento in the fall of 1907, and the Convention of Governors, called by the Presi-

dent of the United States to consider important questions of conservation of natural resources, which met in Washington, D. C., last May. The President, in his invitation, extended to each of the Governors the courtesy of having three advisors accompany him, suggesting that they be students of the subject to be discussed at the convention. I, accordingly, invited Hon. E. W. Ross, Commissioner of Public Lands; Mr. Frank H. Lamb, of Hoquiam, an authority on forestry, and Prof. O. L. Waller, of the State College, an irrigation expert, to accompany me to Washington. Professor Waller was reluctant to undertake the trip, owing to the expense involved, but kindly yielded to my urgent request. Upon my suggestion, Professor Waller has submitted vouchers covering his expenses to the amount of \$201.73, and I recommend that you provide him relief in this sum.

ELECTION OF UNITED STATES SENATOR.

A wholesome provision of the direct primary law extended to the electors of this state an opportunity at the September primaries to register their choice for United States Senator. The people having exercised that privilege, theretofore denied them, and having declared their decision, the simple duty rests with the Legislature to elect, and, thereafter, with the Executive, to issue a commission to the people's choice, the Hon. Wesley L. Jones.

You are to be congratulated that, for the first time in the history of the state, this capital city will not be the scene of an unseemly scramble for this exalted position. Your deliberations will not be disturbed by the discord and enmities usually engendered in senatorial controversies. Charges and counter-charges, criminations and recriminations will not be introduced to disturb the harmony which ought to exist among representatives of the people called together to enact laws for their welfare and advancement. The time usually lost in senatorial contests may be used to good advantage in the prosecution of your duties as lawmakers. The prompt consideration, therefore, of all bills presented to you, and their early disposition will permit you to conclude your labors upon a date earlier than the constitutional time fixed for your adjournment.

LABOR AND EMPLOYMENT BUREAUS.

The Republican party in the campaign of 1908 pledged the enactment of legislation creating free reading rooms in the larger centers of population, to be provided with leading magazines and newspapers; the shortening of working hours for female employes from ten to eight hours; the passage of an effective child-labor law; the enactment of an eight-hour law for underground miners; and particularly the passage of a comprehensive employers' liability law in conformity with the Federal statute dealing with this subject. In addition to the legislation specifically mentioned in the party platform to promote the welfare of our laborers and wage-earners, I desire to urge upon you the wisdom and justice of providing free employment bureaus, under the

supervision of the State Labor Commission, to assist working men and women to secure employment readily, and to supplant to some extent the private bureaus which, by the use of dishonest methods, persuade the laborer to yield to them a commission without making just return.

ORIENTAL IMMIGRATION.

The high standard of living and the schedule of wages of our laboring class should not be undermined by the presence within our borders of an increased alien population from Asiatic countries. The State of Washington, through this Legislature, should lift its voice in opposition to foreign immigration laws which suffer or permit a congestion of Oriental population to inhabit the states bordering on the Pacific ocean. While other states may be willing to receive this class of immigrants, certainly the states most accessible by water transportation should not be forced to receive unwillingly and hold large additions to their population from Asiatic countries who do not amalgamate with American citizenship and who are not in sympathy with our institutions of government.

LOCAL OPTION AND REGULATION OF THE LIQUOR TRAFFIC.

The result of the recent general election fully demonstrated that the platform utterance of the Republican party in Spokane last May concerning the regulation of the liquor traffic met with the enthusiastic approval of a great majority of our citizens. This principle of local option was given exceptional prominence in the primary and general elections. It has received consideration in the three previous legislative sessions. The promise to enact a reasonable local option law should receive your early and earnest attention. The people have registered in no uncertain terms their desire to secure the adoption of such a law. For this Legislature to prove recreant to the trust imposed upon it would be to commit a political crime. It is the question of paramount importance before you. This and other pledges should be sacredly kept and the covenant solemnly entered into between party and people should be righteously executed.

In addition to a party obligation resting upon a majority of the members of this Legislature, it is within the knowledge of everyone interested in protecting the citizenship of this state that rigid provisions regulating the liquor traffic are required. Within the past three years the people have awakened to the urgent necessity of law enforcement upon this subject. What is known as the "Sunday closing law," which had been dormant for years, was aroused from its slumber and is now enforced the same as are other criminal statutes. The policy of the state should be to encourage temperance. Under present legislation, competition among those engaged in the liquor traffic results in the practical ownership of many saloons in this state by brewers and distillers. This competition is so marked that in many instances drunkenness is encouraged as a popular pastime. Brewers and distillers should be prohibited from owning an interest

in a saloon, in whole or in part, directly or indirectly. Upon economic as well as upon general grounds the subject is deserving of attention. Effective regulation of the liquor traffic by cutting off the cause of crime would tend to reduce the cost of maintaining peace officers and lessen the number of inmates of the penitentiary, insane asylums, almshouses, hospitals and institutions maintained by charitable or sectarian associations.

RACE TRACK GAMBLING.

The state now has upon its statutes a law that makes it a felony to conduct a game of chance. That law was enacted for the purpose of suppressing one of the most insidious and dangerous evils that preys upon the weakness of man. Its provisions, however, are not comprehensive enough to include a form of gambling that has flourished and grown to grave proportions in this state. I refer to race track gambling, book making and pool selling. Aside from the weighty considerations of public morality, there is a strong, unsentimental business argument against the continuance of this vicious traffic. There is no more fruitful source of such crimes as forgery and embezzlement than race track gambling, those crimes which lead to disgrace, ruin, despair and suicide. The State of Washington can no longer afford to sanction a practice so debasing, which each year draws into the vortex of crime and ruin so many young men who are lured by the apparent opportunity to make large gains on the hazard of small sums. The violated confidence of employers, the wrecked happiness of homes and the ruin of once promising young men ought to lead you to give heed to the state-wide demand that you put an end to that vicious and sordid evil which is responsible for so much suffering, anguish and crime in those communities where it flourishes. I urge that you make race track gambling, book making and pool selling felonies and that you attach thereto penalties sufficiently severe to insure their permanent suppression.

RECODIFICATION OF MILITARY CODE.

A general order issued by the Adjutant General's department last January provided for the appointment of a commission to recodify the state military code to conform with the Federal statutes. The report of this commission, which represents careful and painstaking preparation, will be presented to you in the form of a bill. I recommend its adoption in order that the state's military organization may conform with the requirements of the Federal government, and that it may thereby share more fully in governmental aid.

The antiquated custom of a Governor appointing men from civil life to positions on his personal staff is costly and cumbersome. While the expense of my staff has been considerably less than that of my predecessor, I recommend the abolition of this useless appendage and urge the adoption of the plan in the proposed bill referred to providing

for a personal staff by detail from the active list of the National Guard when occasion demands.

Two of the armories, for which provision was made by the last Legislature, have been completed and the third will be finished before the end of the present biennium. These armories will add greatly to the efficiency of the National Guard, and I recommend that you appropriate a sum sufficient to provide their necessary furnishings.

CRIMINAL CODE COMMISSION.

I recently appointed a commission of five lawyers, representing the county attorneys, to examine the criminal code of the state and suggest such changes, additions, modification and revisions as in their judgment is advisable. This commission consists of George F. Vanderveer, of Seattle; G. D. Eveland, of Everett; Fred Pugh, of Spokane; Virgil Peringer, of Bellingham, and P. M. Troy, of Olympia. These gentlemen are now applying themselves to the task in a conscientious manner, giving their time and efforts without expectation of other compensation than the satisfaction of performing a valuable service for the state. Their report will be embodied in a bill which will be presented to you during this session. The report should receive your early consideration.

BOARD OF OPTOMETRIST EXAMINERS.

In order to prevent further mischief and the extensive harm that so frequently follows the unregulated practice of self-styled eye specialists and optometrists, a law should be enacted providing for a state board of examiners, to be composed of graduate and accredited optometrists, who shall serve without salary, and who shall pass upon the qualifications of all practitioners, and who may issue licenses or permits to worthy applicants only. The eye is too delicate an organ to be treated by incompetents, and the State should protect its citizens from the danger of charlatanism in all professions. In creating such a board, the Legislature should specify the amount of fees to be paid by applicants for examination and to be turned into the state treasury, and should provide that the expenses of the board shall be paid out of the general fund on vouchers audited and allowed by the State Auditor in the usual manner, and that the expenses of the board shall at no time exceed the amount of fees collected and turned into the state treasury.

In this connection I would suggest that the expenses of all other state examining boards, viz.: boards of barber, of medical and of dental examiners, board of pharmacy and the board of veterinary medical examiners, be paid from the general fund in a similar manner, and that the expenses of the boards named also to be limited to the amount of fees collected.

STATE BOARD OF AGRICULTURE.

For the purpose of more fully exploiting the agricultural and horticultural resources of the state, I recommend the creation of a State

Board of Agriculture, to serve without compensation other than necessary traveling expenses. This board should consist of the director of the State Experiment Station, the Commissioner of Horticulture, the Dairy Commissioner, the State Grain Inspector and one other to be appointed by the Governor. A salaried secretary, with an office at the capital, should be provided and enjoined with the duty of preparing the information collected by the board for periodic publication. This report ought to be printed in an attractive style, properly illustrated, treating elaborately of the farming industries of the state, and published in such quantities as to be available for distribution to homeseekers.

NATIONAL IRRIGATION CONGRESS.

The National Irrigation Congress will meet in Spokane in August, of this year. Reclamation of the arid lands is one of the most important subjects now before the country, and no state in the Union is more deeply interested in the work of this congress than is the State of Washington. The delegates, hundreds in number, who will attend the congress will come from every part of the Union, and hopes are entertained that many representatives of foreign countries will be present. The visitors will be interested in acquiring information concerning the resources of the state and its possibilities for development and home-building. Washington will, therefore, profit very directly and still more indirectly through the convening of this congress. A reasonable amount should be appropriated from the general fund for the state to co-operate in the effort to make the session the most successful ever held.

FISHERIES.

I direct your attention to the majority and minority reports submitted by the commission appointed by me to investigate the fishing industry of the state and to recommend needed legislation. Included in the report is a statement from Senator H. S. McGowan, of Pacific county, which deserves equal consideration.

The salmon fisheries of this state constitute one of its chief sources of wealth. The careful conservation of this resource would augment and perpetuate it. The total output of this greatest of all food products derived from the sea should not be permitted to diminish. Since the salmon is indigenous to the waters of this state, we should not be unmindful that our fisheries constitute a portion of the wealth belonging to all the people of the commonwealth. Therefore, we should show a proper concern in the conservation of this God-given asset and not suffer or permit its surrender to private interests, nor through indifference or neglect should we furnish an excuse to the Federal government to assume a guardianship of an industry which the representatives of the state are fully competent to manage and conserve.

When the laws merging all special funds into the general funds became effective, the Fish Commissioner's department was deprived of the use of \$31,000 then on hand in the fish hatchery fund. Since this

money had been collected in a preceding biennial period, it could not be expended by the fisheries department. This sum, therefore, has been treated as a source of revenue and an accretion to the general fund.

This department of fisheries has been able to keep within the revenues it has collected and has even found it possible to construct three new hatcheries, build several nursery ponds, make additions to hatcheries already established, and prosecute a number of other improvements. Eighty-eight thousand one hundred and twenty-five dollars has been collected by the department during the present biennium and in all probability the Commissioner will be enabled, by the receipt of further revenues in addition to the balance of \$5,582.40 now on hand, to close the biennium without a deficit. Since this department is practically self-sustaining, I recommend that you make a liberal appropriation for the continuance of the important work it is charged with performing.

CLEARING TITLE TO OYSTER LANDS.

Under the provisions of acts passed by the Territorial Legislatures of 1859 and 1879, tracts of oyster lands along the shores of Puget Sound and Willapa Harbor were located upon and improved. The acts contained a revision clause which permits the state to regain control of these lands. This provision casts a cloud upon the owner's title which should be removed by the execution of conveyances in fee simple to the locators, or their grantees. No effort has been made by the state to repossess these grants; indeed, such action, if attempted, would not be in accord with fair dealing and justice to the present owners. I recommend the enactment of a law whereby the state may be able to release its apparent interest.

FRUIT INSPECTION AND PROTECTION OF GAME.

In the case of *State ex rel. Egbert v. Blumberg*, reported in 46 Washington, 270; and the case of *State ex rel. Snodgrass v. Savage*, reported in 47 Washington, 701, the Supreme Court declared unconstitutional the law of 1903 providing for county fruit inspectors and the law of 1905 creating the office of county game warden to be appointed by the county commissioners. The provision of the constitution which invalidates the laws referred to requires that all county officers must be elected. Owing to the importance of the fruit industry and the necessity of protecting it from the introduction and spread of those diseases and parasites that are so damaging to orchards, inspectors should be provided for the various fruit-growing counties. It is likewise important that game wardens should be provided to assist in the enforcement of laws for the preservation of game. In accordance with the Supreme Court's interpretation of the constitution, legislation should be enacted for the election of these officers by the electors of each county, or for their appointment by the respective heads of these departments of the state government.

MINING. •

Legitimate mining in this state has often suffered because of the failure to protect with wholesome laws that industry from the operations of unscrupulous promoters. The unrestricted freedom with which wildcat companies can be and have been manipulated in the mining districts of this state has cast an odium upon the industry in Washington which can be removed only through the enactment of laws that will effectually rid the state of this most undesirable class of fraudulent operators. Legislation should be enacted designed to protect the innocent purchaser of stock as well as the legitimate promoter from the irresponsible manipulator. Incorporations based upon unpatented claims should be declared illegal, since such holdings may lapse at any time; or else the board of directors of such corporations should be made personally liable for all debts contracted until the claims are patented at the expense of the promoters; no transfer of promoters' stock should be permitted until all of the treasury stock has been disposed of; all moneys derived from the sale of treasury stock should be placed in escrow until at least one-half of the treasury stock has been sold for cash, and unless such an amount is sold within a certain time—say six months—all such moneys should be returned intact to the subscribers, and such other provisions should be incorporated as will adequately safeguard the interests of investors.

REGULATION OF HOTELS AND THEATERS.

Hotel and theater conflagrations, involving the loss of human life, should be prevented. Laws should be enacted requiring inn-keepers and proprietors of theaters in villages, towns and cities, which are without municipal regulations in the form of ordinances, to subject their properties to inspection by a competent officer. This duty could be performed by one of the departments of the state government and might be imposed upon the State Labor Commissioner. In the event that an inn or theater is dangerously constructed or not provided with proper fire escapes, exits and other means of safety, the proprietors thereof should be prohibited from further conducting the same.

TOWNSHIP ORGANIZATION.

In a former message I recommended the unconditional repeal of the township organization act, because of its complicated and conflicting provisions and its doubtful constitutional validity. The legislature failed to follow my recommendation, and subsequent events in those counties where the question of township organization was submitted to the voters, resulting in much confusion and strife, verify the soundness of my criticisms of the act. Again I urge that this law be repealed or so reconstructed and modified that its principles can be applied where the popular will favors that character of local government.

PERSONAL INJURY CASES.

Remedial legislation is required to prevent waste of time and useless expenditure in the adjudication of personal injury cases. Under the existing system complete justice is not promptly accorded persons suffering injuries. Ordinarily, the liability of the defendant is admitted and the only issue to be determined is the amount of recovery. In many instances, under the existing law, a great portion of the amount recovered does not go to the beneficiary, but is applied to the expenses of the trial and attorneys' fees. This class of litigation consumes much time of the trial courts, entails upon the counties a large expense for jury fees, and creates a demand at each session of the legislature for additional superior court judges. The counties should be protected from the burden of unnecessary jury fees and thus permit the application of increased sums in the construction of roads and other public improvements.

PROBATE LAWS.

The more prompt and economical settlement of estates of deceased persons deserves consideration. I, therefore, renew the suggestion contained in my first message when I stated that "the bar and people generally of the state will welcome a readjustment of our probate laws. The present system lacks harmony and simplicity. I recommend a revision of the entire procedure so that the law governing the administration of estates will reduce the expense of settlement of the estate and lessen the time for the distribution of the property to the beneficiaries. Superior judges, sitting in probate cases, should have jurisdiction to settle and adjudicate all matters connected in any way with the estate."

STATE EXAMINER OF PUBLIC RECORDS.

In my message to the Tenth Legislature I recommended that "methods of handling state funds should be devised to insure a systematic and effective check on every state official who performs the duty of collecting moneys," and I further recommended that in establishing the office of State Bank Examiner, that official should "be invested with authority to examine the accounts of state and county officers and to prescribe a uniform system of public accounting." I deemed it advisable to require the State Bank Examiner to perform this duty rather than to create a separate department, because of the fact that the examiner and his deputy are called to all parts of the state in the exercise of the duty of inspecting the accounts of state banks, and a material saving would be effected in traveling expenses as well as in salaries by combining the two proposed departments in one. I renew my recommendation that provision be made for the examination of the accounts of state and county officers, and the inauguration of a uniform system of accounting.

I am advised that the Auditors' Association has prepared a bill providing for a bureau of inspection and supervision, to be under the administration of the State Auditor, which will be presented for your

consideration. Whether you decide that this duty should devolve upon the Bank Examiner or you should choose the plan proposed by the auditors is of secondary importance, provided that an effective method of safeguarding public funds and a uniform system of accounting for the same are adopted.

INVESTMENT OF STATE FUNDS.

In my message to the legislature of 1907 I directed attention to the accumulation of idle money in numerous special funds of the state, recommending their merger with the general fund. Attention was also called to the fact that no law existed authorizing or permitting the investment of the permanent and irreducible funds derived from the sale of lands granted and held by the state in trust for various charitable, educational, reformatory and penal institutions, and recommended the creation of the State Board of Finance for the management thereof. These recommendations were adopted by the legislature, with the result that nine special funds were abolished, and a total of \$228,768.63 of money formerly idle was liberated and made available for public use; and that there has been invested the following permanent and irreducible funds, namely:

Agricultural College Fund.....	\$113,600 00
University Fund	50,900 00
Scientific School Fund	95,300 00
Charitable, Educational, Penal and Reformatory Fund.....	157,500 00
Normal School Fund	58,500 00

A total of \$475,800, previously idle and uninvested, which is now earning approximately 4½ per cent. interest, and is producing an annual income, in round numbers, of \$21,500.

Following the general plan of financial reform, the legislature of 1907 enacted state, county and city depository laws, the selection of the depository banks, and the distribution of funds thereto being intrusted to the State Board of Finance. The results of this plan are most gratifying. During the year ending September 30, 1908, the state funds on deposit earned \$13,900.27. County funds on deposit, for the year ending June 30, 1908, yielded \$76,219.96, and city funds \$97,932.96, a total of \$187,053.19.

A summary of the results obtained under the operation of the laws requiring the investment of permanent institutional funds and the depository laws discloses the fact that these public moneys, which, in addition to being heretofore idle and thus offering a constant temptation for their unlawful use, earned during the past year \$208,553.19, an annual saving to the taxpayers which is likely to be largely increased with the growth and development of the state, and the corresponding increase in the various funds.

COLLECTION OF STATE FUNDS.

I also suggested that methods of handling state funds should be devised to insure a systematic and effective check on every state officer who performs the duty of collecting moneys, and called attention to

the fact that, "under the present system, no check is kept on collections made by any officer, other than the account kept by the officers charged with the duty of collecting such funds." By these methods large amounts were frequently allowed to accumulate in the hands of the collecting officers. This evil was partially remedied by the passage of an act requiring all officers receiving funds belonging to the state to pay the same into the state treasury within twenty-four hours after the day of collection, accompanied by a full itemized statement.

If the affairs of the state are to be placed upon a modern business basis, the payment of moneys to the state should be effected in such a way that some one department may have a complete check upon the others.

The State Treasurer is the proper custodian of all of the funds of the state and is the proper officer to receive and hold funds belonging to the state, or for which it is liable or responsible. All payments on account of any of the state's school or granted lands, tide or shore lands, either in the nature of a special deposit upon application for lease or purchase, or in payment of any installment of rent or purchase price, should be made directly to the State Treasurer, who should issue duplicate receipts therefor, one of which should be filed with the Commissioner of Public Lands, and the amount shown thereon charged to the State Treasurer upon an appropriate account to be kept with him, and the action of the State Land Commissioner, or Board of Land Commissioners, predicated upon such receipt. By this method a complete check, impossible under present methods, is kept by one department on the other.

Under existing laws the Secretary of State collects a fee for filing articles of incorporation, and the annual incorporation licenses, and, as *ex-officio* Insurance Commissioner, is charged with the collection of the premium tax upon insurance companies. These payments should be made to the Treasurer, as outlined above. Insurance taxes could be paid in accordance with statements rendered by the Insurance Commissioner, and, upon the filing of a duplicate receipt in the department, the payment of the tax noted. In the case of corporations, the certificate of incorporation or the annual license should be issued upon the receipt of Treasurer's duplicate receipt.

The Insurance Commissioner is charged with the duty of investigating the affairs of the various insurance companies, and his necessary traveling expenses, in going to and from the home office, are paid to him by the company. These expenses should be paid, upon vouchers filed with the State Auditor, in the same manner as the traveling expenses of other public officers. An account should be rendered to the insurance company, which should be required to make payment directly to the State Treasurer.

Similarly a system of checks could be and should be imposed upon each official collecting moneys belonging to the state.

APPARENT DEFICIENCY.

The estimates of the needs of the educational, charitable, penal and reformatory institutions were made two years ago prior to the enactment of the law by the Tenth Legislature requiring that all collections be immediately paid into the state treasury. In making such estimates, the institutions assumed the retention, as formerly, of these collections, and the enactment of the law referred to has made it impossible for some of the institutions to keep within their maintenance appropriations until the end of the biennium. Their needs cannot, therefore, properly be considered as deficiencies, as the sums to cover them have been turned into the treasury. Appropriations should be made early in your session of sums equal at least to the sums thus paid into the state treasury for the maintenance of the respective institutions through the remainder of the present biennium.

INVALID STATE NORMAL SCHOOL WARRANTS.

An act was passed by the legislature of 1895 attempting to create a fund to be known as the "State Normal School Fund," into which was to be paid all the proceeds from the sales of lands granted to the state for normal schools. From this fund was appropriated \$60,000 for the erection of the Cheney Normal School, and \$40,000 for the erection of the Bellingham Normal School. The act contained a provision for the issuance of \$100,000 in bonds, to bear 4 per cent. interest, redeemable only from the fund aforesaid.

It was further provided that the work of erecting the normal schools should proceed and be paid for by warrants upon the fund created by the act, to draw interest at the rate of 7 per cent. per annum, payable annually, with interest on unpaid interest, the warrants to be paid from the proceeds of the sale of the bonds.

The normal school buildings at Cheney and at Bellingham were erected under the provision of the act. In 1897 an additional appropriation of \$4,189.05, and in 1899 of \$4,655.79 was made to cover deficiencies, the total amount of warrants issued against the fund being \$108,810.

The State Supreme Court in *State ex rel. Heuston v. Maynard*, 31 Wash. 132, held the act of 1895 to be void insofar as it attempted to appropriate the proceeds of the lands granted for normal schools, the proceeds of such lands constituting a permanent and irreducible fund, only the income of which may be used for the support of normal schools. The state received full value for these warrants, and has had the use of the very excellent normal school buildings at Cheney and Bellingham for many years, for the construction of which not a dollar has been paid. While these warrants do not constitute a legal claim enforceable against the state, they are a moral obligation and one which, to quote from the language of the Supreme Court, in the opinion just referred to, "the state in justice ought to, and no doubt will, make provision for the payment of."

STATE CAPITOL LAND GRANT AND INDEBTEDNESS.

There was granted to the state for public buildings at the state capital 132,000 acres of land, all of which has been selected except 27 acres; of this, 9,517.3 acres have been sold, leaving 122,455.7 acres unsold.

For public buildings at the state capital the state has accumulated an indebtedness of \$563,743.08 principal, on which the annual interest amounts to \$28,684.96. Of this indebtedness \$397,770.46 bears interest at the rate of 5 per cent. per annum, and \$112,034.04 bears interest at 4 per cent. per annum, an annual interest charge of \$24,369.88, which is guaranteed by the state. Of this indebtedness \$53,938.58, however, bears interest at the exorbitant rate of 8 per cent. per annum, which is allowed to accumulate and is paid upon redemption of the warrants.

Provision should be made for the retirement of these 8 per cent. warrants either by an appropriation from the general fund payable from the sale of capitol lands, or by an immediate sale of a sufficient amount of the land to meet these obligations, with the accumulated interest, which now exceeds the principal. If the entire indebtedness created against this land grant could be refunded at a lower rate of interest by the issuance of bonds payable at any time upon the receipt of funds from the sale of the lands and these bonds bought in by the permanent funds, interest payments would then go toward the support of public institutions of the state instead of into the hands of warrant holders, and the management of this fund placed on a sound and economic business basis. There may be a constitutional objection to this plan, however, as these warrants are not supposed to constitute a general liability on the part of the state, the obligation for their payment resting entirely upon the proceeds of the sale of the land grant. The policy of carrying such a heavy indebtedness against non-productive property is of doubtful wisdom, and the state might profit in the end by arranging for the sale of all, or a sufficient amount of the lands, to pay the debt, if it cannot be lawfully refunded as suggested.

DEFICIT IN EXTRADITION FUNDS.

It is impossible to estimate accurately the demands to be made upon the extradition fund, and owing to an increase in the number of requisitions granted since the beginning of the present biennial period, the fund appropriated for that purpose by the last legislature has been considerably overdrawn. In order to meet the deficit and to provide for further expenditures, which will probably be incurred in this connection before the close of the biennium, I recommend that you appropriate the sum of \$2,500 for this purpose.

IMPROVEMENT OF SNAKE AND COLUMBIA RIVERS.

The \$125,000 appropriated by the last legislature for the purpose of co-operating with the federal government in improving the Snake and Columbia rivers, has practically all been expended in the construction

of drill scows, in blasting ledges, raking gravel bars and otherwise removing obstructions from the river channels. Twenty-five thousand dollars was expended on the Snake river below Riparia, and \$85,000 on the Columbia above Celilo, under the direction of engineers detailed by the war department. The balance remaining in the treasury will most likely be used within the present biennial period.

WENATCHEE AND LEWISTON-CLARKSTON BRIDGES.

Through the enterprise of the people of Wenatchee and a portion of Douglas county, a sufficient sum was contributed about two years ago to construct a wagon bridge over the Columbia river, at Wenatchee. The bridge, a strong and durable structure of steel and concrete, is completed and open to traffic. It is the only wagon bridge spanning the Columbia throughout the great length of that stream within this state. It facilitates the traffic of a large and populous territory and is located on the route of a proposed state highway to connect Eastern and Western Washington. It will, accordingly, afford convenience to a continually increasing traffic. Because of its importance as a highway and the service it affords to an extended territory, this structure should be purchased by the state. I also recommend that the state cooperate with the state of Idaho and Asotin county in purchasing the Lewiston-Clarkston bridge which spans the Snake river between those two points.

ROCK-CRUSHING PLANTS.

The Highway Department has demonstrated the practicability and economy of employing convict labor in the manufacture of road material and in the construction of roads. Details of the extent and character of the work so performed are set forth in various reports of the Highway Commission. The work should be undertaken in sparsely settled portions of the state and where the prisoners can be concentrated, as their employment over an extended territory entails too great an expense for guard service, and their employment in a settled community is both objectionable to the residents thereof and prejudicial to the discipline of the prisoners. In working out many details of road construction the administration has had the assistance of the State Good Roads Association and the Advisory Commission on State Road Improvements, consisting of Federal Judges Hanford and Whitson, Highway Commissioner Snow, Professors Henry Landes and Samuel C. Lancaster, and Samuel Hill, John W. Arrasmith, and Karl Bowers, appointed by me to render this service. Their recommendation for the establishment of crushing plants at rock quarries convenient to be operated by convict labor, the appropriation of \$100,000 for this purpose, the abolition of the State Highway Board, and clothing the Highway Commissioner with the authority, responsibilities and duties of that board, should meet with your approval.

A systematic and permanent adherence to such a plan will materially reduce the cost of road construction and be of permanent benefit

to all classes of citizens in all parts of the state, no less than conduce to the better management of the convicts themselves.

LOGGED-OFF LANDS.

Liberal provision should be made for experimental work in the clearing of logged-off lands. Such investigations should be carried on either by some department at the State University or under the supervision of the Highway Commissioner. Experts should be employed to experiment with chemical processes or explosives for the purpose of devising some method cheap enough to come within the reach of the small land owner to the end that the vast tracts of land in the timbered areas of the state, now covered with stumps and small growth, could be prepared for cultivation. When this is accomplished many fertile acres can be made to yield rich harvests, thereby adding materially to the wealth of the state, and, at the same time, the cost of constructing highways in the forested sections will be greatly lessened.

CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS.

The state was granted 200,000 acres of land for charitable, educational, penal and reformatory institutions, 100,000 acres of which have been heretofore set aside for the support of the State University. Of the 100,000 acres unapportioned, 15,312 acres have been sold, or contracted to be sold, and the timber has been sold from 8,324 acres.

From the sale of the timber and payment on account of purchase of the land there has accumulated \$166,738.72. I suggest that this fund and the future proceeds of these lands be dedicated in equal portions to the School for the Deaf and the Blind, and the School for the Feeble Minded. The accumulations from the sale of these lands in time may create an endowment for the maintenance of these institutions.

The institutions of the state that can never be in any way self-supporting should receive the benefit of the funds derived from our land grants. On the other hand, the State Training School, State Reformatory, State Penitentiary, and the insane asylums should be provided with a sufficient amount of land, livestock, etc., to enable them to produce all of the fruit, vegetables, milk, butter, eggs, poultry, etc., required for consumption in the various state institutions. Sufficient facilities to afford light, healthful, useful and profitable employment for all of the inmates of such institutions mentally and physically able should also be provided.

If this plan is adopted, the institutions first named will in time be supported by the earnings of their endowments, and in addition to furnishing light, healthful employment for their inmates, the latter will be not only self-supporting, but will contribute largely to the support of the former, by supplying them with a large proportion of the food required, necessary clothing, shoes, etc., thus relieving the taxpayers of the state of what is now a heavy burden.

BOARD OF CONTROL.

Under an act approved March 17, 1897, provision was made for the creation of a State Board of Audit and Control, to consist of five members, to serve without compensation except the Commissioner. This board had supervision of the State Penitentiary, two Hospitals for Insane, the State Training School and the Soldiers' Home. Under the provisions of this act all powers and duties of the boards of trustees of the institutions named ceased.

By virtue of the act approved March 16, 1901, the Board of Control system was inaugurated, to consist of three salaried members, having the management of all the institutions formerly under the State Board of Audit and Control, with the addition of the then so-called School for Defective Youth.

Under provision of an act approved March 14, 1907, the Board of Control assumed supervision of the state capitol and grounds. All sums of money appropriated by the legislature under the general appropriation bill of 1907 for the construction of buildings at the penal, charitable, reformatory and educational institutions were expended under direction of this board. It has rendered excellent service to the state in connection with the supervision of the business affairs of the state institutions, as well as in the expenditure of \$1,009,748.27 appropriated for buildings. A great improvement in the conduct of the state institutions was made when the Board of Control system was substituted for the local trustee plan. To obtain still greater efficiency and economy in the business affairs of these institutions, I recommend that the board system be in effect abolished; that one officer be invested with the authority of and the duties now performed by the three men constituting the Board of Control, except such duties as may be assigned to other state officers. The duties of the board are entirely executive. It is not a body which performs semi-judicial duties or which is called upon to exercise discretion or judgment requiring the services of a board except as members of the Prison Board under the indeterminate sentence law. Responsibility for the duties imposed by law should not be divided. One man, with a sufficient clerical force, can obtain better results at less expense.

AMENDMENT OF INDETERMINATE SENTENCE LAW.

The provisions of the indeterminate sentence law relative to the personnel of the Prison Board should be amended. This board should be composed of men familiar with all phases of criminology through study and experience, that they may act with fairness and impartiality upon all cases to be considered, thus insuring both justice to the individual and protection to society. A board consisting of the superintendent and the chaplain of the penitentiary, a parole officer and two Superior Court judges would possess those qualifications in the highest degree. The judges should be appointed by the Governor to serve for one year without additional compensation other than necessary traveling expenses in attending the meetings of the board.

MERIT SYSTEM.

In the administration of the charitable, penal and reformatory institutions, the highway and fisheries departments, and other departments of the state government where the services of skilled and experienced employes are necessary, the doors should be barred to the consideration of political affiliations in the retention and selection of faithful and competent employes. Their tenure of office should be made more permanent by the enactment of legislation which would permit them to remain in office during good behavior, and to be advanced according to rules of seniority when they have demonstrated their efficiency by practicable rules of merit or civil service. This practice has been largely followed during the present administration, but it should be supported by mandate of law. So long as the fallacious plea is accepted that experienced and competent employes of the state may be dismissed to make room for persons without experience or skill but who are in political sympathy with the administration, so long will our institutions and departments suffer in their management. With such a law and its thorough enforcement, the Executive would not be compelled to spend the major portion of his time considering questions of patronage. Our state could then move along the advanced plane when party contests will not be a mere scramble for spoils or party leaders considered paymasters of a body of political adherents who demand compensation for their support at the public expense.

STATE ARCHITECT.

Owing to the great amount of construction authorized and done by the state, it is in need of the services of a competent architect. Such a department should be created and the power vested in the Governor to fill the office by appointment, the incumbent to receive a salary commensurate with his duties and the ability and fidelity requisite for their proper performance. He should be required to maintain an office in the capitol, where copies of all plans, specifications, drawings, designs and building contracts should be preserved as part of the permanent records of the state. He should approve all contracts for construction and repair of the state buildings, and no claim for services rendered or material furnished by any contractor or other person should be allowed by the State Auditor unless the same be approved by the said architect. Even though provision for additional structures is not made by this legislature, the constant need of repairs and improvements of the buildings now in existence requires the attention of an official skilled in this profession. Under existing law the board or commission charged with the duty of constructing buildings is authorized to employ an architect. Different firms of the state have rendered excellent service during this administration, which has constructed more state buildings than all preceding administrations since statehood. From 1889 to 1905 the state expended \$2,788,416.86 in buildings and other permanent improvements, while for similar purposes \$2,816,539.97 have been expended in the past four years.

Expenditures for public buildings by the administration about to close show clearly the wisdom of such a change as a measure of economy.

The various boards and commissions charged with the duty of supervising this work have paid during this administration fees to architects for the preparation of plans and specifications for new buildings and for repair and improvement of those already established the sum of \$87,061.62, being the usual compensation paid by private parties for similar service. These fees were expended for the following purposes:

For construction and repairs at the charitable, penal, reformatory and educational institutions, the sum of \$51,324.62.

For the Executive Mansion, \$1,450.

For buildings constructed under the direction of the State Commission to be used in connection with the Alaska-Yukon-Pacific Exposition, \$5,787.

For buildings constructed under supervision of the Board of Regents to be used in connection with the A.-Y.-P. Exposition and subsequently by the State University, \$28,500.

QUARTERS FOR FORT STEILACOOM HOSPITAL.

The current biennial report of the superintendent of the Western Washington Hospital for Insane shows that he has under his care over 1,200 patients. At the present rate of increase, the number will be approximately 1,400 early in the next biennial period. The wards of that institution are now crowded and it is evident that provision must be made for the usual increase. Alienists are of one mind in the belief that no institution can provide proper treatment for more than 1,000 or 1,200 patients, as they cannot be given the necessary personal attention from the medical staff. Therefore, I am convinced that no more wards should be constructed at the Western Washington Hospital, though the present quarters and accommodations for the officers and attendants are entirely inadequate. I agree with the superintendent and the Board of Control that a suitable administration building should be constructed. The recommendation for the erection of a dormitory building on the farm, for the housing of patients who are in physical condition to perform work in order that they may be given the freedom and exercise so necessary in effecting a restoration to their normal condition, should meet with approval. With these additions, the institution at Fort Steilacoom should be considered complete and no further enlargement should be made. A tract of productive land should be purchased at an accessible point in the state and a new hospital begun thereon. Temporary quarters could be constructed and some of the stronger male patients transferred from Fort Steilacoom to be employed in improving and cultivating the land. The permanent buildings should be constructed on the cottage plan from time to time as the needs require. Ultimately the Western Washington Hospital could be used exclusively for female patients and the males all transferred to the new institution.

PREVENTION OF INSANITY.

While this and other states are completing, at enormous annual cost, additional buildings and equipment for the care of the insane, and one person in every 350 of our population is a sufferer from mental disorder, would it not be wise to seek for the cause and endeavor to provide means for lessening the number who fall victims to this terrible malady? Dr. A. C. Biddle, an eminent alienist of the state of Kansas, and of wide experience as a hospital superintendent, discussing this subject in his recent report, states his views as follows:

"The question so frequently asked that it is almost stereotyped, is, 'Why is insanity increasing so rapidly?' The answer is briefly this: 'Heredity and degeneration.' In not less than 75 per cent. of all insanity cases heredity is an active predisposing cause of the attack. 'Like produces like,' is Nature's law, and this unchanging law is nowhere more actively enforced than in that field of Nature where unsound and unstable minds reproduce insane or unstable minds. This law is fully recognized and utilized in reproducing a higher and better type of animal life throughout the world. The breeding of all useful animals, except the human, is based on the law of selection. Then should we wonder that with this gross violation of Nature's law that has continued through the generations, together with the additional stain of alcoholism and other contaminating influences, that the stamp of degeneracy should mark such a large per cent. of mankind?

"These important sociological facts have long been recognized, yet for reasons difficult to explain society is practically doing nothing to mend this the greatest flaw in our social fabric. A few states have enacted laws, the object of which is to correct or control this evil. These laws, however, like other laws that are not supported by public sentiment, continue to sleep quietly without any effort whatever being made at enforcement."

The learned alienist then directs attention to the fact that the laws of Kansas provides that epileptics, imbeciles, feeble-minded and insane cannot marry in that state; that it is unlawful to issue marriage licenses to such persons and that it is unlawful to perform the marriage ceremony uniting people afflicted in such manner. He states that, in his opinion, Kansas has no more important law, and expresses his regret because of its non-enforcement. Continuing, he says:

"It is quite certain that a similar law in each of the states or the Union, together with strict enforcement, would in two generations change the question, 'Why is insanity increasing so rapidly?' to another one, to-wit: 'Why is insanity decreasing so rapidly?' The law should be amended and strengthened so as to give it greater force. A medical certificate covering the prohibited affections would certainly be an important amendment to the law. The most desirable factor, however, in its enforcement is the education of the public—an awakening of society on this vital question, until it no longer will be treated with indifference or ridicule."

This view I am advised is so generally supported by eminent alienists that it may be treated as an axiomatic truth in dealing with the question.

You can engage in no higher mission than in the enactment of legislation which will promote the mental and physical welfare of the human race. Legislative bodies of other states have attempted reforms of this character, but the desired results have not been realized because

of the failure of the general public to appreciate the gravity of the situation.

AID TO HOSPITALS FOR INSANE.

Hospitals for the insane are charitable institutions in the highest sense of that term. By their maintenance by appropriation from the funds in the state treasury, the relatives and the estate of the patient should not be absolved from the duty of assisting the state in the prosecution of its work of charity. Under the present law, voluntary aid is received from relatives and friends of the patient in the form of donations of clothing, which the records show amounts to a considerable sum. When, however, the patient is the owner of an estate or has relatives amply able to contribute a reasonable, periodical sum, neither the estate nor the relatives should be relieved from this plain duty. Many states require this co-operation and large sums are thus received and applied to the expense of maintenance, thus lessening greatly the burdens of the people without doing an injustice to anyone. Might not such a plan be of benefit to this state?

SEPARATE INSTITUTION FOR CRIMINAL INSANE.

Entertaining the belief that the method provided for the restraint of persons adjudged insane under the terms of the criminal insane law, approved February 21, 1907, could be improved, I appointed a commission to make inquiry into and recommend a proper revision of the act. This commission consisted of Dr. E. E. Heg, secretary of the State Board of Health and Vital Statistics; Senator Will G. Graves, of Spokane, author of the law; C. S. Reed, superintendent of the penitentiary; Dr. A. P. Calhoun, superintendent of the Western Washington Hospital for Insane; Dr. J. M. Semple, superintendent of the Eastern Washington Hospital for Insane; Dr. S. B. L. Penrose, president of Whitman College; Rev. Andreas Bard, of Walla Walla, and Richard T. Buchanan, of Tacoma. The commission found the conditions at the penitentiary for the care of the criminal insane and the insane criminals inadequate and even cruel; that the commingling of convicts with insane criminals is impracticable; and that the establishment of a separate institution, remote from the penitentiary, and its location on a detached farm one and a half miles from the buildings of the hospital for insane at Medical Lake, would be advisable. The new institution would then be practically separate, yet might have the service of the medical staff of the hospital for insane and also be under the supervision of the superintendent of the latter institution.

I am fully in accord with the conclusion of the commission that a separate institution for the criminal insane and the insane criminals should be created, but I firmly believe that, owing to the great saving which could be effected in its construction, the institution should be located on land belonging to and adjoining the penitentiary at Walla Walla. Prison labor could be used in the manufacture of a greater part of the material and in the erection of the buildings, while much

of the maintenance could be provided from the products of the prison farm.

MANAGEMENT OF STATE SCHOOLS.

The State Training School at Chehalis and the School for the Deaf and the Blind at Vancouver, now under the supervision of the Board of Control and classified with the charitable, penal and reformatory institutions, are essentially educational in character and should be so classified and placed under the control of the Superintendent of Public Instruction. This change would be advantageous to the institutions in placing them in a decidedly different attitude toward society as well as in the estimation of the inmates. The clerical force of the educational department could keep the records and accounts of the institutions and no additional appropriation would be necessary for inspection.

SEPARATION OF SEXES AT STATE TRAINING SCHOOL.

I renew the recommendation in my message to the Tenth Legislature for the separation of the sexes at the Training School and the establishment of a new institution for the boys. Under present conditions it is impossible for the management of the Training School to extend to the girls the attention they should receive. Co-education in such an institution is absolutely impracticable. On reaching the age of nineteen a girl is released from the Training School by action of law and the state then has no power of custodianship over her. The expense of providing an additional institution need not be incurred at once. The buildings should be constructed on the cottage plan, and small appropriations made from time to time until the institution is completed. If a provision should be made for the purchase of land for a site at this session, the older boys could be transferred there during the summer months, established in a camp, and could perform considerable labor in improving the land. With a productive farm, the labor of the boys could be utilized to produce a food product, as well as other commodities largely in excess of that necessary for their own maintenance, and the surplus could be supplied to the other institutions.

Parents of children committed to the State Training School are often amply able to contribute to the cost of their maintenance. In such cases parental obligation does not cease even though authority over the child is assumed by the state, and they should be required by law to contribute a reasonable sum for the benefit their children receive.

WOMEN TO HOLD OFFICE.

I am not in harmony with the sentiment that women should be debarred from employment in the state service. The present legal disability, disqualifying women from holding office by appointment in the state as executive heads of institutions, should be removed. Should a training school for girls, separate and apart from the present insti-

tution, be created, a woman ought to be qualified by law, as she is by nature, to act as its superintendent.

Under the present method of management of the normal schools, where seventy-five per centum of the students are girls, one member at least of the board of trustees should be a woman. They should also be qualified by law to serve as members of the boards of regents of the State College and the University of Washington. No substantial reason can be given for this statutory discrimination which prohibits them from rendering valuable service to the state in positions they are peculiarly fitted to occupy.

STATE INFIRMARIES.

In my message to the legislature of 1907, in directing attention to the duty of extending charity to the needy and afflicted, I said:

"The time has arrived when we are frequently coming in contact with the aged, the infirm, the maimed and the helpless who from injuries sustained or from the wear of years are incapable of maintaining themselves, and who are without relatives and friends who should assume the responsibility of their care. A state infirmary or some similar institution should be provided for such purpose, and with the present prices of material and labor it might be well to consider the purchase, if possible, of some one of the large unoccupied buildings which are known to exist at different points in the state and which doubtless could be acquired at far less than their original cost, thereby saving to the state not only a large percentage of their original cost, but the entire additional amount which it would cost to reproduce similar buildings at this time. Such a step would also go far to guarantee that the daily walks of our citizens will never be interfered with by the hand of want being held before them in a land of plenty."

A bill embodying this suggestion, of which Hon. Walter J. Reed, joint senator from Yakima and Benton counties, now deceased, was the author, passed the Senate but failed of passage in the House. The creation of such institutions would be in accord with the principles of true economy. Many so afflicted are now cared for in the various county almshouses. A great saving could be effected by establishing two institutions of this character in accessible portions of the state rather than to provide for their support in a score of institutions scattered throughout the commonwealth. County poor farms would thus be largely depopulated and many suffering from extreme old age and senile decay now wrongfully received at the hospitals for the insane could pass their declining days in more cheerful surroundings.

COUNTY JAILS.

Conditions attending the imprisonment in the county jails of persons adjudged guilty of misdemeanors is a subject which deserves your earnest consideration.

Ordinarily, confinement in a county jail means simply a period of idleness. When the prisoner is discharged in due course of law, he is physically unfitted by reason of his confinement to resume his occupation or to apply himself promptly to the earning of an honest livelihood. County jails should be used only for the restraint of prisoners

charged with crime who are not able to furnish bonds for their appearance in bailable cases. Among the inmates of these jails are those petty offenders who frequently seek the hospitality of the jailer rather than honest employment. The idleness permitted them while in confinement is not conducive to their moral welfare. But few county jails are equipped to provide labor for the inmates. State supervision and management ought to be substituted for the present system. Lands should be purchased in convenient and accessible parts of the state and prison labor used in their improvement, as well as in the manufacture of the material for and the construction of the buildings; also in producing a food supply, fuel and other commodities necessary for their maintenance, and in the construction and improvement of highways in the immediate vicinity. Under the management of efficient superintendents the expense of maintenance as compared with the present system would be reduced greatly and a large burden removed from the taxpayers. The state should make an appropriation for maintenance in the same manner as for other state institutions, and the feeding of the prisoners and other expenses of maintenance should not be the subject of speculation or profit. The property purchased by the state for the purpose would constantly increase in value. The prisoners would not then live upon the bounty of the taxpayers but could make some return to the state while deprived of their liberty.

Outdoor life and wholesome exercise would be conducive to their moral advancement. By this change the county jails would gradually develop into reformatories and our people would never be compelled to suffer the disgrace borne by a sister state, when an influential committee, including the governor, reported that, "With less than half a dozen exceptions, every jail in the state is a moral pesthouse and a school of crime."

PAROLE OFFICERS.

In the enactment of the indeterminate sentence law, the creation of a state reformatory and the parole law, this state is in harmony with approved methods of reformation and restraint in the management of its penal class. To facilitate the effort of elevating the conditions of the convict to the status of a law-abiding citizen, it is absolutely essential that convicts be kept employed. Work is a great reformer. The means of providing labor at present, as well as those herein recommended, are not and will not be used to manufacture any product which comes in competition with the free labor of the state. A current record of paroled prisoners shows that only a small per cent. violate the terms of parole or become recidivists. Greater results might be obtained, however, if parole officers were provided for the penitentiary and reformatory so that especial attention might be given prisoners in finding employment when their conduct entitles them to this form of release. Under present conditions the first friend or employer must be secured by friends or relatives of the prisoner, or by state officers or citizens who volunteer to perform this duty.

Officers having charge of the paroled prisoners could not only better find employment for the convicts, especially the friendless ones, but could aid and assist them in the protection of their civil rights while under parole. The parole officers would thus render an invaluable service in the reformation of the criminal class, and, in finding such employment promptly, would, to that extent, relieve the state of their maintenance. Progress would thus be made towards placing the penal and reformatory institutions on a self-sustaining basis.

REFORMATORY.

In accordance with an act of the Tenth Legislature establishing a reformatory, the state has secured a tract of fertile land to be used for this purpose, situated near the town of Monroe, in Snohomish county. The board of managers, consisting of Corwin S. Shank, of Seattle; Maurice A. Langhorne, of Tacoma; Frank C. Jackson, of Seattle; Fred Reeves, of Wenatchee, and John Hansen, of Everett, has rendered faithful service in planning the permanent construction of this institution, and this without compensation other than traveling expenses.

Temporary buildings have been constructed and inmates have been received since August 1, 1908. A sufficient appropriation, in addition to the maintenance, should be made to purchase material necessary for the construction of a portion of the permanent building. The appropriation for building material should be limited to the amount necessary to keep the inmates constantly employed during the next biennial period.

STATE BOARD OF CHARITIES AND CORRECTION.

I recommend the creation of a State Board of Charities and Correction, non-political in character, to be appointed by the Governor, and to serve without other compensation than traveling expenses. This board should be empowered to visit and inspect county jails, almshouses and hospitals, state charitable, penal and reformatory institutions, and all sectarian and non-sectarian institutions supported by public beneficence, such as hospitals, orphanages, infirmaries, etc. It should be the duty of the board to examine into the conduct of these institutions, certify to their standing, study improved methods of caring for patients and inmates, gather statistics and report to the Governor the results of its investigations together with recommendations for legislation and administrative changes which it may find advisable. This board should be made advisory and not administrative in character, and should be provided with a salaried secretary.

TUBERCULOSIS.

In previous messages I directed attention of the legislatures to the necessity of providing effective means for combatting the spread of tuberculosis. The number of victims of this dangerous and communicable disease is increasing each year, and radical measures for

its suppression ought to be adopted without further delay. The State Board of Health and Vital Statistics suggests in its report that "provision should be made so that this board may make a special effort to locate and keep informed regarding all cases, in order that proper information may be given the tubercular patient, as well as the family and friends, how to avoid transferring the disease to others." The board further recommends the establishment of a State Sanitorium for the treatment of those "unable to meet the cost of a private sanitorium and as a means of educating the public concerning the danger of the disease and methods of preventing it."

Although the public mind may be apathetic concerning the awful devastation of this disease, that fact should not postpone the enactment of measures that will arm the state and municipal health officers and boards to wage successful warfare against this arch enemy of the human race. Its extermination is possible. I earnestly hope that this legislature will respond to this and other appeals which will be made for the enactment of practicable legislation upon this subject.

DIVORCE LEGISLATION.

In recommending divorce legislation I said in a former message:

"Our courts are often subjected to criticism, but in many instances unjustly, on account of the large number of decrees granted in divorce cases. The fault, in my judgment, is not with the courts, but with the law regulating the divorce system. The courts are bound to respect the law even if its administration results in the dissolution of the marriage contract in multitudinous cases."

Since then I have become confirmed in my judgment as to the correctness of this view. I recall many instances when judges, after reluctantly granting a decree, have stated in open court that the marriage contract should not have been dissolved and that upon the same basis of fact, under different provisions of the law, the parties to the suit would have been refused permission to thus indirectly injure society. The last legislature adopted that suggestion in my former message making it a felony for a husband to desert his wife or parents their children. I renew the other recommendations relative to divorce legislation contained in that message. If crime is to be abolished it is necessary to commence with the child and the place for primary training is in the home. The state, therefore, has a paramount interest in preserving the sacredness of the marriage tie and the integrity of the home.

RELIEF OF F. M. FORTUNE.

Mr. F. M. Fortune suffered the loss of his right eye while serving the state as steward at the School for the Deaf and the Blind. This grievous accident has impaired his earning capacity and in common justice he should receive sufficient compensation to atone for the handicap which has been placed upon him thereby. I accordingly recommend that you appropriate a reasonable sum for his relief.

PURCHASE OF INSTITUTIONAL SITES.

In connection with suggestions for the purchase of lands for sites for proposed institutions, I recommend that hereafter all acts clothing official boards with authority to select such sites should provide that the selection be made from granted lands held by the state which were received under the terms of the Enabling Act for the benefit of the common schools and for other purposes. In this way the purchase price would return to the irreducible funds in process of creation by accretion of the proceeds of state land sales.

CONSERVATION OF NATURAL RESOURCES.

The great interest aroused in the subject of conservation of our natural resources, on account of the energetic espousal of the policy by the President of the United States, will prompt the executives of every state and territory in the country to recommend to the various legislative bodies that means be devised for carrying on the work. In the State of Washington, the conservation of our resources does not necessarily mean the restriction of any particular industry, but rather the prevention of waste, and such wise methods in marketing the product that will conserve its reproduction rather than destroy it. Such conditions are demonstrably possible with ultimately no decrease in the product. The lumber business, for example, need not be restricted either through an increase in forest reserves or by the prevention of the cutting of timber owned by the state. A rational conservation would, in this instance, contemplate little more than the prevention of waste from fire, and simple reforestation. This subject is now receiving attention from associations organized as private corporations, but many schemes of conservation are and, by law, ought to be exclusively within the province of the state government. In order to assist the legislature in arriving at a practicable solution of the problem, I have appointed a commission of persons, who have manifested an interest in the policy, and have asked that the meeting be held at the capital during the present session that you may have the benefit of its findings.

REFORESTATION.

A goodly portion of the state's school and granted lands is heavily forested and valuable only for its timber. The law provides that when the estimated amount of timber shall exceed one million feet to the quarter section it may be sold separately from the land. It also provides for the removal of the timber in five years from the date of sale, with a provision for the extension of time, under certain conditions, for two years. There is nothing in the law, however, placing any restrictions upon or in any way regulating the manner of removing the timber.

It is well known that the state annually suffers great losses through devastation by forest fires, which are often either occasioned or greatly aggravated by unscientific and improper logging methods; to these the state ought not to be even a passive party. It would seem but the part

of wisdom to provide by law that in all logging operations, conducted upon state lands, care should be taken not to destroy young timber unfit for commercial purposes, and should require the proper piling and burning of all tops and other waste material.

The state has a Fire Warden and Forester, who is also an *ex-officio* member of the State Board of Land Commissioners, and consequently informed of every sale of state timber, who could well be charged with supervisory powers in this respect.

Much of the timber lands belonging to the state is valuable only for its timber and will never be susceptible to successful agriculture. After the sale and removal of the timber, it should be made the duty of the State Board of Land Commissioners to inspect the land, and if such board should find it to be unfitted for agriculture purposes, it should then be reserved from sale and re-forested, which, if proper methods were employed in logging, would not be an expensive or difficult matter; in fact, it would occur naturally if safeguarded from fires. The adoption of this plan means the creation of a priceless heritage to future generations.

This state, already one of the most important timber areas of the country because of the extinction of the timber in older states, should at once adopt an adequate system of scientific forestry service, and thus maintain for all time preeminence among the states as a timber reserve. All experience proves that by scientific care forests can be made to perpetuate themselves while furnishing a constant supply of merchantable timber. This cannot be done by spasmodic or irregular management, but must be a long continued plan. Conservation of the forests of this state is now possible; ten years hence it may be impossible.

STATE TAX COMMISSION.

The State Tax Commission was created by the Legislature of 1905 at a time when conditions demanded the services of such a body. Through its conscientious and indefatigable labor, tax reforms of great value to the state have been accomplished. Its two reports are compendiums of information on the subject of taxation. The Commission is preeminently an advisory board and those duties that are purely executive, which have been assigned to it, can be performed by the elective officers of the state. The creative work of the commission has been largely completed, and, since the resignation of Hon. J. H. Easterday in June of last year, the duties of the commission have been performed by two members. I am of the opinion that from this time forward the work of the commission can be performed by one man with the usual office force. This change can safely be made without injury to the welfare of the state. I am further constrained to make this recommendation on the grounds of economy and the reduction of state expenses. The highest exemplification of business efficiency and economical administration is to be found in the organization of the

great private corporations of the country. The state, which has long been struggling with a variety of experiments in a fruitless effort to devise a satisfactory and economical system of executive supervision of its affairs, may well profit by the experience of these great industrial and transportation concerns. If concentration of effort and singleness of responsibility is imposed upon one tax commissioner rather than three, the future problems of taxation may be solved with less delay and expense.

RAILROAD COMMISSION.

The Republican party, in its last state platform, adopted the following plank or resolution:

"We pledge the Republican party of this state to the enactment of a law similar in spirit and purpose to the public utilities law of the State of New York, but so extended as to assure continuous and adequate supervision of all corporations chartered by the state and doing business within the state, and we favor the fullest publicity as to all public service corporations."

This is a subject demanding your most careful attention. The manner of handling and regulating our public service corporations is of the first importance, and one of the most difficult problems confronting the different states of the national government. The reason for having these corporations governed and controlled by a special commission is that such commission is, or soon should be, an expert body, better qualified by special study and the time such commission can devote to the questions than are either the courts or the Legislature. Many students of this question have concluded that such a commission should be vested with judicial powers and made a tribunal having original jurisdiction to try all public questions between the people and the corporations, providing directly for an appeal from such tribunal to the Supreme Court, to the end that the Supreme Court may have the benefit of the commission's findings and conclusions. Such a commission has been created in the State of Virginia and the constitution and the act creating it have been lately upheld by the Supreme Court of the United States. This procedure would greatly hasten the final decisions on these important public questions, as the time consumed in taking the testimony and trying the issue before the Superior Court would be obviated.

If you should conclude that such tribunal, if created, should possess judicial power, it will probably be necessary to have the constitution of the state amended so as to directly authorize the Legislature to clothe such commission or commissions with judicial functions. I submit the matter to your careful consideration.

AMENDMENTS TO PRIMARY LAW.

The total cost to the state and the several counties of the recent primary election was \$81,499.76, and the total receipts from filing fees of candidates were \$28,021.60. The excess of expenditure over receipts was thus \$53,478.16, which represents the amount paid from the several county treasuries.

For such a sum it would seem that a proper regulation of election boards could insure a more expeditious system of canvassing returns and the aggravating delay in announcing the results of the recent election avoided.

Efforts were made by some of the candidates in the late primary election to defeat the purpose of the law and violate its spirit by filing declarations of candidacy solely for the purpose of aiding or defeating other candidates for the same office. Such an abuse of the law should not be tolerated, but should be made illegal and penalties should be provided for those who do not file their declarations in good faith.

Political parties have been in existence since the founding of the nation, and party primary election laws should not be continued which tend to bring about the severance of party ties.

A party responsible for the character and efficiency of its candidates and standing for a concrete principle or policy is able to contribute to the welfare of the state or nation in a greater degree than a disorganized mass having no recognized political affiliation or no harmonious political relationship. The existing primary election law should, therefore, be amended in accordance with this policy.

THE ITALIAN DISASTER.

The civilized world stands aghast before the spectacle of havoc and devastation wrought by earthquake and tidal wave in Southern Italy and the Island of Sicily. The deepest sympathy and compassion is felt for that prostrate people, mourning the loss of countless thousands of their fellows who have perished amid the ruins of annihilated cities and demolished homes. There, where once the imperious Cæsars reigned in proud and undisputed sway, wreck and desolation hold dominion, while regnant Death, in the guise of famine and disease, stalks through the land marking the suffering victims for his grim harvest. The heart of all mankind cries out in pity for this ravaged nation, and I recommend that early in this session you exercise a generous charity and appropriate a sum to be distributed by the proper authorities for the relief of stricken Italy.

TARIFF ON LUMBER.

The lumber and shingle industry outranks all others in providing employment for the citizens of our state. Many of the most active and promising communities are supported by one or more shingle or lumber mills. The country west of the Cascades is preeminently the lumber region of the United States. It must have the benefit of reduced transportation rates and the continuance of protective tariff to be remunerative to the capital and labor engaged. If lumber and shingles are placed upon the free list, or if the present tariff is reduced, the prosperity which our state has enjoyed for a decade will be threatened. Protests in the form of memorials should be presented by this legislative body to the President and Congress of the United States against the reduction or removal of the tariff on forest products. You should not rest with the adoption of memorials, but

should make provision to further the efforts of associations of lumber and shingle manufacturers and labor organizations in resisting this attack upon our prosperity. A committee of this Legislature or other state officials should be appointed to collect statistical information and other data showing that the lowering of the tariff or the placing of lumber and shingles upon the free list means the denial of employment to an army of Washington laborers or their reduction to the standard of living of the Asiatic laborers employed in the lumber and shingle mills of British Columbia.

The Tenth Legislature distinguished itself, among other things, in the economy in legislative expenses. That body refused salaries to a large number of unnecessary employes. I hope this Legislature will profit by the example and make a further reduction of this expense, and thus earn the gratitude of the people.

It is a great honor to be called to the service of the state as a law-maker. For many of you it is the beginning of a career of efficient service to the state which will not end with the adjournment of this session. The record which you make here will endure forever; let it, therefore, be one of the highest merit. Unite your efforts in promoting and protecting the interests of this great commonwealth which you are accorded the privilege of serving. Washington has gained the reputation of being a progressive state. Here capital is protected, law and order maintained, and education and religion are potent factors in building up a citizenship well qualified to develop and turn to the use of mankind the vast and varied resources of this state more richly endowed by the God of Creation than any other in the American Union.

On motion of Senator Stevenson, the joint session dissolved at 2:35 o'clock p. m.

The Senate re-convened in the Senate chamber at 2:40 p. m., and was called to order by Senator Ruth, president *pro tem*.

The president *pro tem*. appointed as a committee to escort Lieutenant Governor M. E. Hay to the chair, Senators Potts and Graves.

Lieutenant Governor Hay appeared before the Senate and was introduced by the president *pro tem*. as its presiding officer.

The lieutenant governor addressed the Senate and took the president's chair.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, January 12, 1909.

To the Honorable, the Senate of the State of Washington:

GENTLEMEN:—I have this day approved Senate bill No. 1, entitled, "An act appropriating the sum of eighty-five thousand dollars, or so much as may be necessary, for the expenses of the Eleventh legislature."

ALBERT E. MEAD, Governor.

REPORT OF COMMITTEE ON SELECTION OF SENATE EMPLOYES
AND SALARIES OF SAID EMPLOYES.

SENATE CHAMBER,
OLYMPIA, WASH., January 12, 1909.

Your committee respectfully recommends that the following persons be elected by the Senate:

Postmaster W. G. Butterfield
Assistant postmaster..... A. D. Elwell
Bill clerk Herbert Shaw
Assistant bill clerk..... George Morrison
Journal clerk..... George Mueller, Jr.
Assistant journal clerk..... E. K. Matlock
Docket clerk..... Fred Leghorn
Stenographers W. J. Manion, Roger W. Watts
Doorkeeper W. W. Swing
Assistant doorkeeper..... Charles Broughton
Custodian of Senate property..... Charles Summers
Clerk to Judiciary Committee..... E. B. Stevens
Committee clerks—Fred McCoy, E. E. Clark, N. E. Davis, F. F. Bredahl,
N. Miles, J. H. MacNichol, J. B. Frederick, C. A. Payne, A. F.
Raymond, H. E. Kennedy, Jerry Brown, Claude Bozorth, H. F.
Hamilton, Harry Niblett, F. G. Remann.

Pages..... Ray, Brown, Francis Allen, Harold Kline
Assistant janitor..... Robert Taylor

And your committee further recommends that the per diem be fixed as follows:

Secretary	\$7 50
Assistant secretary	6 00
Sergeant-at-arms	5 00
Assistant sergeant-at-arms	4 50
Minute clerk	5 00
Docket clerk	5 00
Journal clerk	5 00
Assistant journal clerk.....	5 00
Enrolling clerk	5 00
Assistant enrolling clerk	5 00
Engrossing clerk	5 00
Secretary to lieutenant governor.....	5 00
Clerk to Committee on Judiciary.....	7 50
Clerk to Committee on Appropriations.....	5 00
Bill clerk	5 00
Assistant bill clerk.....	4 00
Postmaster	4 00
Assistant postmaster	4 00
All other clerks.....	4 00
Custodian of Senate property.....	4 00
Doorkeeper and assistant.....	4 00

Stenographers	5 00
Janitor and assistants.....	4 00
Pages	2 00
Respectfully submitted,	

P. L. ALLEN, *Chairman.*

We concur in this report: S. T. Smith, Jesse Huxtable, R. L. Kline, John L. Roberts.

On motion of Senator Allen, the report of the committee was adopted.

Senator Smith moved the adoption of the following resolution:

Resolved, That the date of compensation for Senate employes begin on Monday, January 11th, 1909, the first day of the session of this legislature.

Senator Paulhamus moved as an amendment that employes be paid from the date they are sworn in.

Senator Rosenhaupt moved as a substitute that the pay of employes date from the time their service commenced as certified by the secretary of the Senate. The substitute carried.

Senator Allen nominated W. G. Butterfield for postmaster of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated A. D. Elwell for assistant postmaster of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Herbert Shaw for bill clerk of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated George O. Morrison for assistant bill clerk of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated George Mueller, jr., for journal clerk of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated E. K. Matlock for assistant journal clerk of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Jas. Fred Leghorn for docket clerk of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated W. J. Manion for stenographer of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Roger W. Watts for stenographer of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated W. W. Swing for doorkeeper of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper,

Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Charles Broughton for assistant doorkeeper of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Charles Summers for custodian of Senate property, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated E. B. Stevens for clerk to Judiciary Committee, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Fred H. McCoy for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Mc-

Gowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated E. E. Clark for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated N. E. Davis for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated F. F. Bredahl for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Nick Miles for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Mc-

Gowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated J. H. MacNichol for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated J. B. Frederick for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated C. A. Payne for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated A. F. Raymond for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Mc-

Gowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated H. E. Kennedy for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Jerry Brown for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Claude Bozorth for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated H. F. Hamilton for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Mc-

Gowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Harry Niblett for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated F. G. Remann for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Ray Brown for Senate page, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Francis Allen for Senate page, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Mc-

Gowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Harold Kline for Senate page, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

Senator Allen nominated Robert Taylor for assistant janitor of the Senate, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—41.

Absent or not voting: Senator Whitney—1.

On motion of Senator Graves, the following resolution was adopted:

Resolved, That the attorney general be requested to assign assistant attorney general V. W. Tanner to the Senate as legal counselor and advisor to senators who may require legal advice and assistance in the discharge of their duties.

The president signed Senate joint memorial No. 1 and Senate joint memorial No. 2.

The following Senate concurrent resolution was read by the secretary:

SENATE CONCURRENT RESOLUTION No. 7.

By Senator Knickerbocker:

WHEREAS. At former sessions of the legislature of this state, many bills, the language of which is in all respects similar, have been in-

roduced in the Senate and House simultaneously and have been ordered printed by both the Senate and the House, thereby causing a large and needless expense to the State of Washington; now, therefore, be it

Resolved by the Eleventh session of the State Senate of the State of Washington, the House of Representatives concurring. That the chairman of the Senate Committee on Printing and the chairman of the House Committee on Printing and Supplies, hereafter to be appointed, are hereby instructed to consult together daily and determine whether each of said bills shall be printed as a Senate bill or a House bill; that no bill shall be printed first as a Senate bill and again as a House bill, or *vice versa*, at the expense of the State of Washington; and that the secretary of the Senate cause a copy of this concurrent resolution to be delivered to the state printer.

Resolved further. That the secretary of the Senate and chief clerk of the House are hereby instructed to consult together daily and prepare and at all times keep on hand, for the information of the members of this legislature, a complete list of all House bills and Senate bills, in all respects identical.

Senator Knickerbocker moved that the rules be suspended and that Senate concurrent resolution No. 7 be adopted:

The secretary called the roll, and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—39.

Those voting nay were: Senators Cotterill and Presby—2.

Absent or not voting: Senator Whitney—1.

Senator Knickerbocker moved that the rules be suspended and Senate concurrent resolution No. 7, immediately transmitted to the House.

Senator Bryan moved that the vote by which Senate concurrent resolution No. 7 passed the Senate be reconsidered.

The motion to reconsider was lost.

The motion of Senator Knickerbocker, that the resolution be immediately transmitted to the House, was carried.

The secretary read the following Senate joint memorial:

SENATE JOINT MEMORIAL No. 4.

By Senator Cox:

To the Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS, The raising of wheat and other grain crops is one of the principal industries of the states along the Pacific coast, and one of the principal sources of their wealth; and

WHEREAS, Owing to the shipping conditions existing upon the Pacific coast, it is necessary that all wheat and other grains should be sacked by the grower in jute bags; and

WHEREAS, The expense of such bags is a very heavy item in the cost of growing, harvesting and disposing of wheat and grain products, the farmers of Washington alone paying out annually almost \$1,500,000 for such bags; and

WHEREAS, There is at the present time a duty imposed upon grain bags, which adds materially to the cost of the same to the farmer, greatly increasing the burden upon him and upon the consumer over what it would be if grain bags were admitted free of duty; and

WHEREAS, There is in the United States about one factory engaged in the manufacture of jute bags for grain products, and that is a small concern, which cannot manufacture a tithe of the grain bags required for handling the crops of the State of Washington alone; now therefore, be it

Resolved by the Senate of the State of Washington, the House concurring. That it would be of inestimable benefit to the farmers of the Pacific coast states, and particularly of the State of Washington, that the duty upon grain bags be removed; that the removal of the duty upon jute and grain bags would not be of detriment to any established or large industry, and the sole effect of the removal of the duty would be to lessen the already heavy burden upon the farmer in the marketing of his grain, and tend to reduce the cost of wheat and other grains to the producer; and, therefore, that such duty should be removed at the earliest possible moment.

Resolved further. That a copy of this resolution be forthwith transmitted to the senators from the State of Washington, and to each congressman from the State of Washington, also to each member of the Ways and Means Committee of the House of Representatives, for their use in endeavoring to secure the removal of the duty referred to.

Senator Cox moved that the rules be suspended, that Senate joint memorial No. 4 be ordered printed, and placed on final passage. The motion was carried.

The secretary called the roll, and Senate joint memorial No. 4 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Bryan, Cameron, Cotterill, Cox,

Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Smithson, Stevenson, Stewart, Williams—36.

Those voting nay were: Senators Brown, Ruth, Rydstrom—3.

Absent or not voting: Senators McGowan, Smith, Whitney—3.

On motion of Senator Cox, the rules were suspended and Senate joint memorial No. 4 was ordered immediately transmitted to the House.

INTRODUCTION OF BILLS.

Senate bill No. 4, by Senator Metcalf, entitled "An act relating to, regulating and providing for the nomination of candidates for public office, etc."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Elections and Privileges, when appointed.

Senate bill No. 5, by Senators McGowan and Stewart, entitled "An act appropriating fifteen hundred dollars as compensation for services and reimbursement for expenses of E. C. McDonald, assistant attorney for the State of Washington, etc."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations, when appointed.

Senate bill No. 6, by Senator Knickerbocker, entitled "An act establishing, providing for the maintenance of, and relating to, a general and uniform public school system for the State of Washington, etc."

The bill was read first time, and on motion of Senator Knickerbocker, the rules were suspended, the bill read the second time by title, and referred to the Committee on Education, when appointed.

Senate bill No. 7, by Senator Allen, entitled "An act relating to betting, wagering, pool-selling and book-making upon horse races, etc."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary, when appointed.

Senate bill No. 8, by Senator Stewart, entitled "An act to amend sections 3, 5, 6, 8, 14, 15, 20, 32, 34, 36 and 44 of an act entitled 'An act to provide for the formation of banking corporations, and to regulate the business of banking, and securing state supervision thereof, etc.'"

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Banks and Banking, when appointed.

Senate bill No. 9, by Senator Hutchinson, entitled "An act providing for the amendment of section 1 of article 2 of the Constitution of the State of Washington, relating to the legislative department of the State of Washington, and providing for the submission of laws and other measures to a vote of the people."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Labor and Labor Statistics, when appointed.

Senate bill No. 10, by Senator Hutchinson, entitled "An act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting, etc."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Banks and Banking, when appointed.

Senate bill No. 11, by Senator Bassett, entitled "An act for the relief of J. F. Collier, Adams county, State of Washington, and making appropriation therefor."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations, when appointed.

Senate bill No. 12, by Senator Hutchinson, entitled "An act relating to instruction in military tactics in the public schools."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Education, when appointed.

Senate bill No. 13, by Senator Hutchinson, entitled "An act authorizing the state treasurer to call in and pay the warrants drawn upon the 'State Normal School Fund,' provided for by the legislature, approved March 7, 1895, and appropriating money for the same."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations, when appointed.

Senate bill No. 14, by Senator Booth, entitled "An act authorizing and directing the commissioner of public lands to certify certain shore lands to the governor for deed, and authorizing and directing the governor to execute and the secretary of state to attest a deed conveying to the city of Seattle certain shore lands for use as and in connection with its public park, and for no other purpose."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary, when appointed.

Senate bill No. 15, by Senator Booth, entitled "An act relating to betting, wagering and book-making and pool-selling, declaring the violation thereof to be a felony, and fixing a penalty."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary, when appointed.

Senator Metcalf moved that the Committee on Rules and Joint Rules, when appointed, be instructed to include in the list of committees a "Committee on Public Morals," to consist of nine members.

A roll call on the motion was demanded by the following senators: Metcalf, Booth, Blair, Brown, Knickerbocker, Cameron, Stevenson, Nichols.

The secretary called the roll, and the motion was carried by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stevenson, Stewart—33.

Those voting nay were: Senators Anderson, Graves, Nichols, Smith, Williams—5.

Absent or not voting were: Senators Cox, Hutchinson, Presby, Whitney—4.

On motion of Senator Booth, the Committee on Rules and Joint Rules, when appointed, was directed to divide the Committee on Game and Game Fish into two committees, a Committee on Game, to consist of seven members, and a Committee on Game Fish, to consist of five members.

Senator Ruth was granted unanimous consent to introduce a resolution out of order.

On motion of Senator Ruth, the following resolution was adopted:

Resolved, That the president of the Ministerial Association of Olympia be invited to act as chaplain of the Senate or to provide a chaplain during the Eleventh session of this legislature.

The following employes were sworn in by the president: J. L. Ashlock, E. B. Stevens, W. J. Manion, J. H. MacNichol, H. E. Kennedy, Claude A. Bozorth, W. W. Swing, E. E. Clark, Geo. Mueller, jr., H. F. Hamilton, E. K. Matlock, F. G. Remann, Geo. O. Morrison, N. Miles, Herbert Shaw, C. S. Summers, Chas. Broughton, Roger W. Watts, N. E. Davis, R. H. Taylor, Fred H. McCoy, James F. Leghorn, Ray Brown, Francis Allen, Harold Kline.

At 3:40 p. m., on motion of Senator Smith, the Senate adjourned until 2:00 o'clock p. m. tomorrow.

A. S. RUTH,
President Pro Tem.

WM. T. LAUBE,
Secretary of the Senate.

M. E. HAY,
President of the Senate.

FOURTH DAY.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, January 14, 1909.

The Senate was called to order at 2:00 o'clock p. m. by President Hay.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Graves and Rosenhaupt.

On motion of Senator Stewart, Senator Graves was excused from attendance at today's session.

J. G. Megler, former speaker of the House of Representatives, appeared on the floor of the Senate and was invited to a seat on the rostrum by the president.

On motion of Senator Williams, the reading of yesterday's journal was dispensed with and it was approved.

The following communications were read by the secretary:

UNIVERSITY OF WASHINGTON, SEATTLE, WASHINGTON.

Office of the Board of Regents—Wm. Markham, Secretary.

UNIVERSITY STATION,

Seattle, Washington, January 11, 1909.

To the President of the State Senate of Washington, Olympia, Washington:

DEAR SIR:—At a regular meeting of the board of regents of the University of Washington, held in this city November 25th, 1908, the following resolution was unanimously adopted:

"*Resolved*, That it is the sense of this board that in the interests of the university, the state and the whole Northwest, the university ought to acquire the Tozier and Stewart Indian collections, and the secretary of this board is hereby directed to convey a copy of this resolution to the president of the State Senate and the speaker of the House of Representatives, and that President Kane be requested to incorporate it in his Annual Budget."

Very respectfully,

WM. MARKHAM, *Secretary*.

On motion of Senator Presby, the foregoing communication was ordered referred to the Committee on Appropriations, when appointed.

SEATTLE, U. S. A., January 12, 1909

Hon. President of the Senate of the State of Washington:

DEAR SIR:—I am directed by the officers of the Washington Logged-Off Land Association to write you and your members to attend the meeting of the Washington Logged-Off Land Association to be held on Saturday, at 2 p. m., January 16th, 1909, at the hall of the Seattle Commercial Club, First and Columbia streets.

Trusting that many of the members will honor this meeting with their presence, I remain,

Very respectfully,

JOEL SHOMAKER, *President.*

GEO. E. BOOS,

Assistant Secretary Logged-Off Land Association.

The communication was ordered placed on file.

COMMUNICATION.

OLYMPIA, WASH., January 11, 1909.

Hon. W. T. Laube, Secretary of Senate:

DEAR SIR—This library has earnest requests for the bills and memorials of the Senate at the coming session. Will you kindly ask that the clerks forward to the following addresses the bills as issued, and let me know the results, that I may reply to the requests. This is for the purpose of keeping the communities posted as to the progress of legislation. In the case of the Legislative Reference Departments of State Libraries, it is in exchange for their bills, which will be received and filed for use of our committees, that we and they may keep in touch with legislation in other states.

Very respectfully yours,

J. M. HITT.

MAILING LIST OF BILLS, ETC.

Chamber of Commerce—Seattle, Wash.; Tacoma, Wash.; Bellingham, Wash.; Colfax, Wash.; Spokane, Wash.

Public Library—Seattle, Wash.; Spokane, Wash.; North Yakima, Wash.; Everett, Wash.; Tacoma, Wash.; Bellingham, Wash.

Legal Reference Department, State Library—Hartford, Conn.; Indianapolis, Ind.; Madison, Wis.; Springfield, Ill.; Providence, R. I.; Bismarck, N. D.; Helena, Mont.; Sacramento, Calif.; Lansing, Mich.; Des Moines, Iowa.

University of Washington, Seattle, Wash.

Walla Walla Commercial Club, Walla Walla, Wash.

Vancouver Commercial Club, Vancouver, Wash.

Tacoma Commercial Club, Tacoma, Wash.

On motion of Senator Cotterill, the following resolution was adopted:

Resolved, That the bill clerk be and he is hereby directed to mail copies of all Senate bills, as fast as the same are printed, to the various

chambers of commerce, commercial clubs, public libraries, and such other institutions as the members of the Senate shall furnish him the addresses for mailing.

COMMUNICATION.

OLYMPIA, WASH., January 13, 1909.

To the Senate of the State of Washington:

I am advised that Honorable M. E. Hay, claiming to be lieutenant governor of the State of Washington, today presided over your deliberations. Evidence has been placed in my hands from which I conclude that said M. E. Hay, during the primary campaign conducted under provisions of the act of March 15th, 1907, commonly known as the primary election law, and while a candidate under said act for nomination to said office, violated the provisions of section 28 of said act by paying to various newspapers in the State of Washington various sums of money for certain articles and published statements in said newspapers, wherein the photograph of said M. E. Hay was published.

I am advised by counsel that under the terms of that act, by such payment, said M. E. Hay became incompetent and is incompetent to qualify for the office of lieutenant governor for the term commencing in January, 1909, and is ineligible to said office, and that it is my duty under section 3 article 3 of the Constitution to hold said office of lieutenant governor and exercise the functions thereof until an eligible person is elected and qualified as my successor.

Deeming it my duty so to do, I do therefore protest to your honorable body that said M. E. Hay is not eligible to said office, and not entitled to preside over your deliberations, and that I do continue to hold said office by reason thereof, and I do declare that I am ready and willing to perform the functions of said office. The questions of the eligibility of Mr. Hay and of my own right so to hold over are now pending in the supreme court, where an early decision is hoped for. Until a decision is reached by that tribunal, from a sense of public duty, I shall not seek to embarrass the work of the Senate by an insistence upon my part upon the performance of the functions of my office, except as I may be required to do so by your honorable body.

CHARLES E. COON.

The communication was ordered placed on file.

House concurrent resolution No. 1, pertaining to memorial services in memory of Representative Wm. H. Thompson, deceased, was read by the secretary.

Senator Metcalf moved that the rules be suspended and that the Senate concur in the resolution. The motion was carried.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill,

Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhanus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Those absent or not voting were: Senators Graves and Rosenhaupt—2.

On motion of Senator Metcalf, the following resolution was adopted:

Resolved, That the courtesies of the Senate and the privileges of the press table be extended to the following named representatives of the daily newspapers now in attendance on this session:

M. M. Mattison, Seattle Times; J. N. Brown, Portland Telegram; R. G. Calvert, Portland Oregonian; F. P. Goss, Seattle Post-Intelligencer; W. A. Rupp, Aberdeen World; E. S. Reynolds, Tacoma Ledger; F. W. Middaugh, Spokane Chronicle; Joe Smith, Spokane Spokesman-Review; W. H. Curry, Bellingham American-Reveille; D. F. McKenna, Bellingham Herald; H. L. Lewis, Olympia Recorder; W. S. Zimmerman, Seattle Post-Intelligencer; J. W. Gilbert, Seattle Post-Intelligencer; Tom J. Dillon, Seattle Star; B. M. Wright, Tacoma News; and J. S. Blake, Tacoma Ledger.

Seats at the press table shall be assigned to the persons named herein by the president of the Senate, who shall in addition issue to them cards of admission to the Senate chamber in accordance with this resolution.

INTRODUCTION OF BILLS.

Senate bill No. 16, by Senator Myers, entitled "An act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairy depots, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets and all other food-producing and food-distributing establishments, etc."

The bill was read the first time, and on motion of Senator Myers the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Dairy and Live Stock, when appointed.

Senate bill No. 17, by Senator Blair, entitled "An act relating to marriages, and amending sections 4473, 4478, 4480, 4481 and 4482 of Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time

by title, ordered printed, and referred to the Committee on Judiciary, when appointed.

Senate bill No. 18, by Senator Bassett, entitled "An act amending an act relating to the deposit of public funds in banks by the several county treasurers of this state, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary, when appointed.

Senate bill No. 19, by Senator Whitney, entitled "An act exempting from taxation all irrigating canals and ditches and water rights appurtenant thereto, when the owner or owners of such irrigating canals and ditches use the water thereof exclusively upon land or lands owned by him, her or them."

The bill was read the first time, and on motion of Senator Whitney the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Irrigation, when appointed.

Senate bill No. 20, by Senator Booth, entitled "An act in relation to garnishment in justice courts in the State of Washington."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary, when appointed.

Senate bill No. 21, by Senator Booth, entitled "An act in relation to garnishments in the superior courts of the State of Washington."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary, when appointed.

The president announced the appointment of the following standing committees:

Agriculture—Senators Arrasmith (chairman), Blair, Brown, Fishback, Smithson, Whitney, Stevenson.

Appropriations—Senators Potts (chairman), Ruth, Paulhamus, Anderson, Booth, Rosenhaupt, McGregor, Stevenson, Cameron, Meyers, Falconer, Fishback, Stewart.

Banks and Banking—Senators Smith (chairman), Smithson, Davis, Stewart, Bassett, Paulhamus, Polson, Fishback, Kline.

Cities of the First Class—Senators Metcalf (chairman), Allen, Huxtable, Kline, Falconer, Cotterill, Roberts.

Claims and Auditing—Senators Davis (chairman), Allen, Fatland, McGowan, McGregor.

Commerce and Manufactures—Senators Stevenson (chairman), Myers, Cox, Smithson, Polson, Roberts, McGregor.

Constitution and Constitutional Revision—Senators Rosenhaupt (chairman), Bryan, Williams, Presby, Cotterill, Graves, Allen.

Corporations Other Than Municipal—Senators Ruth (chairman), Cox, Fatland, Arrasmith, Smith.

Counties and County Boundaries—Senators McGregor (chairman), Hutchinson, Cameron, Davis, Blair, Williams, Brown.

Dairy and Livestock—Senators Cameron (chairman), McGregor, Myers, Brown, Whitney.

Dikes and Drains—Senators Minkler (chairman), Rydstrom, Brown.

Education—Senators Bassett (chairman), Myers, Knickerbocker, Stevenson, Rosenhaupt, Piper, Presby.

Educational Institutions—Senators Nichols (chairman), Fishback, McGregor, Kline, Smithson, Williams, Bassett.

Elections and Privileges—Senators Presby (chairman), Rosenhaupt, Metcalf, Knickerbocker, Bryan.

Engrossed bills—Senators Myers (chairman), Stewart, Nichols, Fatland, Potts.

Enrolled Bills—Senators Bryan (chairman), Fishback, Anderson, Cotterill, Cox.

Fisheries—Senators McGowan (chairman), Kline, Stewart, Smith, Blair, Minkler, Eastham, Presby, Knickerbocker.

Game—Senators Brown (chairman), Blair, Booth, Myers, Rydstrom, Whitney, Presby.

Game Fish—Senators Anderson (chairman), Myers, Stevenson, Stewart, Fishback.

Harbor and Harbor Lines—Senators Cotterill (chairman), Rydstrom, Polson, Bryan, Roberts.

Horticulture and Forestry—Senators Whitney (chairman), Arrasmith, Presby, Brown, Williams.

Insurance—Senators Booth (chairman), Stevenson, Kline, Allen, Bassett, Stewart, Paulhamus.

Irrigation and Arid Lands—Senators Smithson (chairman), Hutchinson, Cameron, Davis, Minkler, Cox, Cotterill.

Judiciary—Senators Graves (chairman), Presby, Knickerbocker, Nichols, Metcalf, Rosenhaupt, Booth, Bryan, Allen, Piper, Huxtable.

Labor and Labor Statistics—Senators Huxtable (chairman), Cotterill, Ruth, Roberts, Falconer, Arrasmith, Stevenson.

Medicine, Dentistry, Surgery and Hygiene—Senators Eastman (chairman), Stevenson, Booth.

Memorials—Senators Blair (chairman), Davis, Paulhamus.

Military—Senators Kline (chairman), Hutchinson, Blair, McGowan, Piper, Fatland, Potts.

Mines and Mining—Senators Rydstrom (chairman), Smith, Ruth, Anderson, Paulhamus, Eastman, Smithson.

Municipal Corporations—Senators Knickerbocker (chairman), Huxtable, Bryan, Rosenhaupt, Rydstrom, Cotterill, Eastham.

Printing—Senators Allen (chairman), Hutchinson, Minkler, Paulhamus, McGowan, Anderson, Eastham.

Public Buildings and Grounds—Senators Williams (chairman), Minkler, Arrasmith, Brown, Huxtable.

Public Morals—Senators Fishback (chairman), Cotterill, Myers, Falconer, Cox, Ruth, Booth, Knickerbocker, Metcalf.

Public Revenues and Taxation—Senators Falconer (chairman), Davis, Fatland, Graves, Cox, Cotterill, Nichols, Bassett, Williams, Bryan, Smithson.

Railroads and Transportation—Senators Paulhamus (chairman), Anderson, Nichols, Cox, Huxtable, Myers, Arrasmith, Graves, Smithson, Polson, Bassett, Falconer, Presby.

Roads and Bridges—Senators Polson (chairman), Kline, Presby, Arrasmith, Stevenson, Cameron, Rydstrom, Falconer, Smithson, Nichols, Whitney.

Rules and Joint Rules—M. E. Hay (chairman), Senators Ruth, Falconer, Knickerbocker, Metcalf.

Salaries and Mileage—Senators Roberts (chairman), Piper, Anderson, Presby, Cameron.

State. Granted. School and Tide Lands—Senators Fatland (chairman), Whitney, Smith, Bassett, Polson, McGowan, Allen, Stevenson, Ruth.

State Library—Senators Piper (chairman), Graves, Bryan.

State Penal and Reformatory Institutions—Senators Cox (chairman), Whitney, Smith, Fishback, Roberts, Eastham, Nichols.

State Charitable Institutions—Senators Hutchinson (chairman), Piper, Roberts, Eastham, Williams, Whitney, Minkler.

State Employees Other Than Regular—Senators Stewart (chairman), Huxtable, Potts, Rydstrom, McGowan.

On motion of Senator Metcalf, the rules were suspended, the secretary called the roll, and the committee appointments announced by the president were confirmed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Absent or not voting were: Senators Graves, Rosenhaupt—2.

The following Senate employes were sworn in by the president: Fred F. Bredahl, A. F. Raymond, Charles A. Payne.

At 2:35 p. m. the Senate adjourned, on motion of Senator Paulhamus, until 10 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

M. E. HAY,

President of the Senate.

FIFTH DAY.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Friday, January 15, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Hay.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Booth, Cameron, Cox, Graves and Smithson, all of whom were excused from attendance on today's session.

On motion of Senator Knickerbocker, the reading of yesterday's journal was dispensed with and it was approved.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 15, 1909.

MR. PRESIDENT:

The House has passed House joint Memorial No. 1, relating to passage of a rivers and harbors bill by congress, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Cotterill requested unanimous consent, which was granted, to take up House joint memorial No. 1 out of order.

House joint memorial No. 1, relating to the passage of a rivers and harbors bill by this session of congress, was read by the secretary.

On motion of Senator Cotterill, the rules were suspended, and House joint memorial No. 1 placed on final passage.

The secretary called the roll and the memorial passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams—37.

Absent or not voting were: Senators Booth, Cameron, Graves, Cox, Smithson—5.

On motion of Senator Paulhamus, the following resolution was adopted:

Resolved, That a committee of five senators be appointed by the president to consider the recommendations contained in the governor's message.

The president appointed as a committee under the above resolution Senators Paulhamus, Bassett, Myers, Fishback and Cotterill.

The following Senate concurrent resolution was read by the secretary:

CONCURRENT RESOLUTION No. 8.

By Senator McGowan:

Be it resolved by the Senate, the House concurring, That a joint committee of four members of the Senate and four members of the House be appointed to meet and confer with a like committee from the Oregon legislature for the purpose of securing joint laws relating to the fishing industry on the Columbia river, and such other matters concerning rights and privileges on said river as shall be governed by concurrent laws, that conflict of authority between this state and the State of Oregon may be avoided.

On motion of Senator McGowan, the rules were suspended, Senate concurrent resolution No. 8 was placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Davis, Eastham,

Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams—37.

Absent or not voting were: Senators Booth, Cameron, Cox, Graves, Smithson—5.

On motion of Senator McGowan, the rules were suspended and Senate concurrent resolution No. 8 was ordered immediately transmitted to the House.

The following report was submitted:

SENATE CHAMBER,
OLYMPIA, WASH., January 14, 1909.

MR. PRESIDENT:

We, your Committee on Rules and Joint Rules, respectfully recommend to the Senate, as the permanent Senate rules for the eleventh (11) session of the legislature, the adoption of the following:

RULES OF THE SENATE.

SESSION OF 1909.

Rule 1. The president shall call the Senate to order each day of sitting at 10:00 o'clock a. m., unless the Senate shall have adjourned to some other hour.

QUORUM.

Rule 2. A majority of all members elected to the Senate shall be necessary to constitute a quorum to do business: *Provided*, That less than a quorum may adjourn from day to day until a quorum can be had.

DUTIES OF THE PRESIDENT.

Rule 3. The president shall take the chair and call the Senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant-at-arms to suppress the same, and may order the arrest of any person creating any disturbance within the Senate chamber. He may speak to points of order in preference to members, arising from his seat for that purpose, and shall decide all questions of order without debate, subject to an appeal to the Senate by any three members, on which appeal no member shall speak more than once without leave of the Senate. He shall have charge of and see that all officers, attaches and clerks perform their respective duties, and shall, in open session, sign all acts, addresses and joint resolutions. He shall sign all writs, warrants and

subpœnas issued by order of the Senate; all of which shall be attested by the secretary. He shall have general control of the Senate chamber and lobby, and have the right to name any Senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the Senator so substituted to sign any document requiring the signature of the president.

PRESIDENT PRO TEM.

Rule 4. Upon the organization of the Senate the members shall select one of their number as president *pro tem.*, who shall have all the power and authority, and who shall discharge all the duties of the president during his absence or inability to discharge the duties of his office.

SUBORDINATE OFFICERS.

Rule 5. The subordinate officers of the Senate shall perform such duties as usually pertain to their respective positions in legislative bodies, under the direction of the president, and such other duties as the Senate may impose upon them. The compensation of an employe of the Senate shall not be increased except by a two-thirds vote of all members of the Senate, and the names of all members voting thereon shall be entered in the journal. Under no circumstance shall the compensation of an employe be increased for past services.

STANDING COMMITTEES.

Rule 6. The president shall appoint all special, joint and the hereinafter named standing committees on the part of the Senate: *Provided, however,* That the appointment of such standing committees shall be subject to the confirmation of the Senate, such confirmation to be made a special order at 2:30 o'clock p. m. on the day following the announcement of appointment by the president. In the event the Senate shall refuse to confirm any committee or committees, such committee or committees shall be forthwith elected by the Senate. The following standing committees shall constitute the standing committees of the Senate:

1. Agriculture	7
2. Appropriations	13
3. Banks and Banking.....	9
4. Cities of the First Class.....	7
5. Claims and Auditing.....	5
6. Commerce and Manufactures.....	7
7. Constitution and Constitutional Revision.....	7
8. Corporations other than Municipal.....	9
9. Counties and County Boundaries.....	7
10. Dairy and Live Stock.....	5
11. Dykes, Drains and Drainage.....	3
12. Education	7
13. Educational Institutions.....	7

14. Elections and Privileges.....	5
15. Engrossed Bills.....	5
16. Enrolled Bills.....	5
17. Fisheries	9
18. Game	7
19. Game Fish.....	5
20. Harbor and Harbor Lines.....	7
21. Horticulture and Forestry.....	5
22. Insurance	7
23. Irrigation and Arid Lands.....	7
24. Judiciary	15
25. Labor and Labor Statistics.....	7
26. Medicine, Dentistry, Surgery and Hygiene.....	3
27. Memorials	3
28. Military	7
29. Mines and Mining.....	9
30. Municipal Corporations.....	7
31. Printing	7
32. Public Buildings and Grounds.....	7
33. Public Morals.....	9
34. Public Revenues and Taxation.....	11
35. Roads and Bridges.....	13
36. Rules and Joint Rules.....	5
37. Salaries and Mileage.....	5
38. State, Granted, School and Tide Lands.....	9
39. State Library.....	3
40. State, Penal and Reformatory Institutions.....	7
41. State Charitable Institutions.....	7
42. Senate Employes other than Regular.....	5
43. Railroads and Transportation.....	11

COMMITTEE REFERENCE.

Rule 7. When a motion is made to refer to a subject, and different committees are proposed, the question shall be taken in the following order:

First—The Committee of the Whole Senate.

Second—A Standing Committee.

Third—A Select Committee.

DUTIES OF COMMITTEES.

Rule 8. The several committees shall fully consider all measures referred to them, and the Committee on Claims and Auditing shall carefully consider all items of expenditure ordered or contracted on the part of the Senate or any of its employes, and report upon the same prior to the voucher being signed by the president and secretary of the Senate authorizing the payment thereof.

The committees shall acquaint themselves with the interests of the state specially represented by the committee, and from time to time

present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

The Committee on Rules and Joint Rules shall have charge of the daily calendar of the Senate and shall direct the secretary the order in which the business of the Senate shall be transacted: *Provided, however,* That by a vote of the majority of the Senate any bill may be advanced to any place on the calendar, and any bill may be withdrawn from the committee by a like majority of the Senate and placed upon the calendar in such position as may be ordered. No committee shall sit during the daily session of the Senate unless by special leave.

COMMITTEE REPORTS.

Rule 9. All reports of committees shall be signed by such members thereof as concur therein, and the report, with the names of the signers thereof, shall be read by the secretary, or at the secretary's desk by the member making the report, without a motion, unless the reading be dispensed with by the Senate. The members of the committee not concurring in the majority report may prepare a written minority report, sign and present the same to the Senate, and both majority and minority reports shall in all cases be spread in full upon the journal.

SENATE EMPLOYES.

Rule 10. No person other than the regular officers of the Senate shall be employed by the Senate, or any committee thereof, except by consent of the Senate having been previously obtained by resolution, which resolution shall be referred to the Committee on Senate Employees other than Regular, and reported upon by that committee before action is taken thereon:

The regular employes or officers of the Senate shall not exceed forty in number.

All clerks and stenographers shall report to the secretary or assistant secretary of the Senate in answer to a roll call thirty minutes before the convening of the Senate each day and shall be subject to assignment by him. All other employes shall report to the sergeant-at-arms or the assistant sergeant-at-arms for roll call thirty minutes before the opening of each session.

All committee clerks shall report to the chairman of their respective committees at the opening of the session each day and shall be subject to the orders of such chairman.

All Senate employes shall remain on duty daily during the hours designated by the secretary and sergeant-at-arms, respectively. Failure to comply with this requirement will work a forfeiture of one day's salary in each case of delinquency on being reported to the president of the Senate.

COMMITTEE OF THE WHOLE.

Rule 11. In forming the Committee of the Whole, the president shall name a chairman to preside, and all bills considered shall be read by sections and the chairman shall call for amendments and de-

bates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the Senate for action.

RULES IN COMMITTEE OF THE WHOLE.

Rule 12. The rules of the Senate shall apply to proceedings in Committee of the Whole, except that the previous question shall not be ordered nor the ayes and noes demanded, but the committee may limit the number of times that any member may speak at any stage of the proceedings during its sitting.

MESSAGES RECEIVED.

Rule 13. Messages may be received by the president while the Committee of the Whole is sitting, in which case the president shall resume the chair, receive the message, and vacate the chair in favor of the chairman of the committee.

REPORT OF COMMITTEE OF THE WHOLE.

Rule 14. A motion that the Committee of the Whole rise shall always be in order, and shall be decided without debate.

SUSPEND RULES FOR COMMITTEE OF THE WHOLE.

Rule 15. The Senate may at any time, by a vote of the majority of the members present, suspend the rules and orders of the Senate for the purpose of going into the Committee of the Whole for the consideration of any bill, memorial or resolution before the Senate.

ENROLLED AND ENGROSSED BILLS.

Rule 16. The committees on enrolled and engrossed bills may report at any time during the sitting of the Senate.

ORDER OF BUSINESS.

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

First—Presentation of petitions, memorials, resolutions and motions.

Second—Reports of standing committees.

Third—Reports of select committees.

Fourth—Messages from the governor and other state officers.

Fifth—Messages from the House of Representatives.

Sixth—Introduction and first reading of bills.

Seventh—Second reading and reference of bills.

Eighth—Business on general file and third reading of bills.

Ninth—Business lying on the table.

Tenth—The orders of the day.

Eleventh—Unfinished business.

BUSINESS TO BE ANNOUNCED.

Rule 18. The president shall, on each day, announce to the Senate the business in order, agreeable to the preceding rule, and no business shall be taken up or considered until the class to which it belongs shall be declared in order.

UNFINISHED BUSINESS.

Rule 19. The unfinished business at the preceding adjournment shall have the preference on the orders of the day, excepting special orders, and no motion or any other business shall be received without special leave of the Senate until the former is disposed of.

READING OF BILLS.

Rule 20. Every bill shall receive three readings previous to its passage. The president shall give notice at each, whether it be the first, second or third reading. The first and second readings may, by consent of a majority of the Senate, be on the same day. The third reading of every bill shall be by sections, and upon its final passage the vote must be taken by yeas and nays the names of the Senators voting for and against the same to be entered upon the journal, and the majority of the members elected to the Senate must be recorded thereon as voting in its favor to secure its passage by the Senate.

GENERAL FILE.

Rule 21. All bills that have passed a second reading which have not been referred, and all bills reported by committees after the second reading, shall be placed upon the general file, and shall be considered in the order in which they became entitled to a position on the file, unless otherwise specially ordered by a majority vote of the Senate.

ENGROSSED BILLS.

Rule 22. Engrossed bills shall be placed at the head of the general file in the order in which they are reported engrossed (except general appropriation bills, which shall be placed at the head of the general file).

BILLS MAY BE COMMITTED.

Rule 23. A bill may be committed with special instructions to amend at any time before taking the final vote.

ONLY ONE SUBJECT.

Rule 24. No bill shall embrace more than one subject, and that shall be expressed in a title.

AMENDING AN ACT.

Rule 25. No bill shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

INTRODUCTION OF BILLS.

Rule 26. No bill shall be considered in the Senate unless the time of its introduction shall have been at least ten days before the final adjournment of the Senate, unless the Senate shall otherwise direct by a vote of two-thirds of all the members elected thereto, said vote to be taken by yeas and nays, and entered upon the journal, or unless the same be at a special session.

LIMIT TO AMENDMENTS.

Rule 27. No amendment to any bill shall be allowed which shall change the scope and object of the bill.

RECONSIDERATION.

Rule 28. On the second day next succeeding the final vote on any bill, said vote may be reconsidered on motion of any member, provided notice of intention to move a reconsideration was given on the day or on the next succeeding day such final vote was taken by a Senator who voted on that side which prevailed, and no motion to reconsider shall be in order on the day such final vote is taken, except by unanimous consent. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the Senate adjourns while a motion to reconsider is pending or before passing the order of motions, resolutions and notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

APPROPRIATION BILLS.

Rule 29. Bills appropriating money shall be considered in Committee of the Whole Senate, and no change in the amount appropriated shall be made outside of the Committee of the Whole.

PRINTING OF BILLS, ETC.

Rule 30. Unless otherwise ordered, 450 copies of all bills of a general nature originating in the Senate shall be printed for the use of the Senate and House of Representatives, and such other bills and matter shall be printed as may be ordered by the Senate.

SPECIAL ORDER.

Rule 31. The president shall call the Senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the Senate, which shall then be considered unless it is postponed by a two-thirds vote, and any business before the Senate at the time of the announcement of the special order shall take its regular position in the order of business.

WORDS TO BE UNDERLINED.

Rule 32. All bills introduced in the Senate, which are intended to amend existing statutes, shall have the words which are amendatory to such existing statute underlined or underscored, so that in the printed bills which are presented for the perusal of the members, such new or amendatory matter shall be easily discerned.

JOINT RESOLUTIONS AND MEMORIALS.

Rule 33. Joint resolutions and memorials addressed to congress, or either house thereof, or to the president of the United States, or to the heads of any of the national departments, or proposing amendments to the state constitution, shall be subject in all respects to the foregoing rules governing the course of bills.

SENATE RESOLUTIONS.

Rule 34. Resolutions other than those referred to in rule 33 shall be treated as motions in all proceedings of the Senate.

MOTIONS.

Rule 35. No motion shall be entertained until it shall be seconded, nor debated until announced by the president. It shall be reduced to writing and read by the secretary, if desired by the president or any Senator, before it shall be debated, and by consent of the Senate may be withdrawn before amendment or action.

MOTION TO ADJOURN.

Rule 36. A motion to adjourn shall always be in order. The name of the Senator moving to adjourn, and the time when the motion was made shall be entered on the journal.

PRECEDENCE OF MOTIONS.

Rule 37. When a question is under debate, no motion shall be received but the following, which shall have precedence in the order named:

First—To fix the time to which to adjourn.

Second—To adjourn.

Third—For a call of the Senate.

Fourth—To lay'on the table.

Fifth—For the previous question.

Sixth—To postpone to a day certain.

Seventh—To commit.

Eighth—To amend.

Ninth—To postpone indefinitely.

The second, third, fourth and fifth motions shall be decided without debate, and no motion to postpone to a day certain, to commit, or postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session, except this rule be suspended by a two-thirds vote.

CALL FOR DIVISION.

Rule 38. Any Senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the Senate; but a motion to strike out and insert shall not be divided.

PREVIOUS QUESTION.

Rule 39. The previous question shall not be put unless demanded by three Senators, whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of Senators present, it shall preclude all debate, and the roll shall be immediately called on the question or questions before the Senate, and all incidental questions or questions of order arising after the motion is made after the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

PRIORITY OF BUSINESS.

Rule 40. All questions relating to the priority of business shall be decided without debate.

TIE VOTE.

Rule 41. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the Senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote.

YEAS AND NAYS.

Rule 42. The yeas and nays shall be taken when called for by one-sixth of all the Senators present, and every Senator within the bar of the Senate shall vote unless excused by the unanimous vote of the Senate, and the votes shall be entered upon the journal, and the names of the Senators demanding the yeas and nays shall also be entered upon the journal.

FILLING BLANKS.

Rule 43. In filling blanks the largest sum and the longest time shall be first put.

READING OF PAPERS.

Rule 44. When the reading of any paper is called for, and is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

MESSAGES.

Rule 45. Messages from the governor, other state officers, and from the House of Representatives may be considered at any time by consent of the Senate.

RULES OF DEBATE.

Rule 46. When any Senator is about to speak in debate, or submit any matter to the Senate, he shall rise from his seat, and standing in his place, respectfully address himself to "Mr. President," and when

recognized shall, in a courteous manner, confine himself to the question under debate, avoiding personalities, and when finished, shall resume his seat. No Senator shall impeach the motives of any other member, nor speak more than twice (except for explanation) during the consideration of any one question, on the same day, nor a second time without leave, when others who have not spoken desire the floor; but incidental and subsidiary questions arising during the debate shall not be considered the same question.

MAY CALL SENATOR TO ORDER.

Rule 47. If any Senator in speaking, or otherwise, transgresses the rules of the Senate, the president shall, or any Senator may, call him to order, and when a Senator shall be so called to order he shall resume his seat and not proceed without leave of the Senate, which leave, if granted, shall be upon motion "that he be allowed to proceed in order," when if carried, he shall confine himself to the question under consideration.

POINTS OF ORDER.

Rule 48. Every decision of points of order by the president shall be subject to appeal, and no discussion of a question of order shall be allowed except upon appeal of three Senators, and in all cases of appeal the question shall be "Shall the decision of the chair stand as the judgment of the Senate?"

BREACH OF DECORUM.

Rule 49. In cases of breaches of decorum or propriety, any Senator, officer or other person shall be liable to such censure or punishment as the Senate may deem proper, and if any Senator be called to order for offensive or indecorous language or conduct, the person calling him to order shall report the language excepted to, which shall be taken down or noted at the secretary's desk, and no member shall be held to answer for any language used on the floor of the Senate if business has intervened before exception to the language was thus taken and noted.

RECOGNITION BY THE PRESIDENT.

Rule 50. When two or more Senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

OPENING AND CLOSING DEBATE.

Rule 51. The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.

PROTEST MAY BE ENTERED.

Rule 52. Any Senator or Senators may protest against the action of the Senate upon any question, and have such protest entered upon the journal.

QUESTION OF PRIVILEGE.

Rule 53. Any Senator may rise to a question of privilege and explain a matter personal to himself by leave of the president, but he shall not discuss any pending question in such explanation.

ABSENCE FROM SESSION.

Rule 54. No Senator shall absent himself from the service of the Senate without leave, except in case of accident or sickness, and if any Senator or officer shall absent himself, his per diem shall not be allowed or paid him, and no Senator, officer or attache shall obtain leave of absence or be excused from attendance without the consent of two-thirds of the members present.

CALL OF THE SENATE.

Rule 55. A call of the Senate may be moved by three Senators, whose names shall be entered upon the journal, and if carried by a majority of all present the secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called. The doors shall then be closed and the sergeant-at-arms directed to take into custody all who may be absent without leave, and all the Senators so taken into custody shall be presented at the bar of the Senate for such action as the Senate may deem proper.

ABSENCE DURING ROLL CALL.

Rule 56. A Senator having been absent during roll call may ask to have his name called.

ELECTION BY ROLL CALL.

Rule 57. In all cases of election by the Senate the votes shall be taken *viva voce*, and no Senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No Senator shall be allowed to vote except when within the bar of the Senate, nor upon any question in which he is in any way personally or directly interested, nor be allowed to explain his vote or discuss the question while the yeas and nays are being called, nor change his vote after the result has been announced.

ANNOUNCEMENT OF VOTE.

Rule 58. The announcement of all votes shall be made by the president, and the announcement of the result of any vote shall not be postponed.

WITNESSES BEFORE THE SENATE.

Rule 59. Witnesses summoned by or on behalf of the Senate to appear before the Senate, or any of its committees, shall be paid for each day's attendance three dollars. For each mile traveled in coming to the place of examination, ten cents; and nothing shall be paid for travel where the witness was served at the place of examination, and

no mileage shall be paid except where the witness actually traveled for the purpose of giving testimony.

USE OF THE SENATE CHAMBER.

Rule 60. The Senate chamber shall not be used for any but legislative business during the session, except by permission of the Senate given by two-thirds vote.

ADMISSION TO FLOOR OF SENATE.

Rule 61. The following classes of persons shall be entitled to admission to the floor of the Senate during the sessions thereof, viz.:

1. The governor and the speaker of the House of Representatives.
2. The members of the House of Representatives.
3. The state officers.
4. Persons in the exercise of official duty, directly connected with the business of the Senate.
5. Representatives of the press, as provided in the next rule.
6. The following persons upon presentation of a card of admission to be signed by the president: (a) Deputy state officers; (b) Such persons as hold limited cards, which cards shall be taken up by the doorkeeper, upon the expiration of the time for which they were issued.

REPRESENTATIVES OF THE PRESS.

Rule 62. The Senate shall designate, by name, the representatives of the press who shall be entitled to the courtesies of the Senate and the privileges of the press table, and cards of admission shall be issued to them by the president. The president may, in addition, issue cards of admission to the Senate chamber to such other newspaper representatives as in his judgment may be entitled thereto.

Lobbying on the part of holders of cards will work a forfeiture thereof.

SENATE GALLERY.

Rule 63. The gallery back of the president's desk is reserved for the use of the governor and state officers and their families, for the families of Senators, and for the members of the House of Representatives and their families.

SMOKING NOT ALLOWED.

Rule 64. Smoking shall not be allowed in the Senate chamber during the session of the Senate, nor shall indecorous conduct, boisterous or unbecoming language be permitted there at any time.

REED'S PARLIAMENTARY RULES.

Rule 65. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this Senate and the joint rules of this Senate and the House of Representatives.

SUSPENSION OF RULES.

Rule 66. No standing rule or order of this Senate shall be rescinded or changed without a vote of two-thirds of the members, and one day's notice of the motion thereof; but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the Senate may proceed accordingly; but this shall not apply to that portion of rule 20 relating to the third reading of bills, which cannot be suspended.

SUPPLIES.

Rule 67. The board of control shall furnish all necessary supplies for the Senate upon the requisition of the sergeant-at-arms, when signed by the president of the Senate.

Respectfully submitted (for the committee).

M. E. HAY,

Chairman of Committee on Rules and Joint Rules.

On motion of Senator Knickerbocker, the reading of the foregoing report was suspended.

Senator Ruth moved that a copy of changes proposed by the Committee on Rules and Joint Rules, from the rules of the last session, be placed on the members' desks, and that further consideration of the report of the committee go over until Monday. The motion carried.

The following report was submitted:

MR. PRESIDENT:

We, your Committee on Salaries and Mileage, beg to report the following mileage due to members of the Senate in traveling to and from the capital, and recommend the same be adopted.

Concurred in by John L. Roberts, George U. Piper, A. W. Anderson, M. B. Presby.

NAME.	Post Office.	County.	Miles.	Amount.
Allen, P. L.	Seattle	King	147	\$14 70
Anderson, A. W.	Colville	Stevens	1,053	103 30
Arrowsmith, Joseph	Palouse	Whitman	1,035	103 50
Bassett, John D.	Ritzville	Adams Franklin Walla Walla	754	75 40
Blair, John L.	Friday Harbor	Ciallam Jefferson San Juan	307	30 70
Booth, Robert F.	Seattle	King	147	14 70
Brown, Ed.	Custer	Whatcom	371	37 10
Bryan, James	Bremerton	Island Kitsap Mason	179	17 90
Cameron, Samuel J.	North Yakima	Benton Yakima	394	39 40
Cotterill, Geo. F.	Seattle	King	147	14 70
Cox, D. H.	Walla Walla	Walla Walla	725	72 50
Davis, Evan C.	Ephrata	Douglas Ferry Okanogan	681	68 10
Eastham, A. B.	Vancouver	Clarke	280	28 00
Falconer, J. A.	Everett	Snohomish	210	21 00
Fatland, H. H.	Tacoma	Pierce	66	6 60
Fishback, H. O.	Adna	Lewis	90	9 00
Graves, W. G.	Spokane	Spokane	875	87 50
Hutchinson, E. A.	Spokane	Spokane	875	87 50
Huxtable, Jesse	Spokane	Spokane	875	87 50
Kline, Robert L.	Bellingham	Whatcom	340	34 00
Knickerbocker, I. B.	Auburn	King	110	11 00
McGregor, Peter	Colfax	Whitman	1,015	101 50
McGowan, Henry S.	McGowan	Pacific Wahkiakum	280	23 00
Metcalf, Ralph	Tacoma	Pierce	66	6 60
Meyers, Charles E.	Davenport	Lincoln	939	93 90
Minkler, B. D.	Lyman	Skagit	339	33 90
Nichols, Ralph D.	Seattle	King	147	14 70
Paulhamus, W. H.	Sumner	Pierce	90	9 00
Piper, George U.	Seattle	King	147	14 70
Polson, Alex	Hoquiam	Chehalis	120	12 00
Potts, William G.	Seattle	King	147	14 70
Presby, Winthrop B.	Goldendale	Klickitat Skamania	484	48 40
Roberts, John L.	Tacoma	Pierce	66	6 60
Rosehaupt, Harry	Spokane	Spokane	875	87 50
Ruth, A. S.	Olympia	Thurston		
Rydstrom, Arvid	Tacoma	Pierce	66	6 60
Smith, S. T.	Maryville	Snohomish	220	22 00
Smithson, John H.	Ellensburg	Chehal Kittitas	320	32 00
Stevenson, John R.	Pomeroy	Asotin Columbia Garfield	880	88 00
Stewart, F. L.	Kelso	Cowlitz	184	18 40
Whitnev, E. L.	Foothills	Spokane	915	91 50
Williams, E. M.	Seattle	King	147	14 70
Coon, Chas. E.	Port Townsend	Jefferson	240	24 00
Hay, M. E.	Spokane	Spokane	875	87 50
Lysons, J. W.	Seattle	King	147	14 70

On motion of Senator Allen, the reading of the report of the Committee on Salaries and Mileage was dispensed with, and the report was adopted.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA.

To the Honorable the Senate of the State of Washington:

GENTLEMEN:—I have the honor to submit herewith a list of appointments, subject to your confirmation, made by me since the adjournment of the legislative session of 1907:

BOARD OF CONTROL.

Matt L. Piles, of Olympia; appointed June 29, 1907, for the term ending June 11, 1913.

J. H. Davis, of Tacoma; appointed June 29, 1907, for the term ending June 11, 1911.

H. T. Jones, of Spokane; appointed June 29, 1907, for the term ending June 11, 1909.

Eugene Lorton, of Walla Walla; appointed January 11, 1909, for the term ending June 11, 1911, succeeding J. H. Davis, resigned.

REGENTS OF THE UNIVERSITY OF WASHINGTON.

A. P. Sawyer, of Seattle; appointed February 15, 1908, for the term ending the second Monday in March, 1914, succeeding himself, term expired.

J. T. Ronald, of Seattle; appointed February 15, 1908, for the term ending the second Monday in March, 1914, succeeding himself, term expired.

F. A. Hazletine, of South Bend; appointed November 16, 1908, for the term ending the second Monday in March, 1911, succeeding S. G. Cosgrove, resigned.

REGENTS OF STATE COLLEGE.

Lee A. Johnson, of Sunnyside; appointed March 8, 1907, for the term ending March 9, 1913, succeeding U. L. Ettenger, term expired.

Peter McGregor, of Hooper; appointed April 1, 1907, for the term ending March 9, 1913, succeeding himself, term expired.

STATE BOARD OF EDUCATION.

P. A. Williams, of Aberdeen; appointed March 11, 1907, for the term ending the first Monday in March, 1909, succeeding himself, term expired.

J. A. Torney, of Spokane; appointed March 11, 1907, for the term ending the first Monday in March, 1909, succeeding himself, term expired.

Thomas A. Stiger, of Everett; appointed March 11, 1907, for the term ending the first Monday in March, 1909, succeeding himself, term expired.

J. W. Shepherd, of Walla Walla; appointed March 11, 1907, for the term ending the first Monday in March, 1909, succeeding himself, term expired.

STATE BANK EXAMINER.

Abraham W. Engle, of Seattle; appointed June 12, 1907, for the term ending June 11, 1911.

STATE BOARD OF HEALTH AND BUREAU OF VITAL STATISTICS.

E. L. Kimball, of Spokane; appointed December 21, 1907; effective December 31, 1907; for the term ending December 30, 1912, succeeding Dr. J. M. Semple, term expired.

P. Frank, of North Yakima; appointed October 13, 1908; effective December 30, 1908; for the term ending December 30, 1913, succeeding himself, term expired.

BOARD OF MANAGERS OF THE WASHINGTON STATE REFORMATORY.

Corwin S. Shank, of Seattle; appointed July 8, 1907, for the term ending July 7, 1911.

Frank C. Jackson, of Seattle; appointed July 8, 1907, for the term ending July 7, 1912.

Fred Reeves, of Wenatchee; appointed July 18, 1907, for the term ending July 17, 1909.

John Hansen, of Everett; appointed April 16, 1908, for the term ending July 7, 1910, succeeding W. P. Bell, resigned.

Maurice A. Langhorne, of Tacoma; appointed July 25, 1907, for the term ending July 24, 1908. Reappointed October 13, 1908, for the term ending July 7, 1913.

STATE OIL INSPECTOR.

F. A. Clark, of Everett; appointed June 12, 1907, for the term ending June 11, 1911.

CHAPLAIN OF STATE PENITENTIARY.

Rev. John LaCornu, of Walla Walla; appointed June 29, 1907, for the term ending June 7, 1909, succeeding himself, term expired.

BOARD OF FOREST COMMISSIONERS.

Frank H. Lamb, of Hoquiam; appointed July 9, 1907, for the term ending June 7, 1911, succeeding himself, term expired.

R. W. Condon, of Port Gamble; appointed July 9, 1907, for the term ending June 7, 1911, succeeding himself, term expired.

BOARD OF TRUSTEES OF THE STATE NORMAL SCHOOL AT ELLENSBURG.

J. A. Mahan, of Ellensburg; appointed July 6, 1908, for the term ending June 26, 1914, succeeding himself, term expired.

BOARD OF TRUSTEES STATE NORMAL SCHOOL AT CHENEY.

R. L. Rutter, of Spokane; appointed September 21, 1908, for the term ending July 29, 1914, succeeding Charles P. Lund, term expired.

BOARD OF TRUSTEES STATE NORMAL SCHOOL AT BELLINGHAM.

J. J. Edens, of Bellingham; appointed May 8, 1907; appointment effective June 13, 1907; for the term ending June 12, 1913, succeeding himself, term expired.

STATE DAIRY AND FOOD COMMISSIONER.

L. Davies, of Davenport; appointed June 12, 1907, for the term ending first Monday in April, 1910.

STATE COMMISSIONER OF HORTICULTURE.

F. A. Huntley, of North Yakima; appointed June 12, 1907, for the term ending March 31, 1909.

STATE RAILROAD COMMISSION.

Jesse S. Jones, of Tacoma; appointed March 15, 1907, for the term ending June 16, 1909, succeeding John S. McMillin, resigned.

John C. Lawrence, of Garfield; appointed June 27, 1907, for the term ending June 16, 1913, succeeding himself, term expired.

STATE FAIR COMMISSION.

Julius C. Hubbell, of Ellensburg; appointed March 11, 1907; effective March 28, 1907; for the term ending March 27, 1911, succeeding W. H. Talbot, term expired.

Edward Remy, of North Yakima; appointed May 3, 1907, for the term ending March 27, 1911, succeeding Z. Y. Coleman, term expired.

Samuel J. Cameron, of North Yakima; appointed May 3, 1907, for the term ending March 27, 1911, succeeding himself, term expired.

G. W. Dickinson, of Seattle; appointed February 26, 1908, for the term ending March 22, 1911, succeeding G. J. Hill, resigned.

Respectfully submitted,

ALBERT E. MEAD, *Governor*.

On motion of Senator Metcalf, the communication from the governor was ordered printed and the consideration of same made a special order for 2 o'clock p. m., Wednesday, January 20, 1909.

The secretary read the following:

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON,
EXECUTIVE DEPARTMENT,
OLYMPIA.

To the Honorable, the Senate and the House of Representatives of the State of Washington:

GENTLEMEN: I have the honor to submit herewith a list of the pardons, commutations and reprieves granted by me since the date of my report to the Tenth Legislature:

COMMUTATIONS.

ERIC JOHNSON—Whatcom county; sentenced July 13, 1906, to one year for assault to commit rape. Commuted March 6, 1907, to 8 months actual time; liberated March 13, 1907.

W. M. HINCHMAN—Asotin county; sentenced November 11, 1906, to one year for obtaining property under false pretense. Commuted March 8, 1907, to four months and 14 days; liberated April 1, 1907.

EMILLA ALLASINA—King county; sentenced April 24, 1905, to two years for grand larceny. Commuted March 20, 1907, to one year and 11 months; liberated March 24, 1907.

WILLIAM FULTZ—Pierce county; sentenced July 12, 1902, to seven years for burglary. Commuted March 20, 1907, to four years, 8 months and 10 days; liberated March 22, 1907.

E. E. LARRIMORE—King county; sentenced November 4, 1905, to two years for larceny by embezzlement. Commuted March 26, 1907, to one year, 4 months and 26 days; liberated April 1, 1907.

FRANK PIERCE—King county; sentenced August 1, 1906, to one year for grand larceny. Commuted April 8, 1907, to 8 months; liberated April 21, 1907.

W. A. MUNSEY—Whatcom county; sentenced June 1, 1905, to three years for burglary. Commuted April 18, 1907, to 2 years, 3 months and 8 days; liberated April 22, 1907.

JOHN CROSSOE—Island county; sentenced October 10, 1903, to five years for rape. Commuted April 18, 1907, to 3 years, 6 months and 12 days; liberated April 22, 1907.

STEVE BEESMER—Snohomish county; sentenced July 16, 1906, to one year for obtaining money under false pretense. Commuted April 18, 1907, to 9 months and 6 days; liberated April 22, 1907.

SAMUEL ROUSE—Lewis county; sentenced September 12, 1905, to 2 years for forgery. Commuted April 18, 1907, to one year, 7 months and 10 days; liberated April 22, 1907.

ALBERT WILSON—Thurston county; sentenced May 20, 1905, to three years for larceny of meat cattle. Commuted to payment of \$250.00 fine, August 20, 1907.

W. H. BROWN—King county; sentenced March 30, 1901, to 15 years for murder in the second degree. Commuted November 4, 1907, to 6 years, 7 months and 6 days; liberated November 5, 1907.

WILLIAM DE BESLOW—King county; sentenced October 4, 1907, to one year in county jail for larceny by embezzlement. Commuted November 21, 1907, to one month and 23 days; liberated November 27, 1907.

CHARLES ANDERSON—King county; sentenced June 29, 1901, to 10 years for manslaughter. Commuted December 17, 1907, to 6 years, 5 months and 19 days; liberated December 20, 1907. Shortening time to serve 8 days that he might accept employment offered by Alaska Fish & Packing Association, of San Francisco.

WILLIAM CAREY—King county; sentenced April 17, 1896, to be hanged for murder in the first degree. Commuted April 16, 1897, by Governor Rogers to imprisonment for life. Commuted January 29, 1908, to 11 years, 9 months and 14 day; liberated February 1, 1908.

JAMES DALTON—Spokane county; sentenced August 16, 1907, to be hanged. Committed December 11, 1907, to imprisonment for life.

M. JACOBS—Spokane county; sentenced January 8, 1908, to one month in county jail and payment of fine of \$250.00 and costs, for receiving stolen property. Commuted April 8, 1908, to payment of fine and costs.

LEWIS MARTIN—Yakima county; sentenced August 30, 1900, to 15 years for murder in the second degree. Commuted September 28, 1907, to 7 years, 8 months and 4 days.

GEORGE E. GIESY—Pierce county; sentenced December 1, 1899, to 12½ years for robbery. Commuted October 26, 1907, to 7 years, 10 months and 25 days.

ANDREW PETERSON—Jefferson county; sentenced November 14, 1898, to 20 years for murder in the second degree. Commuted November 4, 1907, to 9 years. Liberated November 14, 1907.

OTO FLEISHMAN—Spokane county; sentenced March 21, 1907, to one year for rape; committed November 4, 1907, to 7 months and 15 days; liberated November 5, 1907.

JOSEPH BARKER—King county; sentenced May 14, 1900, to 15 years for murder in the second degree. Commuted December 4, 1907, to 7 years, 6 months and 26 days; liberated December 10, 1907.

EDWARD COSTELLO—Snohomish county; sentenced December 16, 1901, to 10 years for assault with intent to rob. Commuted January 28, 1908, to 6 years, one month and 12 days.

CLARENCE H. BRACE—Yakima county; sentenced June 29, 1906, to 2 years for forgery. Commuted January 28, 1908, to one year, 7 months and 12 days; liberated February 1, 1908.

E. L. MOODY—Chehalis county; sentenced May 16, 1898, to 20 years for murder in the second degree. Commuted January 28, 1908, to 10 years; liberated May 15, 1908.

CHARLES F. MILLER—Kitsap county; sentenced July 3, 1897, to 20 years for manslaughter. Commuted January 28, 1908, to 10 years, 6 months and 28 days; liberated February 1, 1908.

WILLIAM MOODY—Snohomish county; sentenced June 27, 1903, to 10 years for robbery. Commuted January 28, 1908, to 5 years, 4 months; liberated October 26, 1908.

ARCHIE DOYLE—Whitman county; sentenced December 5, 1904, to 8 years for robbery. Commuted January 28, 1908, to 3 years, one month and 25 days; liberated February 1, 1908.

F. W. FOSTER—Whatcom county; sentenced February 18, 1905, to five years for forgery. Commuted February 26, 1908, to 3 years, 12 days; liberated March 1, 1908.

WILLIAM HOPKINS—Spokane county; sentenced December 4, 1907, to 4 months in county jail and payment of \$300 fine, for receiving stolen

property. Commuted March 5, 1908, to 3 months and 3 days, and payment of fine; liberated March 7, 1908.

GEORGE F. STANLEY—Whatcom county; sentenced August 30, 1907, to one year in county jail for assault and battery. Commuted April 8, 1908, to 7 months and 10 days; liberated April 10, 1908.

FRED GARD—Spokane county; sentenced November 14, 1907, to 8 months in jail for obtaining money under false pretense. Commuted April 11, 1908, to 5 months and 2 days; liberated April 16, 1908.

PARDONS.

HUGH J. CALLAHAN—Walla Walla county; sentenced October 10, 1906, to 4 years for larceny from the person. Pardoned January 28, 1908, effective February 1, 1908. Recommended by Prison Board.

EDWARD CROWLEY—Lewis county; sentenced May 6, 1907, to 2 years for robbery. Pardoned January 28, 1908; effective February 1, 1908. Recommended by Prison Board.

PHILIP MCGUIRE—King county; sentenced October 20, 1906, to 10 years for sodomy. Pardoned November 21, 1907. Recommended by trial judge, deputy prosecuting attorney, sheriff and large number of leading, reputable citizens.

WATSON H. WYMAN—King county; sentenced November 8, 1907, to 60 days in county jail for embezzlement. Pardoned December 11, 1907. Recommended by sheriff, jailers and many leading, reputable citizens.

MERRITT DEVERAUX—Spokane county; sentenced May 16, 1908, to 6 months in county jail for obtaining money under false pretense. Pardoned September 12, 1908. Recommended by trial judge, prosecuting attorney and large number of leading citizens.

HERBERT SWANSON—Walla Walla county; sentenced December 23, 1907, to one year in county jail for petit larceny. Pardoned October 15, 1908. Recommended by trial judge, prosecuting attorney, deputy prosecuting attorney and chief of police.

THOMAS BUTLER—King county; sentenced November 23, 1907, to one year in jail and payment of fine of \$1,000.00, for producing an abortion. Pardoned November 13, 1908. Recommended by prosecuting attorney and large number of leading citizens.

GEORGE PEASONER—Walla Walla county; sentenced February 28, 1908, to one year in county jail. Pardoned December 21, 1908. Crime, petit larceny. Recommended by trial judge, prosecuting attorney and sheriff.

JOSEPH R. TIPTON—Walla Walla; sentenced August 31, 1908, to 4 months in jail for petit larceny. Pardoned December 31, 1908. Recommended by trial judge, prosecuting attorney.

EDWARD WARE—Spokane county; sentenced November 5, 1908, to 6 months in jail, for contributing to the delinquency of a female under age of seventeen years. Pardoned December 21, 1908.

L. D. LAWTON—Walla Walla county; sentenced October 14, 1908, to 6 months in county jail for obtaining money under false pretense. Pardoned December 21, 1908. Recommended by trial judge and prosecuting attorney.

EDWARD J. HUGHES—Yakima county; convicted in the month of November, 1907, of grand larceny. Jurors petitioned court to withhold sentence. Pardoned January 20, 1908.

CONDITIONAL PARDONS.

FRANK VAN WATERS—Seattle; sentenced March 6, 1905, to 25 years for rape. Conditionally pardoned March 26, 1907.

GRANT BOGEN—Chehalis; sentenced June 27, 1906, to 5 years for robbery. Conditionally pardoned May 21, 1907; effective May 24, 1907.

EDGAR PARSONS—Chehalis; sentenced June 27, 1906, to 5 years for robbery. Conditionally pardoned May 21, 1907; effective May 24, 1907.

O. C. BIFFLE—Whitman county; sentenced May 20, 1907, to one year for forgery. Conditionally pardoned August 12, 1907; effective May 15, 1907.

JAMES BREEN—Spokane county; sentenced May 12, 1908, to one to five years for uttering a check without sufficient funds to cover the same. Conditionally pardoned July 3, 1908, on condition that he locate and return Cecil Brittain within 60 days. Recommended by trial judge and prosecuting attorney. Returned to penitentiary at expiration of period named because of failure to locate the child and of attempt to escape.

T. M. MCGREGOR, RICHARD BOUGHTON, GUY MEAGER and ROY BROWN, of Spokane county; sentenced July 8, 1908, to six months in county jail for contributing to delinquency of two minor girls. Conditionally pardoned July 31, 1908. Recommended by trial judge, sheriff, commissioners, and large number of leading citizens.

ORVIN A. THOMPSON—Spokane county; sentenced July 31, 1908, to 9 months in jail for contributing to the delinquency of a minor. Conditionally pardoned August 24, 1908. Recommended by trial judge, prosecuting attorney, sheriff, probation officer, and large number of reputable citizens.

GEORGE SEEKMAN—Thurston; sentenced June 5, 1893, to 12 years for murder in the second degree. Conditionally pardoned April 16, 1908. Recommended by officials of county and many citizens.

FRED CURTIS—King county; sentenced May 23, 1908, to one to 14 years for forgery. Conditionally pardoned December 21, 1908. Crime, petit larceny. Pardon recommended by trial judge, deputy prosecuting attorney and a number of leading citizens.

GUY C. HUGUNIN—Spokane county; sentenced April 29, 1908, to one to 14 years and to pay a fine of \$100, for forgery. Conditionally par-

doned and fine remitted December 22, 1908. Recommended by number of leading citizens of Lincoln and Stevens counties.

RAYMOND MONROE—King county; sentenced June 26, 1908, to one to 14 years for assault to commit rape. Conditionally pardoned December 29, 1908; liberated January 1, 1909. Recommended by large number of leading citizens of King county.

OSCAR BRADSHAW—Franklin county; sentenced May 14, 1906, to be hanged for murder in the first degree; commuted July 21, 1906, to life imprisonment. Conditionally pardoned December 30, 1908; liberated January 1, 1909. Recommended by prosecuting attorney, sheriff, six of the trial jurors and large number of leading, reputable citizens.

O. C. MATHIS—Whatcom county; sentenced July 10, 1908, to one to 14 years for forgery. Conditionally pardoned January 9, 1909; effective January 11, 1909. Conditional pardon to become absolute on showing made to the governor that said Mathis has satisfied in full all debts and claims owing to Exchange Bank of Blaine for which he is liable.

E. E. BOYD—Spokane; sentenced January 11, 1907, to 10 years for forgery. Conditionally pardoned January 9, 1909; effective January 11, 1909. Recommended by prosecuting attorney, complaining witness and large number of leading citizens.

REMISSIONS OF FINE.

W. D. SLOANE—Thurston county; sentenced March 9, 1908, to pay a fine of \$100 and costs amounting to \$682.85, for assault. Fine remitted January 4, 1909. Recommended by 10 trial jurors, 3 county commissioners and large number of leading, reputable citizens.

P. H. PHAIR—Spokane; sentenced December 12, 1907, to pay a fine of \$500 for larceny from the person. Unpaid portion of the fine remitted March 27, 1908.

BERT CONNERS—King county; sentenced March 8, 1906, to one year in the county jail and to pay the costs of prosecution, for the crime of obtaining money under false pretenses. Fine remitted and prisoner ordered released May 7, 1907.

ORRIN ERVIN—Yakima county; sentenced May 13, 1905, to six months in jail and payment of fine of \$500 and costs, for assault with deadly weapon with intent to do bodily harm. Fine remitted and prisoner ordered released May 6, 1907.

REPRIEVES.

JAMES DALTON—Spokane county; sentenced August 16, 1907, to be hanged for crime of murder in first degree. Reprieve granted October 5, 1907, postponing date of execution from October 12, 1907, to December 13, 1907.

ADDITIONAL PARDONS.

GUY C. STRATTON—King county; sentenced June 12, 1908, to 1 to 10 years and payment of fine of \$1,000 for involuntary manslaughter. Pardoned January 9, 1909, and fine remitted to \$300. Recommended by trial judge, prosecuting attorney who tried the case, the parents of the victim, and a large number of other leading citizens of King county.

HENRY CRAEMER—King county; sentenced September 12, 1894, to be hanged for murder in the first degree; commuted to life imprisonment March 23, 1908. Pardoned January 11, 1909.

PAROLES.

DANIEL W. SMITH—Spokane county; sentenced October 16, 1903, to 6 years for burglary. Paroled April 3, 1907.

CHARLES E. CLARK—Lewis county; sentenced December 22, 1903, to 6 years for assault to rob. Paroled April 15, 1907.

JOHN HALEY—Okanogan county; sentenced October 25, 1902, to 8 years for horse stealing. Paroled May 8, 1907.

S. A. BURRILL—King county; sentenced March 10, 1906, to 1½ years for larceny by embezzlement. Paroled May 8, 1907.

FRANK THOMPSON—King county; sentenced October 7, 1905, to two years for burglary. Paroled May 8, 1907.

GEORGE W. EDGAR—Snohomish county; sentenced December 12, 1905, to 2 years and 6 months for obtaining money under false pretense. Paroled May 9, 1907.

FRANK BROWN—Spokane county; sentenced October 6, 1905, to 6 years for rape. Paroled May 9, 1907.

WILLIAM J. YOUREX—Chehalis county; sentenced May 6, 1902, to 10 years for manslaughter. Paroled May 20, 1907.

M. S. MAYO—Snohomish county; sentenced February 26, 1906, to 2 years for burglary. Paroled May 20, 1907.

ORLO SULLIVAN—Chelan county; sentenced February 23, 1906, to 3 years for forgery. Paroled May 20, 1907.

WILLIAM F. IVY—Pacific county; sentenced February 21, 1905, to 4 years for burglary. Paroled May 20, 1907.

The foregoing is a list of all acts of clemency performed by me, exclusive of paroles, releases and discharges passed upon and recommended by the Prison Board under the provisions of the indeterminate sentence law. These latter will be presented to you in a report of the Board of Control.

The reasons for granting all and singular the foregoing cases appear in the records and files of the governor's office, being set forth in numerous letters and petitions signed by superior court judges, prose-

cuting attorneys, sheriffs and police officers, as well as citizens of the community where the crime was committed, and those having knowledge of the character of the prisoner and of the circumstances of the crime.

Respectfully submitted,

ALBERT E. MEAD,

Governor of Washington.

On motion of Senator Paulhamus, the communication was ordered printed.

INTRODUCTION OF BILLS.

Senate bill No. 22, by Senator Davis, entitled "An act to enlarge the duties and powers of the county commissioners in counties of the eighth to the fourteenth class inclusive, and providing means for making this act effective."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Counties and County Boundaries.

Senate bill No. 23, by Senator Bryan, entitled "An act prohibiting the sale or disposition of intoxicating liquors within three miles of the boundary of any government reservation or fort where soldiers or marines are stationed, and in certain other places in the State of Washington, and prescribing penalties for the violation of the provisions of this act."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Morals.

Senate bill No. 24, by Senator Brown, entitled "An act amending section 168 of the game laws of the State of Washington."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Game.

Senate bill No. 25, by Senator Rydstrom, entitled "An act for the preservation and protection of feathered game, and providing a penalty."

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Game.

Senate bill No. 26, by Senator Rydstrom, entitled "An act relating to game, water fowl, and prohibiting the formation of feeding grounds for hunting purposes; prohibiting the hunting of or shooting at any such fowl from water, land and premises where grain, cereal or other substance has been deposited, placed or scattered for that purpose, and providing a penalty for the violation of any provision of this act."

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Game.

Senate bill No. 27, by Senator Knickerbocker, entitled "An act providing for the purchase of the southeast quarter of the northeast quarter of section 16, township 21, N. range 5, E. W. M. for state fish hatchery, and declaring an emergency."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Fisheries.

Senate bill No. 28, by Senator Falconer, entitled "An act to provide for the creation by popular vote of anti-saloon territory, within which, except as herein provided, the sale of intoxicating liquors and the licensing of such sale shall be prohibited, for the enforcement of such prohibition in such territory, and for the abolition by like means of the territory so created, and prescribing the offenses under this act and the penalties therefor."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Morals.

Senate bill No. 29, by Senator Brown, entitled "An act relating to the collection of assessments for local improvements and amending section 1 of chapter 70 of the Session Laws of 1907."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second

time by title, ordered printed, and referred to the Committee on Municipal Corporations.

Senate bill No. 30, by Senator Stewart, entitled "An act for the relief of R. E. Darnell."

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 31, by Senator Cotterill, entitled "An act establishing the special harbor improvement fund, etc."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Harbor and Harbor Lines.

Senate bill No. 32, by Senator Rosenhaupt, entitled "An act authorizing and directing a numerical index of the records of the offices of county auditors."

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 33, by Senator Stewart, entitled "An act to amend sections 2 and 3 of an act entitled 'An act to encourage county agricultural associations and fairs and to provide funds therefor, etc.'"

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Counties and County Boundaries.

Senate bill No. 34, by Senator Ruth, entitled "An act making appropriation for the payment of sundry expenses in the office of the secretary of state."

The bill was read the first time, and on motion of Senator Ruth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 35, by Senator Rydstrom, entitled "An act providing for the preservation, propagation, protection, taking, use and transportation of game animals, and game birds, etc."

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Game.

The following resolution was read by the secretary:

RESOLUTION BY PRINTING COMMITTEE.

Resolved, That the Printing Committee be authorized to procure 500 letter heads and 500 envelopes for each member of the Senate, the lieutenant governor, and the secretary of the Senate.

On motion of Senator Paulhamus, the above resolution was adopted.

The president announced the appointment of the following committee under Senate concurrent resolution No. 1, relating to the holding of appropriate exercises commemorative of the birth of Abraham Lincoln: Senators Cotterill, Blair, Stevenson.

The president announced the resignation of Senator Allen from the Committee on Salaries and Mileage and of Senator Presby from the Committee on Insurance.

The president also announced the appointment of Senator Allen to the Committee on Insurance and the appointment of Senator Presby to the Committee on Salaries and Mileage.

On motion of Senator Paulhamus, the above appointments were confirmed, by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams—37.

Absent or not voting were: Senators Booth, Cameron, Graves, Cox and Smithson—5.

The following Senate employes were sworn in by the president: Harry Niblett, W. G. Butterfield and A. B. Elwell.

At 10:37 a. m., on motion of Senator Nichols, the Senate adjourned until 10:30 a. m. Monday, January 18, 1909.

WM. T. LAUBE,

Secretary of the Senate.

M. E. HAY,

President of the Senate.

EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, January 18, 1909.

The Senate was called to order at 10:30 o'clock a. m. by President Hay.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Cox, Falconer, Fishback and Graves, all of whom were excused.

On motion of Senator Booth, the reading of yesterday's journal was dispensed with and it was approved.

The following telegram from W. L. Jones, member of congress for the State of Washington, was read by the secretary:

WASHINGTON, D. C., Jan. 16th, 1909.

HON. M. E. HAY, *President of Senate, Olympia, Wash.:*

Am personally very strongly for general river and harbor bill, but situation here must be considered in reaching conclusion, and this appears to be that if general river and harbor bill is insisted upon this session, we will very likely get no bill at all; rather than see this result, I deem it my duty to support a bill for maintenance, operation and surveys. I shall take course which in my judgment will best promote river and harbor improvements in Northwest and throughout country.

W. L. JONES.

On motion of Senator Ruth, J. L. Ashlock was elected secretary to the lieutenant governor by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Booth, Brown, Cameron, Davis, Eastham, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams—32.

Voting nay: Senator Cotterill—1.

Absent or not voting were: Senators Blair, Bryan, Cox, Falconer, Fishback, Graves, Hutchinson, Rosenhaupt, Stewart—9.

On motion of Senator Ruth, Eugene Larimie was elected page to the lieutenant governor by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Booth, Brown, Cameron, Davis, Eastham, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams—32.

Voting nay: Senator Cotterill—1.

Absent or not voting were: Senators Blair, Bryan, Cox, Falconer, Fishback, Graves, Hutchinson, Rosenhaupt and Stewart—9.

On motion of Senator Ruth, the following resolution was passed, the rules being suspended:

Resolved. That the compensation of J. L. Ashlock, secretary to the lieutenant governor, and of Eugene Laramie, page to the lieutenant governor, date from Monday, January 11, 1909.

The following resolution was read by the secretary:

SENATE CONCURRENT RESOLUTION NO. 9.

By Senator Brown:

WHEREAS, By the excellent work of the direct primary in removing from the legislature a prolonged senatorial election; and

WHEREAS, Our work will be greatly expedited thereby; and

WHEREAS, It is generally believed that the new laws and the necessary amendments to existing laws can be completed in a forty-day session, and thereby save to the state a large amount of unnecessary expense; therefore, be it

Resolved by the Senate, the House concurring, That this eleventh legislature of the State of Washington will not sit in session its full sixty days allowed by law, but will adjourn on the twentieth day of February, 1909, or forty days after the beginning of the legislature, and that, therefore, we will sit in continuous session, holidays excepted, until that date.

Senator Brown moved that the rules be suspended and that Senate concurrent resolution No. 9 be adopted.

The following senators demanded a roll call: Senators Booth, Paulhamus, Cameron, Ruth, Rydstrom, Nichols, Allen.

The secretary called the roll, and Senate concurrent resolution No. 9 failed to pass the Senate by the following vote:

Those voting aye were: Senators Brown, Meyers, Paulhamus, Polson, Rosenhaupt, Stevenson—6.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Bryan, Cameron, Cotterill, Davis, Eastham, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams—32.

Absent or not voting were: Senators Cox, Falconer, Fishback, Graves—4.

INTRODUCTION OF BILLS.

Senate bill No. 36, by Senators Polson and Kline, entitled "An act relating to the public highway fund and amending an act entitled 'An act to amend section 2 of an act of the legislature of the State of Washington,' approved March 9, 1905, etc."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Roads and Bridges.

Senate bill No. 37, by Senator Potts, entitled "An act for the issuance of state Sunday liquor licenses, permitting the sale of liquors on Sunday to guests by hotels holding such licenses, and providing certain penalties for the violation of the terms of this act."

The bill was read the first time, and on motion of Senator Potts, the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 38, by Senator Allen, entitled "An act creating the office of state commissioner of health, fixing his qualifications, term of office and compensation, and defining his duties and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Medicine, Dentistry and Hygiene.

Senate bill No. 39, by Senator Ruth, entitled "An act making an appropriation for furniture, supplies, clerk hire, and sundry expenses for the office of the state insurance commissioner."

The bill was read the first time, and on motion of Senator Ruth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 40, by Senator Cotterill, entitled "An act in the aid of children, providing for the custody, control, treatment, maintenance and adoption of neglected and delinquent children, etc."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 41, by Senator Cotterill, entitled "An act to provide for the punishment of parents or persons responsible for, or contributing to, the neglect or delinquency of children of the age of eighteen years or under, etc."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 42, by Senator Roberts, entitled "An act to establish and maintain a home for the indigent blind, aged and infirm, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Roberts the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on State Charitable Institutions.

Senate bill No. 43, by Senator Potts, entitled "An act for the relief of Frank Kennedy, etc."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 44, by Senator Hutchinson, entitled "An act to create a bureau of inspection and supervision of public of-

fices, and to establish a uniform system of public accounting, etc.”

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Banks and Banking.

Senate bill No. 45, by Senator Myers, entitled “An act for the protection of deer and caribou in the State of Washington, etc.”

The bill was read the first time, and on motion of Senator Myers the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Game.

Senate bill No. 46, by Senator Metcalf, entitled “An act regulating the sale of intoxicating and spirituous liquors to minors, etc.”

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Morals.

Senate bill No. 47, by Senator Booth, entitled “An act prescribing the form of the official seal of the state insurance commissioner.”

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

At 10:55 a. m., on motion of Senator Piper, the Senate adjourned until 11:30 tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

M. E. HAY,

President of the Senate.

NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, January 19, 1909.

The Senate was called to order at 11:30 o'clock a. m. by President Hay.

The secretary called the roll, all members being present except Senator Graves, who was excused.

Rev. E. L. Swick offered prayer.

On motion of Senator Knickerbocker, the reading of yesterday's journal was dispensed with and it was approved.

On motion of Senator Metcalf, the following resolution was adopted:

Resolved, That the secretary is authorized to make requisitions on the public printer for any printing necessary to expedite the transaction of the business of this Senate; and

Resolved further, That the secretary be instructed to have as many additional copies of any bill printed as is necessary to meet the public demand.

On motion of Senator Blair, the Senate adopted the following resolution:

Resolved, That the secretary of the Senate be allowed to group the standing committees of the senate and assign the committee clerks, and designate the rooms in which the committees shall hold their meetings.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., January 18, 1909.

MR. PRESIDENT:

The House has passed Senate joint memorial No. 3, relating to donation of certain lands to State University;

Also Senate joint memorial No. 4, relating to the removal of duty from jute bags;

Also Senate concurrent resolution No. 8, relating to joint committee to meet an Oregon committee;

Also House concurrent resolution No. 2, relating to memorial services in honor of Representative Strobridge;

Also House bill No. 31, making provision for legislative printing. And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The following resolution was adopted, on motion of Senator Nichols:

Resolved. That the order of the Senate to have the bill clerk mail copies of all bills introduced to commercial bodies be rescinded; and

Resolved further. That the bill clerk be instructed to furnish the state librarian with as many copies of bills as are requested by him, and also to mail copies of any particular bills that may be requested by any commercial club or any public organization.

The secretary read the following Senate concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10.

By Senator Blair:

WHEREAS, The State of Washington and the Pacific Northwest have never been honored by a visit of the famous Liberty Bell; and

WHEREAS, Such a visit would arouse the most reverent and patriotic enthusiasm among the thousands who have never seen the Liberty Bell and all those who would gladly see it again; and

WHEREAS, An earnest effort is being made by the Alaska-Yukon-Pacific Exposition, the Portland Rose Festival, the common councils of Seattle and Portland, the former residents of Pennsylvania in both states, and many other interests, to have the Liberty Bell sent across the continent during the coming summer; therefore, be it

Resolved. That the Senate and House of Representatives of the legislature of the State of Washington do hereby memorialize Governor Stuart and the legislature of the State of Pennsylvania to exert their influence with the honorable mayor and the select and city councils of Philadelphia to permit the Liberty Bell, with its guard of honor, to make the trip to the Pacific Northwest, and particularly to the cities of Seattle and Portland, during the month of June, 1909; and be it further

Resolved. That Mayor John E. Reyburn and the select and city councils of the city of Philadelphia are urged to accept the invitation heretofore extended, and that a copy of these resolutions be engrossed and sent to Governor Stuart, the legislature of Pennsylvania, and to the mayor and the select and city councils of Philadelphia.

Senator Blair moved that the rules be suspended and Senate concurrent resolution No. 10 be placed on final passage. The motion carried.

The secretary called the roll on final passage of Senate con-

current resolution No. 10, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—39.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Allen, Graves—2.

On motion of Senator Blair, the rules were suspended and Senate concurrent resolution No. 10 ordered immediately transmitted to the House.

The secretary read the following report of the Committee on Senate Employees:

Whereas, We, your Committee on Senate Employees other than Regular, have been requested by Senators Stevenson and Bassett to substitute the name of A. A. Kirby in the place of Jerry Brown, who was regularly named at their request as Senate committee clerk. Therefore, we, your committee, recommend the change and ask that the appointment of said A. A. Kirby be confirmed.

F. L. STEWART.

Chairman Committee on Senate Employees other than regular.

H. T. McGowan, Arvid Rydstrom, W. G. Potts, Jesse Huxtable.

On motion of Senator Stewart, the report of the committee was adopted.

Senator Stewart nominated A. A. Kirby for Senate clerk, and he was elected by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Absent or not voting were: Senators Allen, Graves—2.

The Senate took up the report of the Committee on Rules and Joint Rules.

Senator Ruth moved to amend Rule No. 37, proposed in the report of the committee, as follows:

Strike the comma after the word "sessions" in the next to the last line of the printed copy of the rule, and insert in lieu thereof a period, and strike the words "except this rule be suspended by a two-thirds vote" following the said word "sessions."

A roll call on the question of the adoption of above proposed amendment was demanded by Senators Falconer, Booth, Ruth, Brown, Nichols, Cotterill, Paulhamus.

The secretary called the roll and the amendment was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Booth, Cameron, Eastham, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Minkler, Piper, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams—23.

Those voting nay were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fishback, McGowan, Metcalf, Meyers, Nichols, Paulhamus, Polson, Rosenhaupt, Stevenson—18.

Those absent or not voting: Senator Graves—1.

Senator Ruth moved that the Judiciary Committee consist of eleven members, instead of fifteen members, as proposed in the report of the Committee on Rules and Joint Rules.

Senator Rosenhaupt moved, as a substitute for the above, that the Committee on Judiciary consist of the members of the Senate who are attorneys.

A roll call on the question of the adoption of the substitute was demanded by the following: Senators Booth, Falconer, Allen, Brown, Knickerbocker, Ruth, Paulhamus.

The secretary called the roll and the substitute motion passed by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Booth, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Huxtable, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Stewart, Whitney, Williams—27.

Those voting nay were: Senators Anderson, Blair, Brown,

Cox, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Meyers, Polson, Smithson, Stevenson—14.

Absent or not voting: Senator Graves—1.

On motion of Senator Metcalf, that the report of the Committee on Rules and Joint Rules be adopted, the secretary called the roll and the report was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—39.

Those voting nay were: Senators Hutchinson, Huxtable—2.

Absent or not voting: Senator Graves—1.

INTRODUCTION OF BILLS.

Senate bill No. 48, by Senator Metcalf, entitled "An act amending section 1154 of Pierce's Code of the State of Washington, relating to actions brought to recover the possession of real property."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 49, by Senator Metcalf, entitled "An act to cure defects in the execution of deeds, mortgages, and other recorded instruments."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 50, by Senator Metcalf, entitled "An act to amend section 48 of an act of the legislature of the State of Washington, entitled 'An act to enable cities of the first, second and third classes and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain, etc.'"

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second

time by title, ordered printed, and referred to the Committee on Cities of the First Class.

Senate bill No. 51, by Senator Rydstrom, entitled "An act to amend 'An act to amend section 1606 of chapter LXIX of Pierce's Code of the State of Washington, and section 7104 of chapter LXIX of Ballinger's Code of Washington Territory, defining the crime of burglary and prescribing the punishment therefor,' etc."

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 52, by Senator Nichols, entitled "An act to amend section 1330 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the meeting of presidential electors."

The bill was read the first time, and on motion of Senator Nichols the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 53, by Senator Arrasmith, entitled "An act to prohibit all live stock from running at large in any county in the State of Washington, etc."

The bill was read the first time, and on motion of Senator Arrasmith the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Agriculture.

Senate bill No. 54, by Senator Davis, entitled "An act for the protection of water fowl, sage hens, grouse and quail, defining the closed season, and limiting the number of birds to be killed, etc."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Game.

Senate bill No. 55, by Senator McGregor, entitled "An act authorizing and empowering the board of regents of the State College of Washington to acquire by lease or purchase a tract, or tracts, of land for experimental or other purposes."

The bill was read the first time, and on motion of Senator McGregor the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Educational Institutions.

Senate bill No. 56, by Senator Nichols, entitled "An act to amend sections 13, 14, 15 and 24 of an act entitled 'An act amending an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington,' etc.'" "

The bill was read the first time, and on motion of Senator Nichols the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Revenue and Taxation.

Senate bill No. 57, by Senator Polson, entitled "An act to punish public officials, their assistants, deputies, clerks and employes of such officers, and all persons who attempt improperly to influence such officers, clerks, etc., and providing for their punishment, and declaring an emergency."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Morals.

Senate bill No. 58, by Senator Polson, entitled "An act to punish for bribery or attempted bribery."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Morals.

Senate bill No. 59, by Senator Kline, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Bellingham, etc."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 60, by Senator Falconer, entitled "An act for the protection of liverymen, boarding stable keepers, and other persons letting animals or vehicles for hire, and providing a penalty."

The bill was read the first time, and on motion of Senator

Falconer the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 61, by Senator Cox, entitled "An act to create a state fish hatchery on the Bryant spring in Walla Walla county, in the State of Washington, etc."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 62, by Senator Meyers, entitled "An act amending sections 3 and 7 of an act entitled 'An act for the protection of game animals and birds of the State of Washington, etc.'"

The bill was read the first time, and on motion of Senator Meyers the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Game.

Senate bill No. 63, by Senator Davis, entitled "An act to prohibit combinations in restraint of trade and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 64, by Senator Brown, entitled "An act to amend section 6272 of Pierce's Code, relating to marriages."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Morals.

Senate bill No. 65, by Senator Bassett, entitled "An act relating to bills of lading."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Banks and Banking.

Senate bill No. 66, by Senator Booth, entitled "An act relating to the signing of pledges by any candidate for the legisla-

ture, supervisor, school director, or for any legislative body, relating to the solicitation of such pledges, making the signing or solicitation of same a misdemeanor and prescribing a penalty."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 67, by Senator Smithson, entitled "An act providing for the purchase of the highway bridge across the Columbia river at Wenatchee, Washington, by the State of Washington, from the Washington Bridge Company, etc."

The bill was read the first time, and on motion of Senator Smithson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Roads and Bridges.

Senate bill No. 68, by Senator Stevenson, entitled "An act to amend sections 6490, 6491 and 6493 of Ballinger's Annotated Codes and Statutes of Washington, relative to costs, punishment and posting in cases of habitual drunkards."

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

On motion of Senator Booth, Senate bill No. 47, relating to the official seal of the state insurance commissioner, was ordered taken from the Committee on Judiciary and re-referred to the Committee on Insurance.

The president announced that he had appointed as a committee on the part of the Senate, under Senate concurrent resolution No. 8, to confer with a committee from the legislature of the State of Oregon, relative to the fishing industry on the Columbia river, Senators McGowan, Stewart, Presby and Eastham.

The president appointed as a committee under Senate concurrent resolution No. 5, relating to the death of former Senator Earles, Senators Kline and Brown, and as a committee under Senate concurrent resolution No. 4, relating to the death of Senator Reed, Senators Cameron and Blair.

As a committee under House concurrent resolution No. 1, relating to the death of Representative Wm. R. Thompson, the president appointed Senators Meyers and Falconer.

The president announced the appointment of Senators Kline and Falconer as additional members of the Committee on Harbors and Harbor Lines and of Senators Stewart and Anderson as additional members of the Committee on Roads and Bridges.

VOTE FOR UNITED STATES SENATOR.

The president announced that in accordance with the United States statutes, the Senate would proceed to nominate and vote for United States senator for the State of Washington.

Senator Cameron nominated Wesley L. Jones, and the nomination was seconded by Senators Bassett, Meyers, Allen, Rosenhaupt, Nichols, Hutchinson, Metcalf, Paulhamus, Cox and McGowan. Senator McGowan nominated George F. Cotterill.

The secretary called the roll with the following result:

Wesley L. Jones received 40 votes, as follows: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

William Goodyear received one vote, that of Senator Cotterill.

Absent or not voting: Senator Graves—1.

At 1:05 p. m., on motion of Senator Ruth, the Senate adjourned until 11:30 tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

M. E. HAY,

President of the Senate.

TENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, January 20, 1909.

The Senate was called to order at 11:30 o'clock a. m. by President Hay.

Rev. F. S. Pearson offered prayer.

The secretary called the roll, all members being present except Senator Graves, excused.

On motion of Senator Booth, the reading of yesterday's journal was dispensed with and it was approved.

A. A. Kirby, clerk, and Eugene Laramie, page, were sworn in by the president.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., January 20, 1909.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 4, relating to purchases of legislative supplies by state board of control;

Also House bill No. 40, entitled "An act to provide for an exhibit of the resources, etc., of the State of Washington, etc., at the A.-Y.-P., etc.";

Also Senate joint memorial No. 1, relating to the removal of duty on forest products;

Also Senate joint memorial No. 2, relating to construction of wagon roads in Alaska;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate concurrent resolution No. 11, by Senator Stewart, was read by the secretary as follows:

WHEREAS, There have been for many years controversies and disputes between the states of Oregon and Washington and the citizens and the public officers thereof, involving the boundary line between said states on the Columbia river, and fishing privileges, police regulations and other important subjects; and

WHEREAS, Said states are and should be at all times sister states, working for the upbuilding of the entire Northwest; and

WHEREAS, Many of said controversies would be obviated by an agreement or compact between the said states of Oregon and Washington covering all points upon which they are or may be at variance; therefore, be it

Resolved by the Senate, the House concurring, That a commission be and is hereby created to consist of seven members, two of whom shall be appointed by the president of the Senate from the members thereof, two of which shall be appointed by the speaker of the House from the members thereof, and three of which shall be appointed by the governor; that such commission be empowered to negotiate with a similar commission representing the State of Oregon, and to formulate an agreement or compact adjusting all or any part of the controversies and disputes between said states; that said compact or agreement (in case said commission shall succeed in negotiating the same) shall be submitted to the legislature at the next session thereof for ratification or rejection, and if ratified by the legislatures of the states of Oregon and Washington respectively, and the consent of congress be obtained thereto, shall be binding upon the said states for the period of time therein specified; be it further

Resolved. That the president of the Senate transmit copies of this resolution to the Senate and House of Representatives of the State of Oregon.

On motion of Senator Stewart, concurrent resolution No. 11 was referred to the Committee on Fisheries.

House concurrent resolution No. 2, relating to memorial services in honor of the late Representative Henry F. Strobridge, deceased, was read by the secretary.

On motion of Senator Allen, the rules were suspended and House concurrent resolution No. 2 was placed on final passage.

The resolution passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—41.

Absent or not voting: Senator Graves—1.

House concurrent resolution No. 4, relating to the purchase of supplies for the Senate and House of Representatives by the board of control, was read by the secretary.

On motion of Senator Paulhamus, House concurrent resolution No. 4 was referred back to the House with the information that the Senate now has a rule covering the matter of the purchase of supplies for the Senate.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER.

OLYMPIA, WASHINGTON, January 20, 1909.

MR. PRESIDENT:

We, your Committee on Insurance, to whom was referred Senate bill No. 47, entitled "An act prescribing the form of the official seal of the State Insurance Commissioner," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ROB'T. F. BOOTH, *Chairman*.

We concur in this report: P. L. Allen, R. L. Kline, J. R. Stevenson, J. D. Bassett, F. L. Stewart.

On motion of Senator Booth, the report of the committee was adopted.

On Senator Booth's motion, the rules were suspended, the bill was read third time, considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 47 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—41.

Absent or not voting: Senator Graves—1.

The secretary called the roll on the emergency clause, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—41.

Absent or not voting: Senator Graves—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Booth, the rules were suspended and Senate bill No. 47 was ordered immediately transmitted to the House.

REPORT OF STANDING COMMITTEES.

SENATE CHAMBER.

OLYMPIA, WASHINGTON, January 19, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 30, entitled "An act for the relief of R. E. Darnell," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman*.

We concur in this report: Chas. E. Myers, A. W. Anderson, Harry Rosenhaupt, F. L. Stewart, J. A. Falconer, J. R. Stevenson, H. O. Fishback, S. J. Cameron, Rob't. Booth, Peter McGregor, A. S. Ruth.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER.

OLYMPIA, WASHINGTON, January 19, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 34, entitled "An act making an appropriation for the payment of sundry expenses in the office of the secretary of state," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman*.

We concur in this report: Chas. E. Myers, A. W. Anderson, W. H. Paulhamus, Harry Rosenhaupt, F. L. Stewart, J. A. Falconer, J. R. Stevenson, H. O. Fishback, S. J. Cameron, Rob't. Booth, Peter McGregor, A. S. Ruth.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER.

OLYMPIA, WASHINGTON, January 19, 1909.

MR. PRESIDENT:

In accordance with the resolution adopted by the Senate, I beg to report the following committee groups, clerk assignments and assignment of committee rooms.

Respectfully,

W. T. LAUBE, *Secretary*.

GROUPING OF STANDING COMMITTEES IN THE SENATE.

- GROUP 1.
Judiciary.
EDWIN STEVENS, Clerk.
- GROUP 2.
Appropriations.
H. E. KENNEDY, Clerk.
- GROUP 3.
Banks and Banking; State Penal and Reformatory Institutions; Municipal Corporations; Public Morals.
E. E. CLARK, Clerk.
- GROUP 4.
Titles of the First Class; Commerce and Manufactures; Labor and Labor Statistics; Railroads and Transportation.
NICK MILES, Clerk.
- GROUP 5.
Corporations other than Municipal; Harbor and Harbor Lines; Memorials; Mines and Mining.
A. F. RAYMOND, Clerk.
- GROUP 6.
Dairy and Live Stock; Game; Game Fish; Horticulture and Forestry.
H. F. HAMILTON, Clerk.
- GROUP 7.
Education; Educational Institutions; Public Revenues and Taxation.
J. B. FREDERICK, Clerk.
- GROUP 8.
Constitution and Constitutional Revision; Insurance; Military; Public Buildings and Grounds.
HARRY NIBLETT, Clerk.
- GROUP 9.
Agriculture; Claims and Auditing; Irrigation and Arid Lands; Dikes and Drains.
N. E. DAVIS, Clerk.
- GROUP 10.
Engrossed Bills; Enrolled Bills; Medicine, Dentistry, Surgery and Hygiene; Roads and Bridges; State Charitable Institutions.
A. A. KIRBY, Clerk.
- GROUP 11.
Elections and Privileges; Salaries and Mileage; State, Granted, School and Tide Lands.
F. F. BREDAHL, Clerk.
- GROUP 12.
Fisheries; Printing; State Library.
C. A. PAYNE, Clerk.
- GROUP 13.
Counties and County Boundaries; Senate Employees other than Regular.
CLAUDE BOZARTH, Clerk.
- GROUP 14.
Rules and Joint Rules; Secretary to the President.
J. L. ASHLOCK, Clerk.

On motion of Senator Allen, the reading of the Grouping of Standing Committee and of Committee Room Assignments was dispensed with, and they were ordered printed.

Senator Rydstrom was granted unanimous consent to substitute a bill now on the desk for Senate bill No. 35.

SENATE COMMITTEE ROOM ASSIGNMENTS.

<i>Committee</i>	<i>Chairman</i>	<i>Room</i>	<i>Clerk</i>
Agriculture	Arrasmith.....	13	N. E. Davis
Appropriations.....	Potts.....	7	H. E. Kennedy
Banks and Banking.....	Smith.....	11	E. E. Clark
Cities of the First Class	Metcalf.....	12	Nick Miles
Claims and Auditing.....	Davis	11	N. E. Davis
Commerce and Manufactures	Stevenson	6	Nick Miles
Constitution and Constitutional Revision	Rosenhaupt	6	Harry Niblett
Corporations other than Municipal Counties and County Boundaries ..	Ruth..... (407)	13	A. F. Raymond
Counties and County Boundaries ..	McGregor.....	12	Claude Bozarth
Dairy and Live Stock	Cameron.....	13	H. F. Hamilton
Dykes and Drains.....	Minkler.....	12	N. E. Davis
Education	Bassett.....	} Office of School Superintendent {	J. B. Frederick
Educational Institutions.....	Nichols	} Office of School Superintendent {	J. B. Frederick
Elections and Privileges.....	Presby	7	F. F. Bredahl
Engrossed Bills.....	Myers.....	10	A. A. Kirby
Enrolled Bills.....	Bryan.....	10	A. A. Kirby
Fisheries	McGowan.....	12	C. A. Payne
Game	Brown.....	12	H. F. Hamilton
Game Fish	Anderson.....	12	H. F. Hamilton
Harbor and Harbor Lines.....	Cotterill.....	6	A. F. Raymond
Horticulture and Forestry.....	Whitney.....	13	H. F. Hamilton
Insurance	Booth.....	} Office of Insurance Commissioner {	Harry Niblett
Irrigation and Arid Lands.....	Smithson.....	12	N. E. Davis
Judiciary.....	Graves.....	304	Edwin Stevens
Labor and Labor Statistics.....	Huxtable.....	} Office of Labor Commissioner {	Nick Miles
Medicine, Dentistry, Surgery and Hygiene	Eastham.....	11	A. A. Kirby
Memorials	Blair.....	13	A. F. Raymond
Military	Kline.....	} Office of Adjutant General {	Harry Niblett
Mines and Mining.....	Rydstrom.....	6	A. F. Raymond
Municipal Corporations.....	Knickerbocker	Law Library.....	E. E. Clark
Printing.....	Allen.....	11	C. A. Payne
Public Buildings and Grounds.....	Williams.....	11	Harry Niblett
Public Morals	Fishback.....	7	E. E. Clark
Public Revenue and Taxation.....	Falconer.....	2	J. B. Frederick
Railroads and Transportation.....	Paulhamus.....	} Office of State Auditor {	Nick Miles
Roads and Bridges.....	Polson.....	12	A. A. Kirby
Rules and Joint Rules.....	Hay.....	8	J. L. Ashlock
Salaries and Mileage.....	Roberts.....	6	F. F. Bredahl
Senate Employees other than Regular	Stewart.....	7	Claude Bozarth
State Charitable Institutions	Hutchinson.....	7	A. A. Kirby
State, Granted, School and Tide Lands.....	Fernald.....	2	F. F. Bredahl
State Library.....	Piper.....	Law Library.....	C. A. Payne
State Penal and Reformatory Institutions.....	Cox.....	} Office of Board of Control {	E. E. Clark

INTRODUCTION OF BILLS.

House bill No. 31, by the House Committee on Printing and Supplies, entitled "An act appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, to pay for such printing as may be ordered by the eleventh legislature or either branch thereof."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, and referred to the Committee of the Whole.

On motion of Senator Knickerbocker, the Senate resolved itself into a Committee of the Whole to consider House bill No. 31.

House bill No. 31 was considered in the Committee of the Whole, Senator Falconer in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Falconer, the report of the Committee of the Whole was adopted.

On motion of Senator Allen, the rules were suspended, the reading of the bill had in the Committee of the Whole was considered the third reading of the bill, and House bill No. 31 was placed on final passage.

The secretary called the roll, and House bill No. 31 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—41.

Absent or not voting: Senator Graves—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the Senate adjourned at 12 o'clock to meet the House in joint session for the purpose of electing a United States senator.

JOINT SESSION.

The sergeant-at-arms announced the arrival of the Senate at the door of the House and the speaker invited the senators to seats within the House.

At the request of the speaker, Lieutenant Governor M. E. Hay, president of the Senate, presided over the joint session.

The secretary called the roll of the Senate, all members being present except Senator Graves.

The clerk of the House called the House roll, all members being present.

The secretary of the Senate read that portion of the Senate journal of yesterday relating to the ballot for United States senator.

The clerk of the House read that portion of the House journal of the preceding day pertaining to the ballot for United States senator.

From the reading of the journals of each house it appeared that Wesley L. Jones had received a majority of the votes in each house, and was therefore elected United States senator for the State of Washington.

The president of the Senate announced the election of Wesley L. Jones as United States senator for the State of Washington for the term commencing March 4, 1909.

Senator Cameron sent the following communication to the desk and it was read by the secretary:

WASHINGTON, D. C., January 20, 1909.

To the Hon. S. J. Cameron, Senate, Olympia, Washington:

Convey to members of joint assembly and through them to the people my sincere appreciation of the honor they have done me. I pledge my every effort to protect and promote the interest of our great state.

W. L. JONES.

Senator Cameron introduced the following resolution:

Resolved. That the following resolution be transmitted by telegraph to Hon. Wesley L. Jones, United States senator-elect for the State of Washington:

Honorable Wesley L. Jones, Washington, D. C.:

The eleventh legislature of Washington, in joint assembly, having registered the will of the people of this state by electing you United States senator on the first joint ballot, hereby instruct the president

of the Senate and the speaker of the House to telegraph you congratulations on the signal appreciation thus expressed for your many years of vigilant and impartial services to all sections of the state as congressman.

M. E. HAY,

President of the Senate.

LEO O. MEIGS,

Speaker of the House.

On motion of Senator Cotterill, the resolution was adopted.

At 12:13 o'clock p. m., on motion of Senator Nichols, the joint session dissolved.

The Senate was called to order in the Senate chamber at 12:15 by President Hay, and on motion of Senator Potts, adjourned until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:00 o'clock p. m. by President Hay.

The secretary called the roll, all members being present except Senators Roberts, Graves and Rosenhaupt, all of whom were excused.

The Senate proceeded to consider the list of governor's appointments, which was a special order for this time.

On motion of Senator Huxtable, the reading of the governor's list of appointments was dispensed with, and it was referred to Governor-elect Samuel G. Cosgrove for his consideration.

INTRODUCTION OF BILLS.

House bill No. 40, by Mr. Slayden, entitled "An act continuing the appropriation made by an act entitled 'An act to provide for an exhibit of the resources, products and advantages of the State of Washington and the erection of a state building or buildings at the world's fair of Alaska-Yukon-Pacific Exposition, etc.'"

The bill was read the first time, and on motion of Senator Cotterill, the rules were suspended, the bill read the second time by title, and referred to the Committee of the Whole.

On motion of Senator Ruth, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 40 and Senate bills Nos. 30 and 34.

The bills were considered in the Committee of the Whole, Senator Minkler in the chair, and reported back to the Senate with the recommendation that House bill No. 40 be ordered printed and made a special order for 2:00 o'clock tomorrow afternoon; that Senate bill No. 30 do pass; that Senate bill No. 34 do pass.

On motion of Senator Falconer, the report of the Committee of the Whole was adopted.

On motion of Senator Cotterill, the rules were suspended, the reading had of Senate bill No. 30 in the Committee of the Whole was considered the third reading of the bill, and Senate bill No. 30 was placed on final passage.

The secretary called the roll on final passage of Senate bill No. 30, entitled "An act for the relief of R. E. Darnell," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—39.

Absent or not voting: Senators Graves, Roberts, Rosenhaupt—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Cotterill moved that the rules be suspended, that the reading had of Senate bill No. 34 in the Committee of the Whole be considered the third reading of the bill, and the bill placed on final passage. The motion was carried.

The secretary called the roll on final passage of Senate bill No. 34, entitled "An act making an appropriation for sundry expenses in the office of the secretary of state," and the same passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson,

Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—38.

Absent or not voting were: Senators Graves, Huxtable, Roberts, Rosenhaupt—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president invited to a seat at his desk Dr. J. J. Smith, former president of the Senate.

INTRODUCTION OF BILLS.

Senate bill No. 69, by Senator McGregor, entitled "An act making an appropriation for maintenance for the State College of Washington."

The bill was read the first time, and on motion of Senator McGregor the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 70, by Senator McGregor, entitled "An act providing for the amendment of section 3, article XI, of the Constitution of the State of Washington, relating to county, city and township organization."

The bill was read the first time, and on motion of Senator McGregor the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Counties and County Boundaries.

Senate bill No. 71, by Senator Williams, entitled "An act relating to sales and conveyances by corporations of property or assets constituting all or substantially all of the property of the vendor corporation, or needed for carrying on its business, its corporate business, etc."

The bill was read the first time, and on motion of Senator Williams the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Corporations other than Municipal.

Senate bill No. 72, by Senator Booth, entitled "An act for the relief of B. D. Minkler."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 73, by Senators Cox and Bassett, entitled "An act amending an act providing for the manner of sale and distribution of all grain sacks manufactured at the State Penitentiary, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on State Penal and Reformatory Institutions.

Senate bill No. 74, by Senator Knickerbocker, entitled "An act providing for the establishment and maintenance of free public reading rooms in cities of the first and second classes and elsewhere in the State of Washington, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 75, by Senator Rosenhaupt, entitled "An act amending section 4838 of Ballinger's Annotated Codes and Statutes of Washington, in relation to the survival of actions, for personal injury to any person occasioning his death."

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 76, by Senator Rosenhaupt, entitled "An act amending section 4828 of Ballinger's Annotated Codes and Statutes of Washington, in relation to recovery of damages for the death of a person caused by the wrongful act or neglect of another."

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 77, by Senator Ruth, entitled "An act making an appropriation for the payment of sundry expenses in the office of the superintendent of public instruction."

The bill was read the first time, and on motion of Senator Ruth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 78, by Senator Booth, entitled "An act to amend section 2 of an act entitled 'An act relating to justices of the peace and constables in cities of the first class, etc.'"

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 79, by Senator Booth, entitled "An act to provide for the regulation and control of newsboys in cities of the first class."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Morals.

Senate bill No. 80, by Senator Cotterill, entitled "An act to amend section 3 of an act entitled 'An act relating to the special Alaska-Yukon-Pacific Exposition fund, etc.'"

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Harbors and Harbor Lines.

Senate bill No. 81, by Senator Cotterill, entitled "An act creating the State Shore Land Improvement fund, providing for certain warrants to be drawn upon said fund, etc."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Harbors and Harbor Lines.

Senate bill No. 82, by Senator Huxtable, entitled "An act to amend sections 17, 93 and 116 of an act entitled 'An act to provide for township organizations, and prescribing the duties and fixing the compensation of township officers, etc.'"

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Revenues and Taxation.

Senate bill No. 83, by Senator Huxtable, entitled "An act to promote the safety of employes of railroads, etc."

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Railroads.

Senate bill No. 84, by Senator Polson, entitled "An act providing for two judges of the superior court of the State of Washington in and for Chehalis county, and fixing the term of office of the additional judge appointed, etc."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 85, by Senator Smithson, entitled "An act regulating the transfer of stock of corporations."

The bill was read the first time, and on motion of Senator Smithson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Banks and Banking.

Senate bill No. 86, by Senator Smithson, entitled "An act relative to the payment of deposits in trust."

The bill was read the first time, and on motion of Senator Smithson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Banks and Banking.

Senate bill No. 87, by Senator Kline, entitled "An act making an appropriation for repayment to Bellingham State Normal School of funds remitted to state treasurer."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 88, by Senator Cotterill, entitled "An act providing for and regulating the assignment of wages to be earned in the future."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Morals.

Senator Ruth moved that the appointment by the president of Senators Kline and Falconer to the Committee on Harbors and Harbor Lines and the appointment of Senators Stewart and Anderson to the Committee on Roads and Bridges, be confirmed.

The secretary called the roll on the above motion and the appointments were confirmed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—39.

Absent or not voting were: Senators Graves, Roberts, Rosenhaupt—3.

At 2:45 p. m., on motion of Senator Paulhamus, the Senate adjourned until 11:00 o'clock tomorrow afternoon.

WM. T. LAUBE,

Secretary of the Senate.

M. E. HAY,

President of the Senate.

ELEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Thursday, January 21, 1909.

The Senate was called to order at 11:00 o'clock a. m. by President Hay.

The secretary called the roll, all members being present except Senators Falconer and Graves, both of whom were excused.

Rev. E. L. Swick offered prayer.

On motion of Senator Cameron, the reading of yesterday's journal was dispensed with and it was approved.

A petition from the Columbia Conference of the Evangelical Lutheran Augustana Synod, praying the enactment of a local option law, was read, and, there being no objection, was ordered referred to the Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, January 20, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 11, entitled "An act for the relief of J. F. Collier, Adams county, State of Washington, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman*.

We concur in this report: Chas. E. Myers, S. J. Cameron, H. O. Fishback, J. A. Falconer, Harry Rosenhaupt, A. W. Anderson, W. H. Paulhamus, A. S. Ruth, F. L. Stewart, Robt. F. Booth, Peter McGregor, J. R. Stevenson.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, January 20, 1909.

MR. PRESIDENT:

We, your Committee on Harbor and Harbor Lines, to whom was referred Senate bill No. 31, entitled "An act re-establishing the special harbor improvement fund, as originally created and established in a certain act entitled 'An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor,' approved March 10, 1891, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. F. COTTERRILL, *Chairman*.

We concur in this report: John L. Roberts, Arvid Rydstrom, R. L. Kline, Alex Polson, J. W. Bryan.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, January 21, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 18, entitled "An act relating to the deposit of public funds in banks by the several county treasurers of this state, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike out of section 1, after the words "school district" in the 12th line, the words, "State or United States bonds or warrants," and insert in lieu thereof the following, "county or school bonds or warrants, or United States bonds, or local improvement bonds or warrants whose

legality have been passed upon favorably by the supreme court, or public utility bonds or warrants issued by or under the authority of any municipality of this state upon which principal or interest is not in default at the time of such deposit."

S. T. SMITH, *Chairman.*

We concur in this report: W. H. Paulhamus, H. O. Fishback, E. C. Davis, J. H. Smithson, J. D. Bassett, F. L. Stewart, Alex Polson, R. L. Kline.

On motion of Senator Smith, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 89, by Senator Cox, entitled "An act to regulate the practice of embalming and licensing of persons to carry on such practice, to regulate the transportation of bodies of deceased human beings and providing punishment for violations."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Medicine, Dentistry and Hygiene.

Senate bill No. 90, by Senator Metcalf, entitled "An act to repeal an act entitled 'An act to provide for the assessment of the operating property of railroads,' etc."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Revenues and Taxation.

Senate bill No. 91, by Senator Metcalf, entitled "An act to repeal an act entitled 'An act to provide for the assessment of the property of telegraph companies,' etc."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Public Revenues and Taxation.

Senate bill No. 92, by Senator Bassett, entitled "An act to create a state board of charities, prescribing its duties and powers, and appropriating money therefor."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second

time by title, ordered printed, and referred to the Committee on Public Morals.

Senate bill No. 93, by Senator Bassett, entitled "An act to establish regulation and reciprocation between this state and others of the United States as regards insurance companies of such respective states."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Insurance.

Senate bill No. 94, by Senator Stewart, entitled "An act to amend the negotiable instruments law, relative to the payment of instruments made payable at a bank."

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Banks and Banking.

Senate bill No. 95, by Senator Kline, entitled "An act to punish derogatory statements affecting banks."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Banks and Banking.

On motion of Senator Cotterill, the special order set for 2 :00 o'clock this afternoon, for the consideration of House bill No. 40, was annulled.

On motion of Senator Bassett, the Senate resolved itself into a Committee of the Whole to consider Senate bill No. 11 and House bill No. 40.

The bills were considered in the Committee of the Whole, Senator Eastham in the chair, and reported back to the Senate with the following recommendations:

Senate bill No. 11, that it do pass.

House bill No. 40, that it do pass with the following amendments:

In line 4 of section 2 of the printed bill and line 7 of section 2 of the original bill, after the word "vouchers," strike the following, "approved by the commission," and insert in lieu thereof "in the manner provided for the disbursement of general appropriations."

In line 11 of section 2 of the printed bill and line 17, section 2 of the original bill, after the word "commission" strike the remainder of section 2 and insert in lieu thereof, "and he shall receive for said services a salary to be fixed by the commission, not to exceed two hundred and twenty-five dollars per month, including expenses, said salary to be paid out of the money hereinafter appropriated."

In line 7 of section 3 of the printed bill and line 12 of section 3 of the original bill, after the figures "\$400,000" strike the words "upon requisitions made by said executive commissioner, when approved in writing by the president of the commission and attested by its secretary," and insert in lieu thereof, "upon vouchers showing the items of each disbursement, certified by said executive commissioner, and approved in writing by the president of the commission, attested by its secretary, in the manner provided for the disbursement of general appropriations."

In line 2 of section 5 of the printed bill and line 3 of section 5 of the original bill, strike the word "as" after the word "or" and insert in lieu thereof the word "so."

On motion of Senator Eastham, the report of the Committee of the Whole was adopted.

On motion of Senator Bassett, the rules were suspended, the reading had of Senate bill No. 11 in the Committee of the Whole was considered the third reading of the bill, the bill considered engrossed and placed on final passage.

The secretary called the roll on final passage of Senate bill No. 11, entitled "An act for the relief of J. F. Collier, Adams county, State of Washington, and making an appropriation therefor," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Absent or not voting were: Senators Falconer, Graves—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the rules were suspended, the reading had of House bill No. 40 in the Committee of the Whole was considered the third reading of the bill, the bill considered engrossed, and placed on final passage.

Senator Ruth entered a protest against the state guaranteeing the payment of interest at the rate of 6 per cent. per annum on outstanding warrants drawn against the fund provided for by House bill No. 40, on the ground that the rate is excessive.

The secretary called the roll on final passage of House bill No. 40, as amended in the Committee of the Whole, and House bill No. 40, entitled "An act continuing the appropriation made by an act entitled 'An act to provide for an exhibit of the resources, products and advantages of the State of Washington, and the erection of a state building or buildings at the world's fair of Alaska-Yukon-Pacific Exposition, to be held at Seattle, Washington, in 1909,' etc." passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Absent or not voting were: Senators Falconer, Graves—2.

The emergency clause passed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Absent or not voting were: Senators Falconer, Graves—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, the rules were suspended and amended House bill No. 40 was ordered immediately transmitted to the House.

At 11:53 a. m., on motion of Senator Ruth, the Senate adjourned until 10:00 o'clock tomorrow forenoon.

WM. T. LAUBE,

Secretary of the Senate.

M. E. HAY,

President of the Senate.

TWELFTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Friday, January 22, 1909.

The Senate was called to order at 10 :00 o'clock a. m. by President Hay.

The secretary called the roll, all members being present except Senators Booth, Falconer, Graves and McGowan, all of whom were excused.

Rev. E. L. Swick offered prayer.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

On motion of Senator Smith, the following resolution was adopted:

Resolved, That the secretary of the Senate be instructed to wire to Senator Falconer and family a suitable expression of the sincere sympathy and condolences of this Senate for the bereavement and sorrow suffered by him through the fatal illness and death of his little daughter.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 12.

By Senator Paulhamus:

Resolved by the Senate, the House concurring, That it is the sentiment of this session of the Legislature that in order to insure competent and reliable employes, the secretary and the sergeant-at-arms of the Senate should be selected by the whole Senate and the balance of the employes of the Senate should be selected by the secretary of the Senate, with the approval of the president of the Senate; that the chief clerk and sergeant-at-arms of the House should be selected by the whole House and the remainder of the House employes by the chief clerk of the House, with the approval of the speaker; all employes selected as above set forth to be elected by the respective Houses which they are to serve in in the usual manner.

Senator Paulhamus moved that the rules be suspended and the resolution placed on final passage. The motion carried.

The secretary called the roll, and Senate concurrent resolution No. 12 passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, McGregor, Metcalf, Myers, Paulhamus, Piper, Polson, Potts, Roberts, Ruth, Rydstrom, Smith, Smithson—24.

Those voting nay were: Senators Eastham, Hutchinson, Huxtable, Kline, Knickerbocker, Minkler, Nichols, Presby, Rosenhaupt, Stevenson, Stewart, Whitney, Williams—13.

Absent or not voting were: Senators Allen, Booth, Falconer, Graves, McGowan—5.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, January 20, 1909.

To the Honorable the Senate of the State of Washington:

GENTLEMEN: Upon the request of several of the state senators, I entered into correspondence with Senator George Turner, of Spokane, requesting him to act as associate counsel for the State of Washington in the rehearing of the Washington-Oregon boundary case. Attached hereto are copies of telegrams sent and received.

ALBERT E. MEAD, *Governor.*

COPIES OF TELEGRAMS.

"OLYMPIA, WASHINGTON, January 14, 1909.

"Senator George Turner, Spokane, Wash.:

"I join with several state senators in requesting you to represent the State of Washington as attorney, acting in conjunction with E. C. Macdonald, assistant attorney general, at the rehearing of the Washington-Oregon boundary case before the United States Supreme Court in the near future. Macdonald is now in Washington, D. C.

"ALBERT E. MEAD, *Governor.*"

"SPOKANE, WASH., January 14, 1909.

"Hon. Albert E. Mead, Governor, Olympia, Wash.:

"I will gladly accept the employment which you tender.

"GEORGE TURNER."

"OLYMPIA, WASH., January 19, 1909.

"Senator George Turner, Spokane, Wash.:

"By advice of senators and representatives from Southwestern Washington, I ask you to confer with Macdonald by wire and act in accordance with his request.

"ALBERT E. MEAD, *Governor.*"

INTRODUCTION OF BILLS.

Senate bill No. 96, by Senator Polson, entitled "An act relating to the dividing of counties into districts for judicial purposes, etc."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 97, by Senator Blair, entitled "An act to appropriate one thousand dollars (\$1,000) to carry on the inspection of steam vessels, etc."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 98, by Senator Fishback, entitled "An act for the prevention, control and cure of tuberculosis, providing for the investigation and report thereon by the state board of health, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Fishback the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES

OLYMPIA, WASH., January 21, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 47, entitled "An act prescribing the form of an official seal of the state insurance commissioner, with an amendment to the title consisting of the words, "and declaring an emergency" at the end thereof, and an amendment of section 1.

Line 2—Amend to read "Insurance Department, State of Washington," in lieu of, "Seal of the State Insurance Commissioner of State of Washington";

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF STANDING COMMITTEES.

SENATE CHAMBER.

OLYMPIA, WASH., January 21, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 39, entitled "An act making an appropriation for fur-

niture, supplies, clerk hire and sundry expenses for the office of state insurance commissioner," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman.*

We concur in this report: H. O. Fishback, A. W. Anderson, A. S. Ruth, Harry Rosenhaupt, F. L. Stewart, J. R. Stevenson, Robt. F. Booth, Chas. E. Myers, S. J. Cameron, W. H. Paulhamus, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

Senator Rosenhaupt moved that the rules be suspended and that the Senate elect two additional stenographers at a salary of five dollars per day each.

On motion of Senator Cotterill, the above motion was, with the consent of Senator Rosenhaupt, amended to read as follows:

That the rules be suspended, that the secretary of the Senate is hereby authorized to engage two additional stenographers at a salary of five dollars per day each, to be elected by the Senate in the usual manner, and, in case the secretary shall ascertain that any present employe is incapable of competent service, he shall so report to the president of the Senate, who shall confer with the senator who recommended such employe and secure the resignation of such employe.

Senator Potts moved as a substitute for the above motion that the matter of the employment of additional stenographers be referred to the Committee on Senate Employees other than Regular. The substitute motion carried.

Senate bill No. 31, entitled "An act re-establishing the special harbor improvement fund, etc." was read third time.

Senator Ruth moved that Senate bill No. 31 be referred to the Committee on Judiciary.

Senator Cotterill moved as a substitute that the preamble of Senate bill No. 31 be stricken, and the substitute motion carried.

Senator Cameron moved that Senate bill No. 31 be referred to the Committee on Public Revenues and Taxation.

The following Senators demanded a roll call on the motion to refer Senate bill No. 31, viz.: Senators Stevenson, Bassett, Williams, Myers, Anderson, Brown, Cameron.

The secretary called the roll, and the motion to refer Senate bill No. 31 to the Committee on Public Revenues and Taxation was carried by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—32.

Those voting nay were: Senators Anderson, Brown, Eastham, Huxtable, Rosenhaupt—5.

Absent or not voting were: Senators Booth, Davis, Falconer, Graves, McGowan—5.

At 11:10 a. m., on motion of Senator Potts, the Senate adjourned until 11:00 o'clock a. m., Monday, January 25, 1909.

WM. T. LAUBE,

Secretary of the Senate.

M. E. HAY,

President of the Senate.

FIFTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Monday, January 25, 1909.

The Senate was called to order at 11:00 o'clock a. m. by President Hay.

The secretary called the roll, all members being present except Senators Cameron, Presby and Roberts, all of whom were excused.

Rev. E. L. Swick offered prayer.

On motion of Senator Smith, the reading of yesterday's journal was dispensed with and it was approved.

Petitions from the Fowler Methodist-Episcopal Church of Tacoma, the Norwegian-Danish Baptist Church of Bellingham and from certain citizens of Pierce county, Washington, praying the enactment of a local option bill, were read by the secretary and ordered referred to the Committee on Public Morals.

Petitions from the Brotherhood of the Fourth Presbyterian Church of Spokane, the Fowler Methodist-Episcopal Church of Tacoma, the Tacoma Methodist Preachers' Union and from certain citizens of Pierce county, praying the enactment of a bill prohibiting race-track gambling, were read by the secretary and ordered referred to the Committee on Public Morals.

The following communication was read by the secretary:

STATE OF OREGON,
Hall of Representatives,

SALEM, JANUARY 22, 1909.

Hon. Wm. T. Laube, Secretary of Senate, Olympia, Washington:

MY DEAR SIR:—I am in receipt of your favor of the 20th inst., enclosing Senate concurrent resolution No. 8 of the eleventh legislature of the State of Washington. In reply thereto I beg to state that the twenty-fifth biennial session of the Oregon legislature has adopted House concurrent resolution No. 13, providing for a committee of four on the part of the House and four on the part of the Senate to confer with a similar committee in the State of Washington on the subject of a uniform code of fishing laws for the Columbia river.

In compliance with such resolution, President Bowerman has appointed Senators Bingham, Schofield, Norton and Sinnott, and I have appointed Representatives Smith, McCue, Farrell and Dodds. The committee will meet today and perfect organization, and the chairman of the committee will confer with the chairman of your committee concerning the time and place of conference. It has been suggested that the conference be held in Seattle on January 30th, but I have no authority to make this as an official statement.

Yours very respectfully,

C. N. McARTHUR,
Speaker of the House.

HOUSE CONCURRENT RESOLUTION No. 13.

By Mr. Farrell, of Multnomah County:

Be it resolved by the House of Representatives, the Senate concurring, That a joint committee be appointed, consisting of four members from the House and four members from the Senate, to act with a like committee of the State of Washington, for the purpose of preparing a uniform law to be adopted by the legislatures of the two states for the protection of the fishing industries on the Columbia river, and said committee to be allowed the use of one of the regularly appointed clerks or stenographers, and that the chief clerk of the House be instructed to notify the legislature of the State of Washington of such action.

The State of Oregon to pay the necessary expenses connected therewith.

C. N. McARTHUR,
Speaker of the House.

JAY BOWERMAN,
President of the Senate.

Adopted by the House Jan. 21.

Adopted by the Senate Jan. 26.

On motion of Senator Knickerbocker, the communication and House concurrent resolution No. 13 of the Oregon state legislature were ordered referred to the committee appointed under Senate concurrent resolution No. 8.

On motion of Senator Stevenson, the Senate adopted the following resolution:

Resolved, That a committee consisting of seven members of the Senate, of which the lieutenant governor shall be chairman, be appointed by the president to meet and welcome the governor-elect upon his arrival at Olympia.

. Report of Senate Committee on Employees other than Regular:

WHEREAS, We, your committee on Senate Employees other than Regular, upon investigation and on conference with the secretary of the Senate, have found that it is necessary to employ two additional stenographers in order that the business of the Senate may be properly and efficiently conducted; therefore, we, your committee, recommend that the secretary of the Senate be authorized to employ two additional stenographers and that he have authority to discharge same at any time for cause.

F. L. STEWART, *Chairman*;
ARVID RYDSTROM,
H. M. MCGOWAN,
JESSE HUXTABLE,
W. G. POTTS.

Senator Stewart moved that the report of the Committee on Senate Employees other than Regular be adopted.

Senator Hutchinson moved to amend the report by adding the name of Jerry Flower to be warden of the cloak room.

Senator Nichols moved that the amendment be referred to the Committee on Senate Employees other than Regular.

Senator Stevenson moved as a substitute for the above amendments that the adoption of the report as submitted by the com-

mittee, without the proposed amendments, be considered at this time.

Senator Hutchinson withdrew his amendment on condition that the Committee on Senate Employees other than Regular report tomorrow on the proposed employment of Jerry Flower as warden of the cloak room.

The motions of Senators Nichols and Stevenson were withdrawn.

Senator Stewart renewed his motion that the report of the Committee on Senate Employees other than Regular be adopted, and the motion carried.

The president signed Senate joint memorial No. 3, relating to the donating of certain lands to the State University, and Senate joint memorial No. 4, relating to the removal of import duty from jute bags.

INTRODUCTION OF BILLS.

Senate bill No. 99, by Senator Huxtable, entitled "An act for the appropriation of money to defray the expenses of the department of the railroad commission of the State of Washington for the fiscal year ending March 31, 1909."

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Appropriations.

Senate bill No. 100, by Senator Cotterill, entitled "An act providing for the payment of salary or wages of public officers, and of employees upon public work, at not exceeding bi-weekly or semi-monthly intervals."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Labor and Labor Statistics.

Senate bill No. 101, by Senator Cotterill, entitled "An act to amend section 1 of an act entitled 'An act amending section 1 of an act entitled 'An act to provide for the payment of wages of labor in lawful money of the United States,' etc.'"

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second

time by title, ordered printed, and referred to the Committee on Labor and Labor Statistics.

Senate bill No. 102, by Senator Stevenson, entitled "An act to prohibit the throwing and placing of bottles, glass and glassware in any road or highway in the State of Washington, and prescribing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Roads and Bridges.

Senate bill No. 103, by Senator Stevenson, entitled "An act for the protection of Bob White, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Game.

Senate bill No. 104, by Senator Stevenson, entitled "An act authorizing and directing the board of state land commissioners to sell at public auction, in manner provided by law, a portion of the southeast quarter of the northwest quarter of section 16, in township 11 north, range 43 east of the Willamette Meridian, and declaring an emergency."

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on State, Granted, School and Tide Lands.

Senate bill No. 105, by Senator Rydstrom, entitled "An act providing for the establishment of game reserves by the boards of county commissioners, etc."

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 106, by Senator Cox, entitled "An act to empower municipal corporations of other states to acquire title to lands and water rights within the State of Washington, etc."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second

time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 107, by Senator Blair, entitled "An act to repeal section 3 of an act entitled 'An act to define the practice of veterinary medicine, surgery and dentistry in the State of Washington,' etc."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senator Stewart moved that the Senate adjourn until 2:00 o'clock this afternoon.

The motion was lost.

Senate bill No. 108, by Senator Stevenson, entitled "An act amending an act entitled 'An act amending an act entitled 'An act to amend section 3 of chapter LXXXIII of the Laws of 1897, relating to revenue and taxation,' etc.'"

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 109, by Senator Graves, entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the state."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 110, by Senator Booth, entitled "An act relating to the organization of fire department relief associations, making provision for the maintenance thereof, and prescribing a penalty."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 111, by Senator Booth, entitled "Proposed amendment to section 2 of the sales in bulk act, as approved March 16, 1901."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Judiciary.

Senate bill No. 112, by Senator Hutchinson, entitled "An act relating to the government, regulation, control and maintenance of the State Penitentiary, the Eastern Washington Hospital for the Insane, the State Institution for the Feeble-Minded, the Western Washington Hospital for the Insane, the State Industrial School, the State School for the Deaf and Blind, the State Soldiers' Home, the Washington Veterans' Home, and the state capitol building and grounds, etc."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on State Charitable Institutions.

Senate bill No. 113, by Senator Hutchinson, entitled "An act declaring it to be the public policy of the State of Washington that all public work for it or any political subdivision created by its laws shall be performed by persons who are citizens of the United States, etc."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the Committee on Labor and Labor Statistics.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

The House has passed House bill No. 2, entitled "An act providing for four judges of the supreme court of the State of Washington for Pierce county," and the same is herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House bill No. 40.

LOBEN GRINSTEAD, *Chief Clerk.*

On motion of Senator Potts, the Senate resolved itself into a Committee of the Whole to consider Senate bill No. 39.

Senate bill No. 39 was considered in the Committee of the Whole, Senator Smith in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Smith, the report of the Committee of the Whole was adopted.

On motion of Senator Nichols, the rules were suspended, the reading had of the bill in the Committee of the Whole considered the third reading of the bill, and Senate bill No. 39, entitled "An act making an appropriation for furniture, supplies, clerk hire and sundry expenses for the office of the state insurance commissioner," placed on final passage.

The secretary called the roll, and Senate bill No. 39 passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Williams—32.

Those absent or not voting were: Senators Allen, Booth, Cameron, Graves, Huxtable, Presby, Roberts, Stevenson, Stewart, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, the special order set for 3:00 o'clock this afternoon, to consider the governor's veto message, was annulled, and the consideration of said veto message was made a special order for Tuesday, February 2, 1909, at 3:00 o'clock p. m.

On motion of Senator Booth, the Senate took up the consideration of the House amendments to Senate bill No. 47, at this time.

The secretary read the House amendments to Senate bill No. 47, entitled "An act prescribing the form of the official seal of the state insurance commissioner."

Senator Booth moved that the Senate concur in the House amendments to Senate bill No. 47. The secretary called the

roll, and the Senate concurred in the House amendments to the bill by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Eastham, Falconer, Fatland, Fishback, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Williams—31.

Absent or not voting were: Senators Allen, Cameron, Cox, Davis, Graves, Hutchinson, Huxtable, Presby, Roberts, Stewart, Whitney—11.

Senate bill No. 18, entitled "An act relating to the deposit of public funds in banks by the several county treasurers of this State, and declaring an emergency," was read third time.

Senator Stevenson moved that the Senate adjourn until 2:00 o'clock this afternoon.

Senator Piper moved as an amendment that the Senate adjourn until 11:00 o'clock tomorrow morning. Both the motion and amendment were lost.

On motion of Senator Fatland, Senate bill No. 18 was ordered re-referred to the Committee on Banks and Banking.

The president announced the appointment of Senators Polson, Stevenson, Falconer, Paulhamus, Ruth and Huxtable to serve with the lieutenant governor as a committee under the resolution relative to extending a welcome to the governor-elect on his arrival in Olympia.

At 12:10 o'clock p. m., on motion of Senator Potts, the Senate adjourned until 11:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

M. E. HAY,
President of the Senate.

SIXTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, January, 26, 1909.

The Senate was called to order at 11:00 o'clock a. m. by President Hay.

The secretary called the roll, all members being present except Senator Roberts, excused.

Rev. E. L. Swick offered prayer.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

The secretary read a Senate concurrent resolution, by Senator Polson, and, on motion of Senator Ruth, the resolution, together with the proceedings had on same in the Senate, were ordered expunged from the records.

The following communication relating to Senate joint memorial No. 1 was read by the secretary and ordered placed on file.

THE COMMITTEE ON WAYS AND MEANS.

HOUSE OF REPRESENTATIVES U. S.

WASHINGTON, D. C., January 12, 1909.

To the President of the Senate, Olympia, Wash.:

Dear Sir:—I beg leave to acknowledge receipt of your letter on the subject of duty on forest products, and the same will be placed on the committee files and brought to the attention of the members when this subject is taken up for consideration.

Respectfully,

WILLIAM K. PAYNE, *Clerk.*

REPORT OF SENATE COMMITTEE ON EMPLOYEES OTHER THAN
REGULAR.

We, your Committee on Senate Employees other than Regular, beg leave to report that we recommend Jerry Flowers for the position of warden of the cloak room and assistant janitor.

(Signed) F. L. STEWART,

J. HUXTABLE.

H. S. MCGOWAN.

Committee.

Senator Huxtable moved the adoption of the report.

On motion of Senator Falconer, the report of the committee was laid on the table.

SENATE CHAMBER,
OLYMPIA, WASH., January 25, 1909.

I have the honor to report that in accordance with a resolution passed by the Senate, I have this day employed Messrs. John F. Brill and E. J. Eisele as additional stenographers.

Very respectfully,
WM. T. LAUBE, *Secretary of the Senate.*

Senator Knickerbocker moved that E. J. Eisele be elected a Senate stenographer. The secretary called the roll and E. J. Eisele was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Stevenson, Stewart, Williams—38.

Those voting nay were: Senators Paulhamus, Smithson—2.

Absent or not voting were: Senators Roberts, Whitney—2.

Senator Knickerbocker nominated John F. Brill for stenographer to the Senate. The secretary called the roll, and he was elected by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Stevenson, Stewart, Williams—38.

Those voting nay were: Senators Paulhamus, Smithson—2.

Absent or not voting were: Senators Roberts, Whitney—2.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 88, entitled "An act providing for and regulating the assignment of wages to be earned in the future," have had the same under

consideration, and we respectfully report the same back to the Senate with the recommendation that section 3 of said act be stricken out and that the bill do pass as amended.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. A. Falconer, D. H. Cox, Chas. E. Myers.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 26, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 96, entitled "An act relating to the dividing of counties into districts for judicial purposes, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line 7, Sec. 13, of the printed bill, after the word "county" insert a period. Strike the remainder of said section.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, Robert F. Booth, Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 26, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 84, entitled "An act providing for two judges of the superior court of the State of Washington in and for Chehalis county, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, Robert F. Booth, Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

REPORT OF COMMITTEE ON JOINT RULES.

Your Committee on Joint Rules beg leave to report and recommend that the joint rules of the Tenth legislature be adopted as the joint rules of the Eleventh legislature.

Your committee further recommend that a legislative manual similar to that printed by the Tenth legislature be printed for the use of

the Eleventh legislature. Your committee further recommend that only five hundred copies of said manual be printed.

Respectfully submitted,

M. E. HAY,

Chairman Committee on Rules and Joint Rules.

We concur in this report: A. S. Ruth, I. B. Knickerbocker.

LEO A. MEIGS,

Chairman Committee on Rules and Order.

We concur in the above report: Frank H. Renick, J. R. Burke, J. A. Fancher, G. O. Hubbell, H. W. Thompson, P. H. Carlyon, E. A. Sims, J. A. Falconer.

On motion of Senator Knickerbocker, the report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., January 26, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 2, entitled "An act providing for seven judges of the superior court of the State of Washington in and for King county, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman.*

We concur in this report: Ralph D. Nichols, Robert F. Booth, Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 77, entitled "An act making an appropriation for the payment of sundry expenses for the office of superintendent of public instruction," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman.*

We concur in this report: A. W. Anderson, H. O. Fishback, Harry Rosenhaupt, F. L. Stewart, W. H. Paulhamus, Peter McGregor, J. R. Stevenson, Chas. E. Myers, A. S. Ruth.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 18, entitled "An act amending an act relating to the deposit of public funds in banks by the several county treasurers of this state, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Strike out of section 1 after the words "school district" in line 19 of the original bill and line 12 of the printed bill the words "state or United States bonds or warrants" and insert in lieu thereof the following: "County or school bonds or warrants, or United States bonds, or local improvement bonds or warrants, whose legality have been passed upon favorably by the supreme court, or public utility bonds or warrants issued by or under the authority of any municipality of the state for water-power or electric plants, or maintenance thereof, upon which principal and interest is not in default at the time of such deposit."

S. T. SMITH, *Chairman*.

We concur in this report: J. D. Bassett, J. H. Smithson, E. C. Davis, H. O. Fishback, F. L. Stewart, Alex Polson.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, your Committee on Enrolling, to whom was referred Senate bill No. 47, entitled "An act prescribing the form of the official seal of the state insurance commissioner, and declaring an emergency," have compared the enrolled bill with the original and find the same correctly enrolled.

J. W. BRYAN, *Chairman*,

We concur in this report: D. H. Cox, H. O. Fishback, Geo. F. Cotterill.

The president signed Senate bill No. 47.

SENATE CHAMBER,
OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, a majority of the Committee on Public Morals, to whom was referred Senate bill No. 28, entitled "An act to provide for the creation, by popular vote of anti-saloon territory, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: D. H. Cox, Chas. E. Myers, J. A. Falconer, Geo. F. Cotterill, Ralph Metcalf.

SENATE CHAMBER,
OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, a minority of the Committee on Public Morals, to whom was referred Senate bill No. 28, entitled "An act to provide for the creation, by popular vote of anti-saloon territory, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be referred to the Judiciary committee.

A. S. RUTH.

I. B. KNICKERBOCKER.

ROB'T. BOOTH.

Senator Fishback moved that the majority report of the Committee on Public Morals on Senate bill No. 28 be adopted.

Senator Ruth moved as a substitute that the minority report on the bill be adopted.

Senator Rosenhaupt moved that the bill be re-referred to the Committee on Public Morals. The motion to re-refer was lost.

A roll call was demanded by Senators Cotterill, Bryan, Presby, Huxtable, Cameron, Nichols, Falconer, and Booth on the substitute motion of Senator Ruth that the minority report be adopted.

The secretary called the roll, and the substitute motion carried, the minority report on Senate bill No. 28 being adopted by the following vote:

Those voting aye were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams—22.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Stevenson—19.

Absent or not voting: Senator Roberts—1.

At 12:55 p. m., on motion of Senator Booth, the Senate adjourned until 2:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order by President Hay at 2:30 o'clock p. m., pursuant to adjournment.

The secretary called the roll, all members being present except Senator Roberts, excused.

INTRODUCTION OF BILLS.

Senate bill No. 114, by Senator Davis, entitled "An act to amend section 1633 of Ballinger's Annotated Codes and Statutes of Washington, relating to the county furnishing a court house, supplies, etc."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 115, by Senator Davis, entitled "An act for the protection of water fowl, and establishing breeding grounds for water fowl, etc."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Game.

Senate bill No. 116, by Senator Potts, entitled "An act to make it a misdemeanor to engage in business as a real estate agent without obtaining a license from the state, etc."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 117, by Senators Fatland, Metcalf, Paulhamus, Roberts, and Rydstrom, entitled "An act relating to the fees of attorneys in actions for a personal injury or for the wrongful death of another, prohibiting certain contracts and agreements therefor, etc."

The bill was read the first time, and on motion of Senator Fatland the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 118, by Senator Rydstrom, entitled "An act to amend an act entitled 'An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, etc.'"

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Cities of the First Class.

Senate bill No. 119, by Senator Rydstrom, entitled "An act to amend an act entitled 'An act authorizing the formation of metropolitan park districts, etc.'"

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Cities of the First Class.

Senate bill No. 120, by Senator Davis, entitled "An act to amend section 8663 of Pierce's Washington Code, relating to taxes."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenues and Taxation.

Senate bill No. 121, by Senator Nichols, entitled "An act to further regulate the sale of spirituous, malt, fermented and other intoxicating liquors, etc."

The bill was read the first time, and on motion of Senator Ruth, the rules were suspended, the bill was read second time by title, and ordered printed.

Senator Ruth moved that the bill be referred to the Committee on Judiciary.

Senator Metcalf moved as an amendment that the bill be referred to the Committee on Public Morals.

The following Senators demanded a roll call on the adoption of the amendment: Metcalf, Falconer, Booth, Brown, Cotterill, Bryan, and Stevenson.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fishback, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson—16.

Those voting nay were: Senators Allen, Anderson, Booth, Cameron, Eastham, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Minkler, Nichols, Piper, Potts, Presby, Ruth, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams—25.

Absent or not voting: Senator Roberts—1.

Senator Ruth's motion that the bill be referred to the Committee on Judiciary was put and carried.

Senate bill No. 122, by Senator Williams, entitled "An act providing for the amendment of section 6 of article 4 of the Constitution of the State of Washington, relating to the jurisdiction of superior courts."

The bill was read the first time, and on motion of Senator Williams the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 123, by Senator Brown, entitled "An act vacating a portion of waterway No. one (1) in the city of Blaine, etc."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Harbors and Harbor Lines.

Senate bill No. 124, by Senator Potts, entitled "An act making an appropriation for the maintenance of the office of the commissioner of public lands, etc."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 125, by Senator Huxtable, entitled "An act amending section 1 of chapter 113, Laws of 1905, entitled 'An act regulating and fixing the maximum railroad passenger rate in the State of Washington, etc.' "

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Railroads and Transportation.

Senate bill No. 126, by Senator Piper, entitled "An act to amend section 3 of an act entitled 'An act to provide for the

establishment of harbor lines, survey, platting and appraising of shore lands of the first class of Lakes Washington and Union, etc.' ”

The bill was read the first time, and on motion of Senator Piper the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

House bill No. 2, by Mr. David, entitled “An act providing for four judges of the superior court of the State of Washington in and for Pierce county, etc.”

The bill was read first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read second time by title, and referred to the Committee on Judiciary.

MESSAGE FROM THE GOVERNOR.

JANUARY 26, 1909.

To the Honorable, the Senate of the State of Washington:

Gentlemen:—I have the honor to transmit to you herewith copy of a letter and of a bill forwarded to me by the secretary of war of the United States.

ALBERT E. MEAD, *Governor.*

WAR DEPARTMENT.

WASHINGTON, January 15, 1909.

To the Governor of the State of Washington:

Sir:—I beg to enclose herewith the draft of a bill for authorizing the proper authorities of the cities, towns and counties of the State of Washington, within their respective jurisdictions, to grant to the United States such rights and privileges for the use of streets, alleys and county roads within the state as they may deem requisite, for purposes of lines of communication, sewage disposal and water supply, in connection with the maintenance and use of any military reservation or fortification in the state, upon such terms and subject to such conditions as they may consider necessary to prevent such use from unduly interfering with the public servitude therein; and ratifying and confirming any grants heretofore made by them for such purposes. The immediate occasion of this bill is the necessity of securing rights-of-way for the laying of ducts for cables connecting the small parcels of land acquired for base-end stations at some distance from the military reservations of Forts Worden, Flagler and Casey, in respect to which the United States attorney for the district of Washington has stated that he cannot find any law authorizing the use of streets and alleys of cities of the third class for such purposes.

It is requested that you will submit the inclosed draft of bill to the

legislature of the State of Washington, and use your good offices to secure early action thereon.

Very respectfully,

LUKE E. WRIGHT, *Secretary of War.*

Be it Enacted by the Legislature of the State of Washington:

SECTION 1. That the proper authorities of the cities, towns and counties of this state are empowered and authorized, within their respective jurisdictions, to grant to the United States such rights and privileges for the use of streets, alleys and county roads within this state, as they may deem requisite, for purposes of lines of communication, sewage disposal and water supply, in connection with the maintenance and use of any military reservation or fortification in this state, upon such terms and subject to such conditions as they may consider necessary to prevent such use from unduly interfering with the public servitude therein; and such grants as may heretofore been made for such purposes are hereby ratified and confirmed.

On motion of Senator Allen, the communication from the governor, with its enclosures, was referred to the Committee on Military.

At the request of Senator Smith, the Senate by unanimous consent took up the consideration of Senate bill No. 18 at this time.

Amended Senate bill No. 18, entitled "An act amending an act relating to the deposit of public funds in banks by the several county treasurers of this state, and declaring an emergency," was read third time.

On motion of Senator Bassett, the word "electric" in section 1, line 27 of the amended bill, was stricken and the word "light" inserted in lieu thereof, and the word "and" after the word "principal" in said line was stricken and the word "or" inserted in lieu thereof.

On motion of Senator Stewart, the bill was amended by inserting after the word "deposit," in line 28 of section 1, the following: "the aggregate market value of which shall not be less than the amount required in said deposit."

Senator Cotterill moved that words "or maintenance thereof," in line 27 of section 1 of the amended bill, be stricken. The motion was lost.

On motion of Senator Smith, the rules were suspended, Senate bill No. 18 considered engrossed, and placed on final passage.

The secretary called the roll on final passage of Senate bill No. 18, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—36.

Absent or not voting were: Senators Allen, Booth, Cameron, Cotterill, Hutchinson, Roberts—6.

The secretary called the roll on the emergency clause of Senate bill No. 18, and it passed by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—36.

Absent or not voting were: Senators Allen, Booth, Cameron, Cotterill, Hutchinson, Roberts—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Smith, the rules were suspended and Senate bill No. 18 ordered transmitted to the House immediately.

At 3:30 p. m., on motion of Senator Potts, the Senate adjourned until 11:00 o'clock tomorrow forenoon.

WM. T. LAUBE,
Secretary of the Senate.

M. E. HAY,
President of the Senate.

SEVENTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Wednesday, January 27, 1909.

The Senate was called to order at 11:00 o'clock a. m. by President Hay, pursuant to adjournment.

The secretary called the roll, all members being present except Senator Roberts, excused.

Rev. E. L. Swick offered prayer.

On motion of Senator Minkler, the reading of yesterday's journal was dispensed with and it was approved.

A petition praying the enactment of a local option bill by certain citizens of Pearson, Washington, was read, and ordered referred to the Committee on Judiciary.

A communication from Mr. John Stringer, of Seattle, Wash., relating to the National Guard of the State of Washington, was ordered referred to the Committee on Military.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, January 26, 1909.

To the Honorable the Senate of the State of Washington:

Gentlemen:—I recently appointed a conservation commission composed of representative citizens interested in the important problems of conserving and perpetuating the natural resources of Washington. Pursuant to a call issued by me, this commission met at the state capital on the 25th and 26th of this month and organized by electing Joel Shoemaker, of Tukwila, president; Dr. N. C. Blalock, of Walla Walla, vice president, and Elmer E. Johnston, of Everett, secretary, and the naming of committees to report upon the various phases of the conservation problems.

In submitting the report of this meeting, I desire to again recommend that a conservation commission be created by law, authorized to investigate the conditions in this state and embody in its report suggestions for practical legislation that will result in the proper conservation and protection of the resources of Washington. An appropriation of not to exceed \$500.00 should be provided for the necessary expenses of the commission for incidental expenditures, gathering data, and preparing the result of its deliberations in a printed report.

I herewith transmit copies of the resolutions adopted by the commission.

ALBERT E. MEAD, *Governor.*

"We believe the present forest fire law has worked admirably so far as the appropriations have admitted. The changes we recommend are:

"That section 5 of the present forest fire law be amended so as to read that the deputy fire wardens be paid five dollars per day and necessary expenses, including provision for the use of a saddle horse.

"That section 1 be amended so that the state board of forest commissioners shall receive an adequate per diem and necessary expenses for such time as is necessarily spent in the discharge of their duties.

"That parties desiring to burn slashings be required to have adequate help at hand to handle the same so as to prevent its spreading.

"We believe that the railroads should be made directly responsible to owners for the destruction of property by fire adjacent to and adjoining their roads and that the damaged party should not be required to show that the railroad company or its agents were negligent.

"We recommend that one-half of the fines that may be collected under the provisions of the law be paid to the person furnishing the information leading to the arrest and conviction of persons violating the law.

"We recommend that section 12 of the present law be repealed, as advantage is taken of its provisions to do a great deal of reckless burning by unscrupulous persons.

"We recommend that an appropriation of \$50,000 be allowed for carrying on the work of protecting the forests from fire for the next two years.

"Your committee believes that it is time for the State of Washington to adopt some definite rational forestry policy in relation to the state lands, keeping the two-fold object in view of increasing through wise conservation the state school funds of the state and also as an object lesson to private owners in the proper handling of their cut-over lands. To this end we recommend that existing laws be amended or new laws be enacted, if necessary, so that whenever any state timber land is to be sold, proper restrictions as to the manner of cutting and handling can be incorporated, so that the young and unmerchantable timber may be protected from damage and the natural reproduction facilitated; and further, if any such cut-over state lands shall upon proper examination be found to be more valuable for forest growing than for agricultural purposes, such lands shall be set apart as a permanent state forest reserve and shall be placed under national forestry regulations, so that these lands may become permanent producers of future timber crops.

"We commend the efforts of our delegation in congress and ask that they continue to work for the improvement of our navigable rivers.

"Your committee recommends that the state should at once assume complete control of waters and water courses and provide for the more scientific regulation of the use thereof for irrigation, power and other purposes, with due regard to their conservation and devotion for the benefit of the largest number of people, in order to prevent the monopolization thereof. The practice of permitting individuals and corporations to appropriate water for irrigation and power purposes by merely filing a document in the office of the county auditor of the county in which the appropriation is made is antiquated and should be abolished. We suggest that hereafter all water appropriations be made through and under the control of the state land office, and that the board of state land commissioners be empowered to regulate the methods of acquiring the right to use water as well as the use thereof.

Your conservation commission approves of the bill presented by the Washington Logged-Off Land Association in requesting the legislature to appropriate \$10,000 to be expended under the direction of the state geological board for completing a soil survey, and mapping off agricultural, mineral and other logged-off and arid lands of the state.

"That your commission approves of the bill presented by the Washington Logged-Off Land Association, making an appropriation of \$5,000, or so much thereof as may be necessary, for investigation into the methods for cheapening the work of clearing the logged-off lands.

"Your commission favors the appropriation of \$3,000 asked for by the State College for the purpose of experimenting in grasses.

"Your commission suggests that the legislature make a suitable appropriation for conducting experiments, in clearing logged-off lands, said money to be expended under the direction of the board of land commissioners, and the cost of the work to be added to the selling price of the land so cleared."

On motion of Senator Cameron, the communication from the the governor was ordered referred to the Committee on Horticulture and Forestry.

On behalf of the commission having in charge the building of the governor's mansion, Senator Ruth extended an invitation to the Senate to visit the governor's mansion tomorrow evening.

On motion of Senator Stevenson, the invitation was accepted by the Senate.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., January 26, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 2, entitled "An act providing for four judges of the superior court of the State of Washington in and for Pierce county, etc.," have had

the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Rob't. F. Booth, I. B. Knickerbocker, J. W. Bryan, Harry Rosenhaupt, Ralph D. Nichols.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 29, entitled "An act relating to the collection of assessments for local improvements and amending section one of chapter 70 of the Session Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the amendment that the word "property" in line 106 of the original bill and line 64 of the printed bill be amended to read "properly."

PETER MCGREGOR, *Chairman*.

We concur in this report: E. M. Williams, E. C. Davis, R. A. Hutchinson, John L. Blair, Ed. Brown.

On motion of Senator McGregor, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 22, entitled "An act to enlarge the duties and powers of the county commissioners in counties of the eighth to the fourteenth class, inclusive, and providing means for making this act effective," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 1 of the title of the printed bill and line 2 of the original bill strike out the word "fourteenth" and insert in lieu thereof the word "twenty-ninth." At the end of line 2 of the title of the printed bill and line 3 of the original bill change the period to a comma and insert the words "and declaring an emergency." In line 2 of section 1 of both the printed and original bills strike out the word "fourteenth" and insert in lieu thereof the word "twenty-ninth." In line 8 of section 2 of the printed bill and line 12 of the original bill strike out everything from the comma after "route" to the word "and" in line 11 of the printed bill and line 17 of the original bill. At the end of line 14 of section 2 of the printed bill and line 21 of the original bill insert the words, after changing the period to a comma, "provided such time shall

not be included in the regular session of the board." In line 2 of section 3 of the printed bill and line 3 of the original bill strike out the words "sojourning at." Insert as section 4 the words, "An emergency exists and this act shall take effect immediately."

PETER MCGREGOR, *Chairman.*

We concur in this report: E. M. Williams, E. C. Davis, R. A. Hutchinson, John L. Blair, Ed. Brown.

On motion of Senator McGregor, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., January 27, 1909.

MR. PRESIDENT:

We, your Committee on Revenue and Taxation, to whom was referred Senate bill No. 82, entitled "An act to amend sections 17, 93 and 116 of an act entitled 'An act to provide for township organizations, and prescribing the duties and fixing the compensation of township officers, and providing for the assessment, levy and collection of town taxes,' approved by the governor March 23d, 1895, and repealing sections 79, 80, 81 and 82 of said act, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line 3 of section 2 of the printed bill, strike the word "services" and insert in lieu thereof the word "service."

J. A. FALCONER, *Chairman.*

We concur in this report: Will G. Graves, Geo. F. Cotterill, E. M. Williams, J. W. Bryan, J. H. Smithson, H. H. Fatland, D. H. Cox.

On motion of Senator Williams, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., January 25, 1909.

MR. PRESIDENT:

We, your Committee on State Penal and Reformatory Institutions, to whom was referred Senate bill No. 73, entitled "An act amending an act providing for the manner of sale and distribution of all grain sacks manufactured at the State Penitentiary, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Strike the title of the original bill and add in lieu thereof the following:

An act amending sections 1, 3, 4, 5 and 6 of an act entitled "An act providing for the manner of sale and distribution of all grain sacks manufactured at the State Penitentiary, and declaring an emergency," approved March 12, 1907.

In section 4, line 8 of the printed bill and line 12 of the original bill insert the word "day" after the word "first" and before the word "of."

D. H. Cox, *Chairman*.

We concur in this report: S. T. Smith, A. B. Eastham, E. C. Whitney, Ralph D. Nichols.

On motion of Senator Stevenson, Senate bill No. 73 was referred to the Committee on State Penal and Reformatory Institutions for further consideration.

INTRODUCTION OF BILLS.

Senate bill No. 127, by Senator Williams, entitled "An act to authorize the board of regents of the University of Washington and State College of Washington to apply for participation in the fund of the Carnegie Foundation for the Advancement of Teaching."

The bill was read the first time, and on motion of Senator Williams the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Educational Institutions.

Senate bill No. 128, by Senator McGowan, entitled "An act to amend section 513 of Ballinger's Annotated Codes and Statutes of Washington, relating to the duties of sheriffs, etc."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 129, by Senator Stevenson, entitled "An act amending section 8068 of Pierce's Washington Code, entitled 'An act giving honorably discharged Union soldiers and sailors a preference to all public employment and appointments in this state, etc.'"

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 130, by Senator Bryan, entitled "An act to protect the public from imposters, and regulating the practice of drugless healing in the State of Washington, etc."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Medicine, Denistry and Hygiene.

Senate bill No. 131, by Senator Cox, entitled "An act for the improvement by grading, graveling, paving with stone or other paving or macadamizing material of any state or county road or roads, etc."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

Senate bill No. 132, by Senator Booth, entitled "An act for the protection of minority stockholders in and purchasers from any corporation selling or conveying substantially all of its property, etc."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 2, entitled "An act providing for seven judges of the superior court of the State of Washington in and for King county, and fixing the term of the additional judge appointed, etc," was read third time.

Senator Piper moved that the bill be re-referred to the Committee on Judiciary.

A roll call on the motion to re-refer was demanded by Senators Potts, Nichols, Cotterill, Williams, Huxtable, Booth, and Cameron.

The motion to re-refer was lost by the following vote, the roll being called by the secretary:

Those voting aye were: Senators Bassett, Blair, Brown, Bryan, Cotterill, Eastham, Falconer, Fishback, Metcalf, Paulhamus—10.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Booth, Cameron, Cox, Davis, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—31.

Absent or not voting: Senator Roberts—1.

Senator Cotterill moved that section 2 of Senate bill No. 2 be stricken. The motion was lost.

Senator Cotterill moved to amend section 2 by adding at the end of said section the following:

“Provided, however, That the governor shall make said appointment so that all of the seven judges for King county shall not be members of the same political party.”

The amendment was lost.

On motion of Senator Booth, the rules were suspended, Senate bill No. 2 was considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 2 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—38.

Those voting nay were: Senators Cotterill, Falconer—2.

Absent or not voting were: Senators Hutchinson, Roberts—2.

The secretary called the roll, and the emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—39.

Those voting nay were: Senators Anderson, Cotterill—2.

Absent or not voting: Senator Roberts—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 12:05 p. m., on motion of Senator Nichols, the Senate took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by Lieutenant Governor Hay, president of the Senate.

The president announced that Governor-elect Samuel G. Cosgrove would arrive at the capitol at 3:00 o'clock p m., proceed to the House chamber and take the oath of office as governor.

The following communications were read:

SPOKANE CHAMBER OF COMMERCE.

WHEREAS, The courts send many wayward and criminal girls under age to private institutions, such as the Home of the Good Shepherd and similar institutions; and

WHEREAS, The care of unfortunate girls who have fallen from virtue and desire to reform is in the hands of private institutions, such as the Crittenden Home and the House of the Good Shepherd, of our city; now therefore be it

Resolved, by the Chamber of Commerce of the City of Spokane, That our state legislature be requested to provide suitable state institutions for the restraint, care and training of the wayward and criminal girls under age; and be it further

Resolved, That our state legislature be requested to appropriate a proper sum in aid of those institutions of the state, such as the Crittenden Home and the House of the Good Shepherd, which are taking necessary care of the unfortunate girls who are seeking to reform; that a proper system of state visitation to and supervision over such institutions be arranged, and that they receive state aid in proportion to the number of such inmates taken care of; be it further

Resolved, That a copy of this resolution be sent to each member of the state legislature from Spokane county, to the governor and proper committee of the legislature.

Adopted this 19th day of January, 1909.

BOARD OF TRUSTEES SPOKANE CHAMBER OF COMMERCE,

By F. E. GOODALL, *President.*

Attest:

L. G. MONROE, *Secretary.*

On motion of Senator Ruth, the communication was referred to the Committee on Appropriations.

SPOKANE CHAMBER OF COMMERCE.

Be it Resolved, That in the opinion of the Spokane Chamber of Commerce, it would be exceedingly unwise for our state legislature

now in session at Olympia to enact into law the new educational code, now before that body, until it has been carefully amended to avoid certain manifest objections. Notable among them:

1. The centralization of power in the state superintendent;
2. The unjust and faulty certification of teachers;
3. Making attendance of teachers at state normal school compulsory;
4. The recognition of private schools on a par with our state institutions;
5. The compulsory attendance of teachers at summer schools;
6. And the general looseness of expression throughout the code.

Adopted by the Spokane Chamber of Commerce, Tuesday, January 19, 1909.

BOARD OF TRUSTEES SPOKANE CHAMBER OF COMMERCE,
By F. E. GOODALL, *President*.

Attest:

L. G. MONROE, *Secretary*.

On motion of Senator Stevenson, the communication was referred to the Committee on Education.

Senate bill No. 77, entitled "An act making an appropriation for the payment of sundry expenses in the office of the superintendent of public instruction," was placed on its third reading.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 77.

The bill was considered in the Committee of the Whole, Senator Cox in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Cox, the report of the Committee of the Whole was adopted.

Senator Hutchinson moved to amend the bill by inserting after the word "dollars," in line 2 of section 1 of the printed bill, the words "or so much thereof as may be necessary." The amendment was lost.

On motion of Senator Williams, the rules were suspended, the reading had of Senate bill No. 77 in the Committee of the Whole was considered the third reading of the bill, the bill considered engrossed, and placed on final passage.

The roll was called on final passage, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith,

Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams—37.

Voting nay: Senator Hutchinson—1.

Absent or not voting were: Senators Booth, Piper, Roberts, Smithson—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 27, 1909.

MR. PRESIDENT:

The House has passed House bill No. 112, entitled "An act making an appropriation for certain legal notices";

Senate bill No. 39, making an appropriation for office furniture for state insurance commissioner;

Senate concurrent resolution No. 10, relating to the Liberty Bell;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 84, entitled "An act providing for two judges of the superior court of the State of Washington in and for Chehalis county, and fixing the term of office of the additional judge appointed, etc," was read third time.

The secretary called the roll on final passage of Senate bill No. 84, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Bassett, Bryan, Davis, Fatland, Fishback, Graves, Hutchinson, Huxtable, Nichols, Polson, Presby, Rosenhaupt, Stewart—13.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Cameron, Cotterill, Cox, Eastham, Falconer, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Paulhamus, Piper, Potts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams—27.

Absent or not voting were: Senators Booth, Roberts—2.

Senate bill No. 88, entitled "An act providing for and regulating the assignment of wages to be earned in the future," was read third time.

On motion of Senator Graves, the bill was amended by strik-

ing the word "until" in line 3 of section 1 of the printed bill, and inserting in lieu thereof the word "unless."

On motion of Senator Cotterill, the rules were suspended, Senate bill No. 88 was considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 88 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Meyers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—41.

Absent or not voting: Senator Roberts—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 27, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 47, entitled "An act prescribing the form of official seal for the state insurance commissioner";

House bill No. 31, entitled "An act appropriating the sum of ten thousand dollars for legislative printing";

House bill No. 40, entitled "An act continuing the appropriation for a state exhibit at the A.-Y.-P";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 96, entitled "An act relating to the dividing of counties into districts for judicial purposes, etc," was placed on its third reading.

On motion of Senator Graves, the comma between the words "commissioners" and "order" in line 11 of section 2 of the printed bill was stricken and the word "and" inserted in lieu thereof.

On motion of Senator Cotterill, the Senate at 3:00 o'clock p. m. adjourned to the House chamber to hold a joint session with the House for the purpose of witnessing the inauguration of Samuel G. Cosgrove as governor of the State of Washington.

JOINT SESSION.

The sergeant-at-arms of the House announced the arrival of the Senate, and the Senate was invited to seats within the bar of the House by the speaker.

The joint session was called to order by the speaker and presided over by Lieutenant Governor Hay, president of the Senate.

The secretary of the Senate called the Senate roll, all senators being present except Senator Roberts.

The chief clerk of the House called the House roll, all members being present except Mr. Christensen.

The sergeant-at-arms announced the arrival of Governor-elect Cosgrove with Governor Mead, escorted by the joint committee, Senators Polson, Stevenson, Falconer, Paulhamus, Ruth, Huxtable, and Messrs. Beach, Krouse, Cameron, Ghent, Thompson (W. H.), Byerly, Fancher, and McInnis.

Governor-elect Cosgrove was introduced to the joint session by Lieutenant Governor Hay, and addressed the session as follows:

"Gentlemen of the Legislative Body: The kind words that have come to me from all over the State of Washington have touched me deeply, and I cannot refrain from thanking you and the people of this state for their wonderful sympathy with me in my affliction. A few weeks ago I was led down into the valley of the shadow, and I was allowed to peep almost on to the other side, but for some reason or other I have been called back, and I am here with you again. But I do want to show that I appreciate the sympathy that has come to me from all over the state.

"There are some little matters of legislation that I would like also to mention to you now, because I may not be with you again. I would like to see a good, strong local option law enacted in this state, and I want no foolishness about it, either. It is fair to the men who manage the saloons; it is fair to the people who don't want them, and so I hope that the legislators will see that that bill or some other good bill is enacted into a law.

"There is a constitutional amendment which I think ought to be enacted, and it is in regard to the railroad commission. There is a question of doubt as to the constitutionality of that law, and I trust that a committee will be appointed and look that up carefully, because it would be a calamity if this state should go on, day after day and day after day, and when they want to use the power of the railroad commission law, will—use the commission itself—they will find themselves standing up having the courts declare it unconstitutional. I agree with a federal court judge of this state in his verbal opinion that the present

railroad law is unconstitutional. I believe that it is, and I think that when you look it up you will find that the commission itself does not have the power without additional legislation to control railroad rates, and we will need a constitutional amendment that would be practical.

"There is another matter I want to say a word about. I trust that the present law relative to the primary election be not amended in such a manner as to destroy its efficiency, but that a few sections might be added to it, and that is in the election of a judge. I think two judges should be nominated, to be voted on, so that it would not be simply a farce of voting for one man.

"I simply suggest these things, because I have brought no message to you, and I have not had any power to write one since I became sick, and so I have not written you a message. I have not done anything, and I do not expect to be able to do anything. I would like for you to confer, though, a special favor on me. I would like a joint resolution of this assembly giving me an indefinite leave of absence, so that I might recuperate myself and become stronger, so that when I come back I will be a governor in deed and in truth; that is what I want to be.

"I do not desire to say more, especially since I was told not to say anything; that I must come up here like a monkey and keep still. I never could do that, gentlemen, you know, consequently I had to open up a little. I have a few more things to say, but I feel my strength will not permit it, so I will have to wait until the next legislature until I am able to tell you what I want, although that will be awfully late then; so I now am ready to take that peculiar oath of office that nobody knows anything about, and, although I may later find out what it is, I know now whatever it is it will make me governor of the State of Washington."

Chief Justice Rudkin administered the oath of office to Samuel G. Cosgrove as governor of the State of Washington.

JOINT RESOLUTION.

By Senator Meyers:

Resolved, That the governor of the State of Washington be granted leave of absence for an indefinite period.

The joint resolution was unanimously adopted.

At 3:30 p. m., on motion of Senator Nichols, the joint session dissolved.

The Senate resumed its session in the Senate chamber at 3:40 p. m.

The secretary read the following resolution:

Senate concurrent resolution No. 13, by Senator Meyers:

Resolved by the Senate, the House concurring, That, while deeply regretting the necessity for such action, and appreciating the loss that it means to the State of Washington, Governor Cosgrove be granted an indefinite leave of absence until such time as he shall fully recover his health and strength and be able to take upon himself the duties of the governor of the State of Washington.

On motion of Senator Stevenson, the rules were suspended and Senate concurrent resolution No. 13 was unanimously adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—41.

Absent: Senator Roberts—1.

On motion of Senator Stevenson, the rules were suspended and Senate concurrent resolution No. 13 ordered immediately transmitted to the House.

The president addressed the Senate and thanked them for the courtesies extended and consideration shown him as presiding officer, announcing that he would probably not have another opportunity to preside over this Senate.

On motion of Senator Nichols, the Senate by a unanimous rising vote expressed its appreciation of the work done by Lieutenant Governor Hay as president of the Senate and for the uniform courtesy and justice with which he has presided over the deliberations of the Senate.

At 3:50 p. m., on motion of Senator Nichols, the Senate adjourned until 11:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

M. E. HAY,
President of the Senate.

EIGHTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Thursday, January 28, 1909.

The Senate was called to order at 11:00 o'clock a. m. by President Ruth.

The secretary called the the roll, all members being present except Senators Falconer, Roberts and Rosenhaupt, all of whom were excused.

Rev. E. L. Swick offered prayer.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

Senator Potts moved the adoption of the following resolution:

WHEREAS, The lieutenant governor has been called upon to perform the duties of governor during the absence of the governor from the state; and

WHEREAS, Senator A. S. Ruth, as president *pro tem*, is thus called upon to perform the usual duties of the president of this body; and

WHEREAS, It has heretofore been customary to pay the president of the Senate increased compensation on account of the additional duties imposed upon him; now therefore be it

Resolved by the Senate of the State of Washington of the Eleventh regular session, That Senator A. S. Ruth, as presiding officer of this body for this session, be paid the sum of five dollars extra per day for services as such.

The president called Senator Cotterill to the chair.

The secretary called the roll on passage of above resolution, and it passed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—36.

Absent or not voting were: Senators Falconer, Nichols, Presby, Roberts, Rosenhaupt, Ruth—6.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Fisheries, to whom was referred Senate bill No. 27, entitled "An act providing for the purchase of the southeast quarter of the northeast quarter of section 16 in township 21 north of range 5 east of the W. M., for state fish hatchery purposes." have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass

H. S. MCGOWAN, *Chairman*.

We concur in this report: F. L. Stewart, R. L. Kline, W. B. Presby.

On motion of Senator McGowan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 39, entitled "An act making an appropriation for furniture, supplies, clerk hire and sundry expenses for the office of the state insurance commissioner," have compared the original bill with the enrolled bill and find the same correctly enrolled.

J. W. BRYAN, *Chairman*.

We concur in this report: A. W. Anderson, D. H. Cox.

The president resumed the chair.

Senator Booth was excused from further attendance at today's session at the request of Senator Minkler.

The president signed Senate bill No. 39, House bill No. 31 and House bill No. 40.

INTRODUCTION OF BILLS.

Senate bill No. 133, by Senator Rosenhaupt, entitled "An act providing for the purchase of two statues and appropriating funds therefor."

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 134, by Senator Cotterill, entitled "An act to amend section 7 of an act entitled 'An act to provide for prosecuting public offenses on information, etc.'"

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 135, by Senator Metcalf, entitled "An act providing that county clerks shall deposit trust funds in banks and shall require and take an indemnity bond to protect same."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 136, by Senator Metcalf, entitled "An act amending an act entitled 'An act amending section three of an act entitled 'An act providing for and regulating the selection of jurors in the superior courts of the state, etc.'"

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 137, by Senator Metcalf, entitled "An act providing that all papers in actions pending in superior courts of the state, in counties of the first class, presented to the county clerks for filing, shall be in duplicate, and fixing the duties of said clerks in reference thereto."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 138, by Senator Metcalf, entitled "An act regulating the manner of indorsement of all papers presented to the county clerks of the State of Washington, etc."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 139, by Senator Metcalf, entitled "An act to amend section 9 of an act, entitled 'An act providing for and regulating the taking of exceptions and the settling and certifying of bills of exceptions, etc.'"

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 140, by Senator Metcalf, entitled "An act providing that bonds in actions for restitution, attachment, garnishment, injunction and in stay of execution shall be approved by the judge, except in his absence from the county."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 141, by Senator Metcalf, entitled "An act providing that complaints in civil actions in the superior courts shall be filed within twenty days after service."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 142, by Senator Metcalf, entitled "An act providing for an annual convention of county clerks, and for the payment of expenses of attending same by their respective counties."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 143, by Senator Metcalf, entitled "An act to amend section 1 of an act entitled 'An act to provide for the payment by the state or counties, or cities, of the premium or charge on official bonds of state, county or city treasurers, etc.'"

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 144, by Senator Metcalf, entitled "An act to amend section 10 of an act entitled 'An act to provide for the appointment, qualifications and duties of notaries public, etc.'"

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 145, by Senator Metcalf, entitled "An act amending an act entitled 'An act in relation to the fees of state and county officers, witnesses and jurors, etc.' "

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 146, by Senator Falconer, entitled "An act authorizing and directing the state auditor to audit and state treasurer to pay bills or expenses which may be incurred by the bureau of plant industry of the department of agriculture of the United States, etc."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 147, by Senator Bassett, entitled "An act relating to the deposit of public funds in banks by the several county treasurers, etc."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time and referred to the Committee on Banks and Banking.

Senate bill No. 148, by Senator Falconer, entitled "An act providing for an economic survey of the logged-off and other unoccupied lands of the State of Washington and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 149, by Senator Hutchinson, entitled "An act authorizing the issuance of bonds for the payment and redemption of all warrants issued for erecting and equipping the Cheney and New Whatcom normal schools, etc."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 150, by Senator Arrasmith, entitled "An act relating to the sale of seed in the State of Washington."

The bill was read the first time, and on motion of Senator Arrasmith the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Agriculture.

Senate bill No. 151, by Senator Cameron, entitled "An act for certain deficiencies in maintenance of the State Fair of Washington."

The bill was read the first time, and on motion of Senator Cameron the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 152, by Senator Stevenson, entitled "An act to prevent hunting and fishing on private lands without the written consent of the owner, and providing a penalty."

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Game.

GENERAL FILE.

Senate bill No. 96 was placed on its third reading, and on motion of Senator Anderson the bill was ordered re-referred to the Committee on Judiciary.

Senate bill No. 82 was placed on its third reading, and on motion of Senator Hutchinson the further consideration of the bill went over until Monday, February 1, 1909.

Senate bill No. 29, entitled "An act relating to the collection of assessments for local improvements, etc," was read third time.

On motion of Senator Myers, the bill was amended by striking the word "are" after the word "council" in line 4 of section 1 of the printed bill, and inserting in lieu thereof the word "is."

On motion of Senator Brown, the rules were suspended, Senate bill No. 29 was considered engrossed, and placed on final passage.

The secretary called the roll on final passage of Senate bill No. 29, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith,

Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—35.

Absent or not voting were: Senators Bassett, Booth, Falconer, Huxtable, Potts, Roberts, Rosenhaupt—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

The House has passed House bill No. 1, entitled "An act relating to betting, wagering, pool-selling and bookmaking upon horse races or upon the results of any trial or contest of speed or endurance of any animal, declaring the violation thereof a felony, fixing a penalty and declaring an emergency";

Also House bill No. 12, entitled "An act amending Sec. 1 of an act entitled 'An act to provide for the payment of bailiffs of the superior courts', approved Feb. 16, 1891";

Also House bill No. 68, entitled "An act for the taking and filing of official oaths";

Also House joint resolution No. 1, by the Committees of the House and Senate on Fisheries;

Also House joint memorial No. 2, relating to irrigation of certain lands;

Also House joint memorial No. 3, relating to the size of apple boxes and grading of fruit;

Also House joint memorial No. 5, from the legislature of the State of Washington to the Senate and House of Representatives of the United States;

Also Senate concurrent resolution No. 7, relating to the printing of bills introduced in both Senate and House, with certain amendments;

Also Senate concurrent resolution No. 13, relating to the absence of Governor Cosgrove;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 2, entitled "An act providing for four judges of the superior court of the State of Washington in and for Pierce county, providing for the appointment of the additional judge therein, etc.," was read third time.

On motion of Senator Graves, the rules were suspended, the bill considered engrossed and placed on final pasage.

The secretary called the roll, and House bill No. 2 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Ruth, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams—36.

Voting nay: Senator Smith—1.

Absent or not voting were: Senators Booth, Falconer, Potts, Roberts, Rosenhaupt—5.

The emergency clause of House bill No. 2 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Camcron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—36.

Voting nay: Senator Anderson—1.

Absent or not voting were: Senators Booth, Falconer, Potts, Roberts, Rosenhaupt—5.

On motion of Senator Graves, the title of the bill was amended as follows: Strike the word "the" after the word "of" in line 2 of the title of the printed bill and insert in lieu thereof the word "an"; strike after the word "therein" in line 2 of the title of the printed bill the words "to serve until the general election in November, 1910" and strike the word "thereafter" in line 4 of the title of the printed bill.

On motion of Senator Davis, Senate bill No. 22 was ordered re-referred to the Committee on Counties and County Boundaries.

On motion of Senator Allen, the rules were suspended and the Senate returned to the order of business, "Introduction of Bills."

House bill No. 1, entitled "An act relating to betting, wagering, pool-selling and bookmaking upon horse races, etc."

The bill was read first time, and on motion of Senator Piper

the rules were suspended and the bill read second time by title.

Senator Piper moved that House bill No. 1 be referred to the Committee on Judiciary.

Senator Allen moved as a substitute that the bill be referred to the Committee on Public Morals.

A roll call on the substitute motion was demanded by Senators Brown, Nichols, Graves, Cotterill, Eastham, Myers, Metcalf.

The roll was called and the substitute motion was lost by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson—16.

Those voting nay were: Senators Anderson, Bassett, Davis, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Presby, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—21.

Absent or not voting were: Senators Booth, Falconer, Potts, Roberts, Rosenhaupt—5.

Senator Piper's motion that the bill be referred to the Committee on Judiciary was put and carried.

House bill No. 16, entitled "An act to encourage the donation of property to the State of Washington, etc."

The bill was read first time, and on motion of Senator Graves the rules were suspended, the bill read second time by title and ordered referred to the Committee on Judiciary.

House bill No. 12, entitled "An act amending section 1 of an act entitled 'An act to provide for the payment of bailiffs of the superior courts,' approved February 16, 1891."

The bill was read first time, and on motion of Senator Graves the rules were suspended, the bill read second time by title, and ordered referred to the Committee on Judiciary.

At 12:55 p. m., on motion of Senator Graves, the Senate adjourned until 10:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

NINETEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, January 29, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Cameron, Potts, Roberts, Rydstrom, all of whom were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

Senator Paulhamus moved the adoption of the following resolution:

SENATE CONCURRENT RESOLUTION NO. 14.

Resolved, by the Senate, the House concurring. That the memorial exercises set for 2:00 o'clock p. m., Friday, January 29th, be postponed until 2:00 o'clock p. m., Wednesday, February 3, 1909.

The secretary called the roll, and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Cotterill, Cox, Davis, Eastham, Fatland, Fishbæk, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Williams—31.

Absent or not voting were: Senators Booth, Brown, Bryan, Cameron, Falconer, McGowan, Potts, Presby, Roberts, Rydstrom, Whitney—11.

On motion of Senator Stevenson, the rules were suspended and Senate concurrent resolution No. 14 was ordered immediately transmitted to the House.

Senate concurrent resolution No. 7, relating to the printing of bills which are introduced in both the Senate and the House,

with the House amendments to the resolution, was read by the secretary.

Senator Knickerbocker moved that the Senate concur in the House amendments to the resolution. The secretary called the roll and the Senate concurred in the House amendments by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Williams—32.

Absent or not voting were: Senators Booth, Bryan, Cameron, Falconer, Huxtable, McGowan, Potts, Roberts, Rydstrom, Whitney—10.

Senator Rosenhaupt moved the adoption of the following resolution:

SENATE CONCURRENT RESOLUTION NO. 15.

(By Senator Rosenhaupt.)

It is hereby resolved by the Senate, the House concurring, That all reports of the various boards, commissioners, officers, or other appointed officials of the State of Washington be made in a typewritten form to the governor of the State of Washington and that the legislature may have such reports and the number printed as in its judgment it may require or the governor may recommend.

Senator Allen moved as an amendment that the resolution be referred to the Committee on Printing, and the amendment carried.

The secretary read House joint resolution No. 1, relating to the appointment of a commission to negotiate with the State of Oregon in regard to the jurisdiction of Oregon and Washington over the Columbia river, etc.

On motion of Senator Stewart, the rules were suspended and House joint resolution No. 1 placed on final passage. The secretary called the roll, and the resolution passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler,

Nichols, Paulhamus, Piper, Polson, Presby, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Williams—34.

Absent or not voting were: Senators Booth, Cameron, Falconer, Metcalf, Potts, Roberts, Rydstrom, Whitney—8.

On motion of Senator Stewart, the rules were suspended and the resolution ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 29, 1909.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 14, postponing memorial services to February 3d, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House joint memorial No. 2, memorializing congress in regard to the irrigating of certain lands in the State of Washington, was read by the secretary, and, on motion of Senator Knickerbocker, referred to the Committee on Memorials.

House joint memorial No. 3, memorializing congress not to pass a bill changing the present size of apple boxes, etc., was read by the secretary, and, on motion of Senator Davis, was ordered referred to the Committee on Memorials.

House joint memorial No. 5, memorializing congress to establish a national park at Quinault lake, in Chehalis County, Washington, was read by the secretary, and, on motion of Senator Polson, was ordered referred to the Committee on Memorials.

A telegram, addressd to Senator Hutchinson, from the Spokane Chamber of Commerce, praying that the legislature make provision for the payment of the "Cheney Normal School Warrants," was read by the secretary, and, on motion of Senator Hutchinson, was ordered referred to the Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 52, entitled "An act to amend Sec. 1330 of Ballinger's Annotated Codes and Statutes of Washington, etc.," have had the same under

consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: I. B. Knickerbocker, Ralph D. Nichols, J. W. Bryan.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 125, entitled "An act amending section 1 of chapter 113, Laws of 1905, entitled 'An act regulating and fixing the maximum railroad passenger rates in the State of Washington, and providing for the due enforcement and observance of the rates so fixed,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. H. PAULHAMUS, *Chairman*.

We concur in this report: Jesse Huxtable, A. W. Anderson, J. H. Smithson, Chas. E. Myers, J. D. Bassett, Joseph Arrasmith, Alex Polson.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 46, entitled "An act relating to the sale of intoxicating or spirituous liquor to minors, providing a punishment therefor, and amending Sec. 7313 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, D. H. Cox, Robt. Booth, Chas. E. Myers.

Senator Fishback moved the adoption of the report of the committee.

Senator Graves moved as a substitute that the bill be referred to the Judiciary Committee. The substitute was carried.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 79, entitled "An act to provide for the regulation and control

of newsboys in cities of the first class," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Amend line 1 of section 4 of printed bill and line 2 of original bill by inserting the letter "s" after the words "owner," "publisher," "manager." In line 1 of section 5 of original bill and line 1 of printed bill, insert the word "news" after the word "any" and before the word "boy."

H. O. FISHBACK, *Chairman.*

We concur in this report: Geo. F. Cotterill, J. A. Falconer, D. H. Cox, Chas. E. Myers.

On motion of Senator Fishback, the report of the Committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on State Penal and Reformatory Institutions, to whom was referred Senate bill No. 73, entitled "An act amending an act providing for the manner of sale and distribution of all grain sacks manufactured at the State Penitentiary and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Strike the title and insert in lieu thereof the following: "An act to amend chapter 135 of the Session Laws of 1907, relating to the sale and distribution of grain sacks manufactured at the State Penitentiary, and declaring an emergency."

In section 4, line 8 of the printed bill, and line 12 of the original bill, insert the word "day" after the word "first" and before the word "of."

D. H. Cox, *Chairman.*

We concur in this report: H. O. Fishback, Ralph Nichols.

On motion of Senator Cox, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 124, entitled "An act making an appropriation for the maintenance of the commissioner of public lands and for the payment of sundry salaries and per diem of officers and for sundry expenses of said office," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend section 1, line 12, in the original bill, and line 8 of the printed bill, by striking period after figures "1909" and in lieu thereof add a comma and the following: "and for the payment of expenses

of the committee under Senate concurrent resolution No. 22 of the legislature of 1907."

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: A. W. Anderson, Chas. E. Myers, Peter McGregor, A. S. Ruth, J. R. Stevenson, F. L. Stewart.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred amended Senate bill No. 96, entitled "An act relating to the dividing of counties into districts for judicial purposes, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: I. B. Knickerbocker, Ralph Nichols, J. W. Bryan.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 99, entitled "An act for the appropriation of money to defray the expenses of the department of the railroad commission of the State of Washington for the fiscal year ending March 31st, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In the title of the bill, strike the words "a bill" and insert in lieu thereof the words "an act."

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: A. W. Anderson, J. R. Stevenson, Chas. E. Myers, Peter McGregor, F. L. Stewart.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 106, entitled "An act to empower municipal corporations of other states to acquire title to lands and water rights within the State of Washington, for the purpose of securing and protecting water supply, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, amended as follows:

Insert the word "corporation" after the word "municipal" in line 4 of the original bill. Strike the brackets around the word "corporation" in line 3, section 1, of the printed bill. In the printed bill, strike the word "of" after the word "purchase" in line 2 of the title, and insert in lieu thereof the word "or."

WILL G. GRAVES, *Chairman.* -

We concur in this report: I. B. Knickerbocker, Ralph D. Nichols, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

On motion of Senator Williams, the report of the Committee on Judiciary on Senate bill No. 48, containing amendments, was not considered at this time and went over until Monday's session.

INTRODUCTION OF BILLS.

Senate bill No. 153, by Senator Falconer, entitled "An act providing for the appointment of court commissioners, etc."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, and the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 154, by Senator Davis, entitled "An act amending section eleven of an act entitled 'An act providing for and regulating the selection of jurors in the superior courts of the state, etc.'"

The bill was read first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 155, by Senator Cameron, entitled "An act relating to horticulture, and prescribing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Arrasmith the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Horticulture and Forestry.

Senate bill No. 156, by Senator Hutchinson, entitled "An act providing for the appointment of ex-soldiers and sailors of the Civil War as bailiffs of the superior courts of the State of Washington."

The bill was read the first time, and on motion of Senator

Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Charitable Institutions.

Senate bill No. 157, by Senator Williams, entitled "An act to amend section 9 of an act entitled 'An act to provide against the adulteration of foods, drinks and drugs, and fraud in the sale thereof, etc.'"

The bill was read the first time, and on motion of Senator Williams, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Educational Institutions.

Senate bill No. 158, by Senator Ruth, entitled "An act making an appropriation for the relief of Chicago, Milwaukee & St. Paul Railway Company, etc."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 159, by Senator Minkler, entitled "An act to amend section 45, chapter LXXI, of the Laws of 1897, entitled 'An act to provide for the assessment and collection of taxes, etc.'"

The bill was read the first time, and on motion of Senator Minkler the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Counties and County Boundaries.

Senate bill No. 160, by Senator Ruth, entitled "An act relating to and providing liens for labor and service performed, material, provisions and supplies furnished, etc."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Labor and Labor Statistics.

Senate bill No. 161, by the Committee on Judiciary, entitled "An act amending section 1 of an act entitled 'An act relating to jury trials in the superior court, etc.'"

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 162, by Senator Bassett, entitled "An act to organize and regulate the business of life insurance."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Insurance.

Senate bill No. 163, by Senator Bassett, entitled "An act to make uniform the law of warehouse receipts."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 164, by Senator Bassett, entitled "An act amending chapter 22 of the Session Laws of 1907, being an act relating to the keeping and depositing of municipal funds, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Banks and Banking.

GENERAL FILE.

Senate bill No. 27, entitled "An act providing for the purchase of the southeast quarter of the northeast quarter of section 16, in township 21, north of range 5 east of the Willamette Meridian, for state fish hatchery purposes," was read third time.

On motion of Senator Knickerbocker, the rules were suspended, Senate bill No. 27 considered engrossed and placed on final passage.

The secretary called the roll, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Rosenhaupt, Ruth, Smith, Stewart, Whitney, Williams - 33.

Voting nay: Senator Hutchinson—1.

Absent or not voting were: Senators Booth, Cameron, Metcalf, Potts, Roberts, Rydstrom, Smithson, Stevenson—8.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Ruth, Smith, Stevenson, Stewart, Whitney, Williams—31.

Voting nay: Senator Falconer—1.

Absent or not voting were: Senators Booth, Cameron, Graves, Hutchinson, Metcalf, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Minkler, Senator Booth was excused from further attendance on today's session.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 29, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 39, entitled "An act making an appropriation for the office of state insurance commissioner," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

E. J. Eisele and John F. Brill were sworn in by the president as Senate employees.

At 11:20 a. m., on motion of Senator Nichols, the Senate adjourned until 10:30 Monday morning, February 1, 1909.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

TWENTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Monday, February 1, 1909.

The Senate was called to order at 10:30 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. R. J. Van Horne, of the Plymouth Congregational church, Seattle, offered prayer.

The secretary called the roll, all members being present except Senators Cameron, Roberts, Rydstrom, Stewart, all of whom were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

A telegram addressed to Senator Cox, memorializing the legislature on behalf of a mass meeting held at the Walla Walla Commercial club, not to grant further powers to the highway commissioners, was read by the secretary, and, on motion of Senator Cox, ordered referred to the Committee on Roads and Bridges.

A petition was read from certain citizens of Douglas county, praying the extension of State Road No. 7, and, on motion of Senator Davis, was ordered referred to the Committee on Roads and Bridges.

A petition from certain citizens of Walla Walla county, praying the enactment of House bill No. 147, giving a lien to blacksmiths, etc., for services performed by them, was read, and, on motion of Senator Cox, placed on file for reference with House bill No. 147 when same is received from the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 11, entitled "An act for the relief of J. F. Collier";

Also Senate bill No. 30, entitled "An act for the relief of R. E. Darnell";

Also House bill No. 59, entitled "An act to amend article 6 of the Constitution of the State of Washington, relating to the qualification of voters";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Concurrent resolution No. 16, by Senator Blair:

WHEREAS, Upon Orcas Island, in San Juan county, is located the highest mountain in Puget Sound, from the top of which can be seen the snow-capped peaks of British Columbia for a distance of one hundred miles or more, and also the Cascade range from the British Columbia line as far south as Mt. Hood in Oregon, as well as the Olympic range; and

WHEREAS, Said mountain is highly praised by California and other tourists, as one of the greatest from the standpoint of scenic splendor to be viewed from its summit of any in the United States, overlooking, as it does, the entire Puget Sound and the Mountains Rainier, Baker and Hood; and

WHEREAS, This beautiful spot is a natural pleasure park for hundreds of people from all parts of the state, and for tourists from all over the United States and other parts of the world; and

WHEREAS, This ground can be secured by the state at this time for a very reasonable sum; therefore,

Be it Resolved by the Senate, the House concurring, That a committee of five be appointed, two by the president of the Senate and three by the speaker of the House, to confer with the owner, Doctor J. Hilton, of Seattle, to ascertain the best price and terms on which this tract can be purchased, said land to be held by the state as a public pleasure park.

On motion of Senator Blair, the Senate concurrent resolution No. 16 was ordered referred to the Committee on Memorials.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., January 27, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bills Nos. 88 and 18, have compared the same with the original bills and find them correctly engrossed.

Respectfully submitted.

CHAS. E. MYERS, *Chairman.*

We concur in this report: H. H. Fatland, W. G. Potts.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., January 28, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 48, entitled "An act amending section 1154, Pierce's Code, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended as follows: Strike all of the title and insert in lieu thereof the following title:

"An act relating to actions brought to recover possession of real property and amending section 5518 of Ballinger's Annotated Codes and Statutes of Washington."

Strike all of that part of the body of the original bill beginning with the words "Section 1154" down to and including the words "as herein provided," and insert therein the following:

"Section 1. That section 5518 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 5518. In an action to recover possession of real property, the judgment rendered therein shall be conclusive as to the estate in such property and the right of possession thereof, so far as the same is thereby determined, upon all persons claiming by, through or under the party against whom the judgment is rendered, by title or interest passing after the commencement of the action, if the title oretaoindrutoalinaldshrdluhrllr commencement of the action, if the party in whose favor the judgment is rendered shall have filed a notice of the pendency of the action, as required by Section 4887, Vol. 2, Ballinger's Annotated Codes and Statutes of Washington."

WILL G. GRAVES, *Chairman.*

We concur in this report: I. B. Knickerbocker, Ralph D. Nichols, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

GENERAL FILE.

Senate bill No. 82 was placed on its third reading.

On motion of Senator Huxtable, the consideration of Senate bill No. 82 was put over until Wednesday morning, February 3, 1909.

Senate bill No. 96, entitled "An act relating to the dividing of counties into districts for judicial purposes, etc.," was read the third time.

On motion of Senator Presby, section 5 of the bill was amended as follows: Add at the beginning of the section after the words "Sec. 5" the following: "After districts have thus

been formed, places designated and approved by the judge or judges as herein provided." And further amend by striking the capital letter "I" in the word "It," being the first word in section 5 of the printed bill, and inserting in lieu of said letter "I" the letter "i."

On motion of Senator Graves, the word "of" after the word "also" in line 2 of section 5 of the printed bill was stricken, and the word "a" after the word "appoint" in line 1 of section 6 of the printed bill was stricken and the word "the" inserted in lieu thereof.

On motion of Senator Knickerbocker, the word "the" at the end of line 2, section 8 of the printed bill, was stricken and the word "any," preceded by a comma, inserted in lieu thereof.

On motion of Senator Presby, section 23 of the bill was stricken and section 24 was made section 23, section 25 being made section 24.

On motion of Senator Polson, the rules were suspended, Senate bill No. 96 considered engrossed, and placed on final passage.

The secretary called the roll on final passage of Senate bill No. 96, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Smith, Smithson, Stevenson, Whitney, Williams—35.

Those voting nay were: Senators McGregor, Ruth—2.

Absent or not voting were: Senators Cameron, Metcalf, Roberts, Rydstrom, Stewart—5.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Smith, Smithson, Stevenson, Whitney, Williams—34.

Voting nay were: Senators McGregor, Ruth—2.

Absent or not voting were: Senators Booth, Cameron, Metcalf, Roberts, Rydstrom, Stewart—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Graves, the rules were suspended, and Senate bill No. 96 was ordered transferred to the House immediately.

On motion of Senator Graves, the Senate resolved itself into a Committee of the Whole to consider Senate bills Nos. 99 and 124.

The bills were considered in the Committee of the Whole, Senator Presby in the chair, and reported back to the Senate with the recommendation that they do pass.

On motion of Senator Allen, the report of the Committee of the Whole was adopted.

Senate bill No. 99, entitled "An act for the appropriation of money to defray the expenses of the department of the railroad commission of the State of Washington for the fiscal year ending March 31, 1909," was placed on its third reading.

On motion of Senator Allen, the rules were suspended, the reading had of Senate bill No. 99 in the Committee of the Whole was considered the third reading of the bill, the bill considered engrossed and placed on final passage.

The secretary called the roll, and Senate bill No. 99 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Whitney, Williams—37.

Absent or not voting were: Senators Cameron, Metcalf, Roberts, Rydstrom, Stewart—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 124, entitled "An act making appropriation for the maintenance of the office of the commissioner of public lands, etc.," was placed on its third reading.

On motion of Senator Smith, the rules were suspended and

the reading had of the bill in the Committee of the Whole was considered the third reading of the bill.

On motion of Senator Falconer, Senate bill No. 124 was ordered re-referred to the Committee on Appropriations.

Senate bill No. 79, entitled "An act to provide for the regulation and control of newsboys in cities of the first class," was placed on its third reading.

On motion of Senator Piper, Senate bill No. 79 was indefinitely postponed.

Senate bill No. 106, entitled "An act to empower municipal corporations of other states to acquire title to lands and water rights within the State of Washington, etc.," was read third time.

On motion of Senator Myers, the title of the bill was amended by striking the period after the last word in the title and adding the following: "and declaring an emergency."

On motion of Senator Cox, the rules were suspended, Senate bill No. 106 considered engrossed, and placed on final passage as amended.

The secretary called the roll, and Senate bill No. 106 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Smith, Stevenson, Whitney, Williams—35.

Absent or not voting were: Senators Cameron, Hutchinson, Metcalf, Roberts, Rydstrom, Smithson, Stewart—7.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Whitney, Williams—37.

Absent or not voting were: Senators Cameron, Metcalf, Roberts, Rydstrom, Stewart—5.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 125, entitled "An act amending section 1 of chapter 113 of the Laws of 1905, entitled 'An act regulating and fixing the maximum railroad passenger rates in the State of Washington, etc.," was placed on its third reading.

On motion of Senator Booth, the bill was amended as follows: Strike line 6 of the printed bill, beginning with the word "*Provided*" after the word "carried" in section 1 and all of lines 7, 8, 9, 10 and 11 of the printed bill to and including the word "further" in line 11 of section 1 of the printed bill and insert in lieu thereof the following:

"And it shall be unlawful for any railroad company, its agents or employees, doing business in this state, to collect any sum in excess of the amounts above set forth when a passenger tenders cash fare in lieu of a ticket issued by such company: *Provided.*"

Senator Cotterill moved to amend the bill by striking the word "three" in line 4 of section 1 of the printed bill and inserting in lieu thereof the words "two and one-half."

Senator Falconer moved as a substitute that the bill be referred to the Committee on Railroads and Transportation. The substitute motion carried.

Senate bill No. 52, entitled "An act to amend section 1330 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the election of presidential electors," was read third time.

On motion of Senator Nichols, the rules were suspended, Senate bill No. 52 was considered engrossed and placed on final passage.

The secretary called the roll and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Whitney, Williams—36.

Absent or not voting were: Senators Cameron, Cotterill, Hutchinson, Roberts, Rydstrom, Stewart—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 73, entitled "An act to amend chapter 135 of the Session Laws of 1907, relating to the sale and distribution of grain sacks manufactured at the State Penitentiary, and declaring an emergency," was placed on its third reading.

Senator Rosenhaupt moved that the bill be amended by striking the words "not below cost of production," in line 11 of section 4 of the printed bill. The motion was lost.

On motion of Senator Ruth, the words "grain growers," in line 10, section 4, of the printed bill, were stricken and the words "farmers and oyster growers" inserted in lieu thereof.

On motion of Senator Eastham, the last word, in section 5 of the printed bill, "treasurer," was stricken.

Senator Cotterill moved that the bill be amended by striking section 1.

Senator Nichols moved as a substitute that the words "farm-ing and oyster-growing" be inserted in lieu of "grain-growing" at the end of section 1.

At 12:37 p. m., on motion of Senator Graves, a recess was taken until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:00 o'clock p. m. by President Ruth.

Senator Knickerbocker moved that Senate bill No. 73 be re-referred to the Committee on State Penal and Reformatory Institutions for the purpose of making amendments.

The chair held that the motion to re-refer took precedence over all other motions.

The motion of Senator Knickerbocker carried, and Senate bill No. 73 was ordered re-referred to the Committee on State Penal and Reformatory Institutions.

The secretary read the House amendments to Senate bill No. 30, entitled "An act for the relief of J. E. Darnell."

On the motion of Senator Graves, that the Senate concur in the House amendments to the bill, the secretary called the roll and the amendments were concurred in by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Ruth, Smithson, Stevenson, Whitney, Williams—36.

Absent or not voting were: Senators Cameron, Huxtable, Roberts, Rydstrom, Smith, Stewart—6.

The secretary read the House amendments to Senate bill No. 11, entitled "An act for the relief of J. F. Collier, etc.," and, on motion of Senator Bassett, that the Senate concur in the House amendments to the bill, the secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Whitney, Williams—35.

Absent or not voting were: Senators Cameron, Huxtable, Polson, Presby, Roberts, Rydstrom, Stewart—7.

By unanimous consent the Senate returned to the order of business, "Introduction of Bills."

Senate bill No. 165, by the Committee on Judiciary, entitled "An act for the purchase and maintenance of law libraries for the superior courts, etc."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 166, by Senator Arrasmith, entitled "An act for the relief of the city of Palouse, Washington."

The bill was read the first time, and on motion of Senator Arrasmith the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Claims and Auditing.

Senate bill No. 167, by Senator Kline, entitled "An act to provide for the vacation of portions of waterways, the extension of streets over the portions so vacated, etc."

The bill was read the first time, and on motion of Senator

Kline the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 168, by Senator Kline, entitled "An act granting to railroads, interurban railroads and street railroads operating as common carriers the right to cross state waterways with trestles or bridges for railroad and roadway purposes, etc."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 169, by Senator Davis, entitled "An act to amend article XI, paragraph VII of of the Constitution of the State of Washington, relating to the eligibility of county officers."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 170, by Senator Cotterill, entitled "An act for the establishment of port districts, etc."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Harbors and Harbor Lines.

Senate bill No. 171, by Senator Metcalf, entitled "An act to amend section 1 of an act entitled 'An act providing for the protection and health of employees in factories, mills, etc.'"

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Commerce and Manufactures.

House bill No. 59, by Mr. Bell, entitled "An act to amend article VI of the Constitution of the State of Washington, relating to the qualification of voters within the state."

The bill was read first time.

Senator Williams moved that House bill No. 59 be indefinitely postponed.

Senator Cotterill moved as a substitute that the rules be sus-

pending, the bill be read second time by title and ordered referred to the Committee on Constitution and Constitutional Revision

The substitute motion carried.

At 2:35 p. m., on motion of Senator Graves, the Senate adjourned until 10:30 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

A. S. RUTH,

President of the Senate.

TWENTY-THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Tuesday, February 2, 1909.

The Senate was called to order at 10:30 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. F. A. LaViolette, of Aberdeen, chaplain of the Senate of 1907, offered prayer.

The secretary called the roll, all members being present except Senators Metcalf and Rydstrom, who were excused.

A communication from Rebecca Foster, praying the enactment of a woman suffrage bill, was, on motion of Senator Nichols, ordered referred to the Committee on Constitution and Constitutional Revision.

A telegram from the Civic League of Almira, Washington, urging the passage of a local option bill, was, on motion of Senator Myers, ordered referred to the Committee on Judiciary.

A communication to the secretary from the president of the United States, acknowledging receipt of Senate joint memorial No. 2, was read and ordered placed on file.

A resolution by the Ellensburg Chamber of Commerce, praying the enactment of laws to prohibit bucket shops in the State of Washington, was read, and, on motion of Senator Bryan, ordered referred to the Committee on Public Morals.

The following communication was read and ordered placed on file:

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., January 23, 1909.

Hon. M. E. Hay, President State Senate, Olympia, Washington:

MY DEAR SIR: The joint telegram of yourself and Honorable L. O. Meigs, speaker of the House, conveying to me, by direction of the joint assembly, your congratulations upon my election to the United States Senate, at hand.

I beg to assure you and the members of the Senate that I am highly sensible of the great honor they have conferred upon me, the greatest in the gift of the people of the state. If I have deserved it by my past work for every section of the state, I am glad, and I assure you and them, and the people, whose expressed will they have so promptly and cheerfully carried out, that my utmost endeavor shall be to promote the interest and welfare of every section of our state and every interest therein. I have no special interests to serve, no special obligations to influence my action.

With a full sense of the responsibilities of this high position, I pledge all my time and my ability to their discharge, trusting that when my term expires I shall have met the reasonable expectations of those who have so signally honored and trusted me.

Again I thank you and the members of the Senate for their confidence and trust.

Most sincerely yours,

W. L. JONES.

Senate concurrent resolution No. 17, by Senator Metcalf:

WHEREAS, It appears from the investigation made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the same under federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore, be it

Resolved by the Senate of the State of Washington, the House concurring, That application be and the same is hereby made to congress, under the provisions of article five of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited and congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved further, That the secretary of state be and is hereby directed to transmit copies of this application to the Senate and House

of Representatives of the United States, and to the several members of the said body representing this state therein.

Senator Paulhamus moved the adoption of the resolution.

The secretary called the roll, and the resolution was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Paulhamus, Piper, Potts, Presby, Roberts, Smith, Smithson, Stevenson, Stewart, Williams—35.

Those voting nay were: Senators Nichols, Rosenhaupt, and Ruth—3.

Absent or not voting were: Senators Metcalf, Polson, Rydstrom, Whitney—4.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 56, entitled "An act to amend section 103 of 'An act to amend sections 13, 14, 15, and 24 of an act entitled 'An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the state of Washington,' approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing section 100, 101, 105, 106, 110, 113, 115, 117, 118, and 121 thereof, and by adding sections 97½, 119¼, 119½, 119¾, 120¼, 120½, 120¾, to said act, and declaring an emergency, approved March 15th, 1899,' and declaring an emergency,' approved March 20th, 1901," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line one in the title of the bill strike out the words "to amend" and insert in lieu thereof the following: "Relating to the sale of real property for delinquent taxes and amending."

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, H. H. Fatland, Will G. Graves, J. D. Bassett.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 122, entitled "An act providing for the amendment of section 6, article 4 of the constitution of Washington, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be referred to the Committee on Constitution and Constitutional Revision.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, I. B. Knickerbocker, W. B. Presby, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 126, entitled "An act to amend section 3 of an act entitled 'An act to provide for the establishment of harbor lines, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended, as follows:

At the end of section 1, end of line 17 of the printed bill, strike the period and quotation marks and substitute therefor a colon; and add to section 1 the following:

And provided further, That interest at the rate of six per cent. per annum shall be paid upon all deferred payments, the interest to be paid annually.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, I. B. Knickerbocker, W. B. Presby, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 36, entitled "An act relating to the public highway fund, and amending an act entitled 'An act to amend section 2 of an act of the legislature of the State of Washington, approved March 9, 1905, entitled 'An act creating a fund to be known as the public highway fund and making provisions for an annual levy to produce revenue therein for the construction and repairs of highways and bridges,' approved February 15, 1907," have had the same under consideration,

and we respectfully report the same back to the Senate with the recommendation that it do pass.

ALEX POLSON, *Chairman.*

We concur in this report: S. J. Cameron, Ralph D. Nichols, W. B. Presby, R. L. Kline, Joseph Arrasmith, J. R. Stevenson, J. H. Smithson.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 124, entitled "An act making appropriation for the maintenance of the office of the commissioner of public lands and for the payment of sundry salaries and per diem of officers and for sundry expenses of said office," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as originally introduced.

W. G. POTTS, *Chairman.*

We concur in this report: J. R. Stevenson, Chas. E. Myers, H. O. Fishback, Peter McGregor, Robert F. Booth, Harry Rosenhaupt, W. H. Paulhamus.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 76, entitled "An act amending section 4828 of Ballinger's Annotated Codes, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended, as follows:

In line 4 of the printed bill strike the word "sides" and insert in lieu therefor the word "aiders." In line 11 of the printed bill, after the word "brothers" and before the word "dependent," insert the words, "who may be." In line 11 of the printed bill after the word "support" and before the word "may" insert the following phrase: "and who are resident within the United States at the time of his death." In line 13 of the printed bill strike the comma after the word "damages"; strike the comma after the word "exemplary" and before the word "as," and strike the words "pecuniary or exemplary."

WILL G. GRAVES, *Chairman.*

We concur in this report: Ralph D. Nichols, I. B. Knickerbocker, W. B. Presby, Harry Rosenhaupt.

On motion of Senator Graves, the report was ordered referred to the Committee on Judiciary.

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 75, entitled "An act amending section 4838 of Ballinger's Annotated Codes, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended, as follows:

. In line 5 of the printed bill, after the word "have" and before the word "parents" insert a comma. In line 5 of the printed bill, after the word "have" and before the word "parents" insert the following words: "dependent upon him for support and resident within the United States at the time of his death." In line 5 of the printed bill, after the word "brothers" strike the words "dependent upon him for support." In line 8 of the printed bill, after the word "brothers" and before the word "dependent" insert the words "who may be." At the end of line 8 in the printed bill, strike the word "upno" and insert in lieu therefor the word "upon." In line 9 of the printed bill, strike the period after the word "support" and add thereto the following phrase: "and resident in the United States at the time of his death."

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, I. B. Knickerbocker, W. B. Presby, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

Senator Paulhamus moved that the Committee on Judiciary be instructed to report House bill No. 1 back to the Senate tomorrow morning.

A roll call on the motion was demanded by the following senators: Cotterill, Falconer, Booth, Minkler, Brown, Nichols, Allen.

The secretary called the roll, and the motion carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Myers, Minkler, Paulhamus, Polson, Potts, Roberts, Smithson, Stevenson, Stewart—25.

Those voting nay were: Senators Booth, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Nichols, Piper, Presby, Rosenhaupt, Ruth, Smith, Whitney, Williams—15.

Absent or not voting were: Senators Metcalf, Rydstrom—2.

At 12:13 p. m., on motion of Senator Fatland, a recess was taken until 2:30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:00 o'clock p. m. by President Ruth.

The president announced that the motion made by Senator Cotterill at yesterday's session, submitting an amendment to Senate bill No. 125, was not shown on the journal of yesterday for the reason that the same had been withdrawn by the author of the motion, and, following the established precedent, motions which are withdrawn by the author are not shown by the journal.

Senator Graves moved that it is the sense of this Senate that when a motion is formally withdrawn by its author, with the consent of his second, that it do not appear on the journal of the Senate.

Senator Falconer moved as a substitute that all motions and all actions of the Senate shall appear in the journal except when ordered expunged from the record. The substitute motion carried.

Resolution by Senator Stewart:

WHEREAS, It is highly desirable to have a Senate docket issued from time to time; and,

WHEREAS, To issue such a docket properly and to have the same carefully and efficiently indexed, it is necessary to have expert help; therefore, be it

Resolved, That L. G. McGuire be employed at five dollars per day for such service.

Senator Stewart moved the adoption of the resolution.

Senator Potts moved as a substitute that the resolution be referred to the Committee on Senate Employees other than Regular.

Senator Falconer moved that the matter be laid on the table.

Senator Falconer's motion to table was put and lost.

Senator Cotterill moved as a substitute that the secretary of the Senate be instructed to designate one of the present employees of the Senate to prepare the Senate docket at \$5 per day.

The substitute motion of Senator Cotterill was put and lost.

The substitute motion of Senator Potts, that the resolution be referred to the Committee on Senate Employees other than

Regular, was put and carried, and the resolution was ordered referred to that committee.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1909.

MR. PRESIDENT:

We, your Committee on State Penal and Reformatory Institutions, to whom was re-referred Senate bill No. 73, entitled "An act amending an act providing for the manner of sale and distribution of all grain sacks manufactured at the state penitentiary, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In line 4 of the original bill, and line 3 of the printed bill, section 1, insert, after the word "farmers" and before the word "of," "or oyster-growers," and in the same lines, after the word "in" strike "growing grain" and insert in lieu thereof "farming or oyster culture." In line 6 of the same section of the original bill, and lines 4 and 5 of the printed bill, strike the words "grain-growing" and insert in lieu thereof "farming or oyster culture." In line 14 of the original bill, and line 10 of the printed bill, section 4, strike the words "grain-growers" and insert in lieu thereof "farmers and oyster-growers."

D. H. Cox, *Chairman*.

We concur in this report: A. B. Eastham, S. T. Smith, Ralph D. Nichols, H. O. Fishback.

On motion of Senator Cox, the report of the committee was adopted.

On motion of Senator Cox, the rules were suspended, Senate bill No. 73, entitled "An act amending an act providing for the manner of sale and distribution of all grain sacks manufactured at the State Penitentiary, etc," was read third time, considered engrossed, and placed on final passage.

Senator Fatland moved to amend the bill by striking the words "growing grain" in line 2 of section 4 of the printed bill and inserting in lieu thereof the words "farming or oyster growing."

With the consent of his second, Senator Fatland withdrew his motion.

The secretary called the roll on final passage, and Senate bill No. 73 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—39.

Absent or not voting were: Senators Cameron, Metcalf, Rydstrom—3.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—38.

Absent or not voting were: Senators Booth, Cameron, Metcalf, Rydstrom—4.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senator Smithson was granted unanimous consent to introduce a resolution out of order.

Resolution by Senator Smithson:

Resolved by the Senate. That we deeply sympathize with Senator Cameron and hereby extend to him our sincere condolences for the great sorrow and loss visited upon him in the death of his brother, W. H. Cameron; and be it further,

Resolved. That the secretary of the Senate is instructed to advise Senator Cameron of the action of the Senate herein.

Senator Smithson moved that the rules be suspended, that the resolution be adopted, and that all senators be recorded as voting aye on the above resolution. The motion carried unanimously.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred Senate bill No. 38, entitled "An act creating the office of state commissioner of health, fixing his qualifications, term of

office and compensation and defining his duties, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be amended as follows, and that it be referred to the Appropriation Committee:

Insert after the word "monthly" in line 10, section 1, of the printed bill the following: "in the same manner as the salary and expenses of other state officers."

A. B. EASTHAM, *Chairman.*

I concur in this report: Robt. F. Booth.

On motion of Senator Eastham, the report of the committee was adopted.

On motion of Senator Potts, Senate bill No. 124 was taken up out of order, the rules being suspended.

On motion of Senator Potts, the Senate resolved itself into a Committee of the Whole to consider Senate bill No. 124.

The bill was considered in the Committee of the Whole, Senator Myers in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Myers, the report of the committee was adopted.

On motion of Senator Potts, the rules were suspended, the reading of the bill had in the Committee of the Whole was considered the third reading of the bill, the bill considered engrossed, and placed on final passage.

The secretary called the roll on final passage of Senate bill No. 124, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—37.

Absent or not voting were: Senators Booth, Cameron, Metcalf, Piper, Rydstrom—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, the rules were suspended and Senate bill No. 124 ordered immediately transmitted to the House.

INTRODUCTION OF BILLS.

Senate bill No. 172, by Senator Potts, entitled "An act relating to hotels, inns and public lodging-houses, creating the office of state hotel inspector, etc."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 173, by Senator Paulhamus, entitled "An act to regulate the business of banks and banking and providing for the guaranty of deposits in banks, etc."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Banks and Banking.

Senate bill No. 174, by Senator Paulhamus, entitled "An act regulating the filing and approval of plats of land within and without cities of the first and second class, etc."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Cities of the First Class.

Senate bill No. 175, by the Committee on Judiciary, entitled "An act relating to the admission of attorneys and counselors-at-law, etc."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 176, by the Committee on Judiciary, entitled "An act relating to the disbarment and suspension of attorneys, etc."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and ordered placed on general file.

Senate bill No. 177, by Senator Presby, entitled "An act relating to the superior court of Clarke, Cowlitz, Skamania, Klickitat, Lewis, Pacific and Waukiakum counties, etc."

The bill was read the first time, and on motion of Senator Presby the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 178, by Senator Fishback, entitled "An act relating to telephone lines."

The bill was read the first time, and on motion of Senator Fishback the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

GENERAL FILE.

Senate bill No. 161, entitled "An act amending section 1 of an act entitled 'An act relating to jury trials in the superior court, etc,'" was read third time.

Senator Stevenson moved to amend the bill by inserting after the figures "\$12.00" in line 9 of section 1 of the printed bill the words, "and that the same shall be taxed to the costs in such action."

With the consent of his second, Senator Stevenson withdrew his motion. The president announced that the hour of three o'clock having arrived, the Senate would proceed to consider Senate bill No. 190, together with the governor's veto message on same, which was a special order for this time.

On motion of Senator Paulhamus, the special order for the consideration of Senate bill No. 190, with the governor's veto message on same, went over until 3:00 o'clock, Thursday afternoon, February 4, 1909.

The Senate returned to the consideration of Senate bill No. 161.

On motion of Senator Graves, the rules were suspended, the bill considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 161 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—36.

Absent or not voting were: Senators Booth, Cox, Davis, Huxtable, Metcalf, Rydstrom—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Paulhamus, the consideration of Senate bill No. 48 went over until Thursday, February 4, 1909.

On motion of Senator Paulhamus, there was ordered printed 700 copies of Senate bill No. 173.

Senator Stevenson moved that the Senate adjourn until 10:00 o'clock tomorrow morning.

Senator Huxtable moved as a substitute that the Senate adjourn until 11:00 o'clock tomorrow morning. The substitute motion was lost.

The motion of Senator Stevenson, that the Senate adjourn until 10:00 o'clock tomorrow morning, carried. The Senate adjourned at 3:17 p. m.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

TWENTY-FOURTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 3, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth.

The secretary called the roll, all members being present except Senator Rydstrom, excused.

On motion of Senator Piper, the reading of yesterday's journal was dispensed with and it was approved.

A number of petitions addressed to Senator Falconer, from citizens of Snohomish county, praying the enactment of a state game system to take the place of the county game system, were read, and, on motion of Senator Falconer, ordered referred to the Committee on Game.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 102, entitled "An act to prohibit the throwing and placing of bottles, glass and glassware, in any road or highway in the State of Washington, and prescribing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendments:

In line 3 of the printed bill, strike the word "or" and insert after the word "glassware" the words "tacks or nails." In line 4 of the printed bill, strike the figures "25" and insert in lieu thereof the figures "50."

ALEX POLSON, *Chairman.*

We concur in this report: A. W. Anderson, J. R. Stevenson, W. B. Presby, J. A. Falconer, R. L. Kline, Joseph Arrasmith.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Educational Institutions, to whom was referred Senate bill No. 127, entitled "An act to authorize the boards of regents of the University of Washington and the State College of Washington to apply for participation in the fund of the Carnegie foundation for the advancement of teaching," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

RALPH D. NICHOLS, *Chairman.*

We concur in this report: J. D. Bassett, E. M. Williams, Peter McGregor, R. L. Kline, H. O. Fishback, J. H. Smithson.

On motion of Senator McGregor, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Educational Institutions, to whom was referred Senate bill No. 157, entitled "An act to amend section 9 of an act entitled 'An act to provide against the adulteration of foods, drinks and drugs, and fraud in the sale thereof; creating a state board of food commission, defining their duties and providing for the appointment of an officer to be known as the state dairy and food commissioner; providing for the enforcement of the law and fixing a penalty for the violation thereof; making an appropriation and repealing chapter XCIV

of the Laws of 1901 as amended by chapter 51 of Laws of 1905, being an act entitled 'An act to provide against the adulteration of food and fraud in the sale thereof; creating a state board of food commission, defining their duties and providing for the appointment of an officer to be known as state dairy and food commissioner; providing for the enforcement of the law and fixing a penalty for the violation thereof; making an appropriation, declaring an emergency, and repealing 'An act to provide against the adulteration of food,' approved March 13, 1899,' approved March 16, 1901,' approved March 15, 1907,' have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

RALPH D. NICHOLS, *Chairman.*

We concur in this report: J. D. Bassett, E. M. Williams, Peter McGregor, R. L. Kline, H. O. Fishback, J. H. Smithson.

On motion of Senator Nichols, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 95, entitled "An act to punish derogatory statements affecting banks," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

S. T. SMITH, *Chairman.*

We concur in this report: J. D. Bassett, H. O. Fishback, E. C. Davis, R. L. Kline, W. H. Paulhamus.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 10, entitled "An act to create a bureau of inspection and supervision of public officers, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

S. T. SMITH, *Chairman.*

We concur in this report: J. D. Bassett, H. O. Fishback, E. C. Davis, R. L. Kline, W. H. Paulhamus.

On motion of Senator Smith, the report of the committee was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

The House has passed House bill No. 169, entitled "An act to create a public archive commission, and define its duties and powers";

Also House bill No. 102, entitled "An act to amend section 2 of an act entitled 'An act providing for the establishment, construction and maintenance of state roads and making appropriations for state roads heretofore established'";

Also House bill No. 46, entitled "An act authorizing and empowering the board of regents of the State College of Washington to acquire by lease or purchase a tract or tracts of land for experimental or other purposes";

Also Senate bill No. 34, entitled "An act making appropriation for the payment of sundry expenses in the office of the secretary of state, with the following amendment: Line 2 of the original bill, being line 2 of the printed bill, strike out the words and figures "five hundred (500)" and insert in lieu thereof the words and figures "three hundred (300)."

The speaker has signed Senate joint memorial No. 3, relating to a military reserve on San Juan Island;

Also Senate joint memorial No. 4, relating to duty on jute and grain bags;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 1, entitled "An act relating to betting, wagering, pool-selling, etc., declaring the violation thereof a felony, and declaring an emergency," report the same back to the Senate, under the direction of that body, for its consideration.

WILL G. GRAVES, *Chairman.*

We concur in this report: Robt. F. Booth, I. B. Knickerbocker, Harry Rosenhaupt.

Senator Knickerbocker moved that the report of the committee be placed on file, the rules be suspended, the bill read third time, and placed on final passage. The motion carried.

House bill No. 1, entitled "An act relating to betting, wagering, pool-selling, etc.," was read third time.

Senator Knickerbocker moved that section 2 of the bill be amended by striking out the last word "immediately" and sub-

stituting in lieu thereof the words and figures "on May 1, 1909." The amendment was carried.

Senator Piper moved the previous question, being seconded by Senators Falconer, Booth and Whitney, and the motion carried.

A roll call on the adoption of the amendment was demanded by Senators Booth, Brown, Nichols, Allen, Piper, Knickerbocker, Paulhamus.

The secretary called the roll, and the amendment of Senator Knickerbocker was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Booth, Cameron, Davis, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGregor, Minkler, Nichols, Piper, Potts, Presby, Roberts, Ruth, Smith, Smithson, Stewart, Whitney, Williams—24.

Those voting nay were: Senators Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, McGowan, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson—17.

Absent or not voting: Senator Rydstrom—1.

On motion of Senator Falconer, the rules were suspended, the bill considered engrossed, and placed on final passage.

The secretary called the roll and House bill No. 1 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—41.

Absent or not voting: Senator Rydstrom—1.

The secretary called the roll on passage of the emergency clause of House bill No. 1, and same failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Rosenhaupt, Stevenson—23.

Those voting nay were: Senators Anderson, Booth, Cameron, Eastham, Graves, Huxtable, Kline, McGowan, Nichols, Piper, Presby, Roberts, Ruth, Smith, Smithson, Stewart, Whitney, Williams—18.

Absent or not voting: Senator Rydstrom—1.

On motion of Senator Graves, the title of the bill was amended by striking from same the words "and declaring an emergency."

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 76, entitled "An act amending section 4828 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 4 of the printed bill, strike the word "sides" and substitute therefor the word "aiders." In line 7 of the printed bill, after the word "brothers" insert the words "who may be." In line 8 of the printed bill, after the word "support" and before the word "may" insert the words "and who are resident within the United States at the time of his death." In line 11 of the printed bill, after the word "brothers" and before the word "dependent" insert the words "who may be." In line 11 of the printed bill, after the word "support" and before the word "may" insert the following words: "and who are resident within the United States at the time of his death." In line 13 of the printed bill strike the comma after the word "damages"; strike the words "pecuniary and exemplary"; strike the comma after the word "exemplary" and before the word "as."

WILL G. GRAVES, *Chairman.*

We concur in this report: Robt. F. Booth, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

REPORT OF COMMITTEES ON EMPLOYES OTHER THAN REGULAR.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Employes other than Regular, to whom was referred resolution relative to the hiring of L. G. McGuire, have had

the same under consideration and recommend that the resolution be adopted.

Respectfully submitted,

F. L. STEWART, *Chairman.*

We concur in this report: Jesse Huxtable, H. S. McGowan, W. G. Potts.

On motion of Senator Stewart, the report of the committee was adopted.

Senator Stewart nominated L. G. McGuire for Senate clerk at \$5 per diem, and he was elected as such by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Eastham, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—35.

Those voting nay were: Senators Cotterill, Falconer, Polson—3.

Absent or not voting were: Senators Davis, Hutchinson, Paulhamus, Rydstrom—4.

Resolution by Senator Potts:

WHEREAS, A. A. Kirby is now performing the work as clerk of the Committees on Enrolled Bills, Engrossed Bills, Roads and Bridges, Medicine, Dentistry, Surgery and Hygiene, and State Charitable Institutions; and

WHEREAS, He has been assigned the additional work of reading clerk; therefore,

Resolved, That the compensation of the said A. A. Kirby be raised from \$4.00 to \$5.00 per day.

On motion of Senator Potts, the resolution was ordered referred to the Committee on Senate Employees other than Regular.

INTRODUCTION OF BILLS.

Senate bill No. 179, by Senator Graves, entitled "An act to amend section 17 of an act approved March 6, 1901, entitled 'An act relating to the taxation of inheritances, etc.'"

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 180, by Senator Graves, entitled "An act authorizing private corporations now existing, or hereafter in-

corporated under the laws of the State of Washington, other than religious corporations, to issue notes, bonds, mortgages or other evidences of indebtedness, etc.”

The bill was read the first time, and on motion of Senator Graves, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 181, by Senator Graves, entitled “An act relating to powers of cities of the first class, and granting to cities of the first class the right to license, regulate and control employment agencies, etc.”

The bill was read the first time, and on motion of Senator Graves, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Municipal Corporations.

Senate bill No. 182, by Senator Graves, entitled “An act amending section 1 of chapter 17 of the Session Laws of 1905, relating to bonds of guardians and prescribing the requirements therefor.”

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 183, by Senator Graves, entitled “An act relative to the authority of city marshals in criminal and civil cases in justices’ courts of the State of Washington.”

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Municipal Corporations.

Senate bill No. 184, by Senator Stevenson, entitled “An act to prevent hunting and fishing on private lands without the written consent of the owner, etc.”

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Game.

Senate bill No. 185, by Senator Eastham, entitled “An act to establish a state trout hatchery on the east fork of the Lewis river, in Clarke county, Washington.”

The bill was read the first time, and on motion of Senator Eastham the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Fisheries.

Senate bill No. 186, by Senator Potts, entitled "An act providing for the payment to the various counties of this state of moneys collected under the provisions of the direct primary law and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 187, by Senators Fatland, Rydstrom, Paulhamus, Metcalf and Roberts, entitled "An act relating to the construction of a State Historical building for the use of the Washington State Historical Society, etc."

The bill was read the first time, and on motion of Senator Fatland the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 188, by Senator Brown, entitled "An act providing for the organization of good roads associations and declaring an emergency."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

On motion of Senator Hutchinson, Senate bill No. 2 was ordered re-referred to the Committee on Public Revenues and Taxation.

On motion of Senator Piper, Senate bill No. 165 was ordered referred to the Committee on State Library.

Senator Stevenson moved that Senate bill No. 36 be referred to the Committee on Public Revenues and Taxation.

Senator Kline moved the previous question, and was seconded by Senators Williams, Hutchinson and Booth. The motion "Shall the previous question be ordered?" carried.

The motion of Senator Stevenson was put and carried, and Senate bill No. 36 was ordered referred to the Committee on Public Revenues and Taxation.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on State Library, to whom was referred Senate bill No. 165, entitled "An act providing for the purchase and maintenance of libraries, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with an emergency clause.

The committee also desires to call special attention to its speedy action, as a lesson for others to follow.

GEORGE U. PIPER, *Chairman*.

We concur in this report: Will G. Graves, J. W. Bryan.

On motion of Senator Piper, the report of the Committee was adopted.

GENERAL FILE.

Engrossed Senate bill No. 126, entitled "An act to amend section 3 of an act entitled 'An act to provide for the establishment of harbor lines, survey, platting and appraisal of shore lands, etc.," was read third time and placed on final passage.

The secretary called the roll, and Senate bill No. 126 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Absent or not voting were: Senators Metcalf, Rydstrom—2.

The emergency clause passed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Absent or not voting were: Senators Metcalf, Rydstrom—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Piper, the rules were suspended and Senate bill No. 126 was ordered immediately transmitted to the House.

Engrossed Senate bill No. 75, entitled "An act amending section 4838 of Ballinger's Annotated Codes and Statutes of Washington, in relation to survival of actions for personal injury to any person, occasioning his death," was read third time.

Senator Cotterill moved to amend section 1 of the bill by striking the words "and resident in the United States at the time of his death" from the bill in both places in said section where the said words appear.

The motion was lost.

The secretary called the roll on final passage, and Senate bill No. 75 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Ruth, Smith, Stevenson, Stewart, Williams—38.

Absent or not voting were: Senators Potts, Rydstrom, Smithson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Nichols, Senate bill No. 56 was ordered referred to the Committee on Judiciary.

The secretary read the House amendments to Senate bill No. 34, entitled "An act making an appropriation for the payment of sundry expenses in the office of the secretary of state."

On motion of Senator Potts, that the Senate concur in the House amendments to the bill, the secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Ruth, Smith, Stevenson, Stewart, Williams—35.

Absent or not voting were: Senators Booth, Brown, Piper, Rosenhaupt, Rydstrom, Smithson, Whitney—7.

Senate bill No. 165, entitled "An act providing for the purchase and maintenance of law libraries for the superior courts and for the creation of a fund therefor by the taxation of costs," was read third time.

Senator Graves moved the bill be amended by striking the word "converted" in line 2 of section 6 of the printed bill and inserting in lieu thereof the word "covered."

Senator Hutchinson moved as a substitute that Senate bill No. 165 be indefinitely postponed.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

The House has concurred in Senate amendment to House bill No. 2.
LOREN GRINSTEAD, *Chief Clerk.*

Senator Huxtable moved that the Senate take a recess until 2:00 o'clock this afternoon.

Senator Stevenson moved as a substitute that the Senate take a recess until 1:30 this afternoon. The substitute motion carried.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

The motion of Senator Hutchinson, that Senate bill No. 165 be indefinitely postponed, was put and lost.

Senator Graves' amendment, substituting the word "covered" for the word "converted" in line 2 of section 6 of the printed bill, carried.

On motion of Senator Paulhamus, the bill was amended by striking section 4.

On motion of Senator Kline, Senate bill No. 165 was amended by striking all of section 5 of the printed bill after the words "county court house," in line 2 of said section.

On motion of Senator Graves, the bill was amended by making section "5" read section "4" and by making section "6" read section "5."

On motion of Senator Graves, the rules were suspended, Senate bill No. 165 considered engrossed, and placed on final passage.

The secretary called the roll on final passage of the bill, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Graves, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Potts, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Williams—30.

Those voting nay were: Senators Brown, Davis, Hutchinson, Kline, Minkler, Piper, Polson, Presby, Whitney—9.

Those absent or not voting were: Senators Booth, Eastham, Rydstrom—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Williams, Senate bill No. 122 was ordered referred to the Committee on Constitution and Constitutional Revision.

Senate concurrent resolution No. 18, by Senator Bryan:

WHEREAS, Race-track gambling, book-making and pool-selling has been carried on for many years past in King county, Washington, in spite of the laws on the statute books prohibiting same; and

WHEREAS, The people of the State of Washington have demanded that the practice cease without delay; therefore, be it

Resolved, by the Senate, the House concurring, That the governor of the State of Washington be and is hereby requested to use every means provided by law to prevent the further violation of the laws prohibiting race-track gambling, book-making and pool-selling, without waiting for House bill No. 1 to take effect; be it further

Resolved, That it is the opinion of the Eleventh legislature that an emergency exists, and the immediate attention of the executive officers of the state is demanded.

Senator Bryan moved the adoption of the resolution.

Senator Potts moved as a substitute that the resolution be referred to the Committee on Public Morals.

Senator Bryan moved that the matter be tabled.

Senator Bryan withdrew his motion to table.

The substitute motion of Senator Potts was carried, and the resolution ordered referred to the Committee on Public Morals.

The president announced the hour of 2:00 o'clock had arrived, for which time the holding of memorial services in joint session with the House was a special order.

The sergeant-at-arms of the House notified the Senate that the House was ready to receive the Senate in joint session, and the Senate adjourned to the House chamber to meet that body in joint session.

JOINT SESSION.

The sergeant-at-arms of the House announced the arrival of the Senate at the door of the House, and the Senate was invited to seats within the bar of the House.

The joint session was called to order at 2:00 o'clock p. m. by Senator A. S. Ruth, president of the Senate.

The secretary of the Senate called the Senate roll, all senators being present except Senators Booth, Cameron and Rydstrom.

The chief clerk of the House called the House roll, all members being present except Messrs. Bell, Hanson (H. H.), Hanson (Ole), Hewitt, Scott, Slayden, Weir.

Prayer was offered by Rev. C. E. Todd, of Olympia.

The president announced that the memorial services were as a mark of respect to the memories of Senators Walter J. Reed and former Senator John Earles, and Representatives W. H. Thompson and Henry L. Strobridge.

Eulogies on the life of Walter J. Reed were delivered by Senators Stevenson and Blair, and on the life of John Earles by Senators Brown, Graves, and Kline.

Addresses in memoriam were made by Messrs. Stone and Farnsworth on the life of W. H. Thompson, and by Messrs. Rogers, Lambert and Bird on the life of Henry L. Strobridge.

Mr. Stone spoke as follows:

I wish to speak only briefly in memory of Wm. H. Thompson, who lived in the county in which I live, and represented that county in the House of Representatives at its last session.

One year ago last Christmas time he answered to his last and final roll call, and passed out into the great beyond.

We shall miss his face at this session and his absence will cast a gloom over those of his colleagues who knew him best.

I am not personally acquainted with this brother, but on inquiry I find that he was greatly beloved by the citizens of the little town of Harrington, in which he lived, and to bear me out in this assertion is the name which he bore, "Uncle Billy."

Both old and young met and greeted him in this familiar and most endearing name.

May the ashes of "Uncle Billy" Thompson rest in peace and may his name be cherished in our memory.

Mr. Farnsworth spoke as follows:

W. H. Thompson was born in Tennessee, December 15th, 1839. Born in a region which Boone and Crockett, Kenton and the Clarks had so prominently aided in opening to white settlement, and at a time when the memory of their adventurous deeds was fresh in the minds of the inhabitants of that section, he was possessed by nature of the spirit of the pioneer.

In 1869, at the age of thirty, with his wife, he crossed the plains and mountains, westward bound. He traveled as the army of others who preceded him had traveled, by team. Withstanding the dangers and hardships then incident to such journeys, he settled on a farm near Albany, Oregon, where he resided for thirty years.

In 1899, at the age of sixty, the spirit of the pioneer again manifested itself in his nature, and with his family he removed to Lincoln county, Washington, where he purchased a farm near Harrington. There he resided until the day of his death, November 25th, 1907.

His genial nature and rugged integrity soon won for him many friends in his new home, and in 1906 he was honored by the Republican party with the nomination and election as a representative from Lincoln county, serving during the last session of this body with honor to himself and his constituency.

He was not a seeker of political preferment. His strong body, his early training, his environment, were such as to cause him to find his chief pleasure in accomplishment, in winning victory over material obstacles, in subjecting nature to his will, in converting lands from their wild state to a highly cultivated condition. A lover of nature, such work afforded him pleasure and honest joy.

He was a pioneer of the West—not one of the kind that gives rise to the term "wild and wooly," but one of those who, by constant application and persistent effort, made for himself and his loved ones a happy home in a new country. We are not likely to do too much honor to the memory of the pioneer. Toiling through the dust and heat of the prairies, laboriously working their way over and through mountain passes, far, far from the possibility of assistance in case of sickness or accident; in constant danger from the savages whose empire they were invading, those early pioneers earned more honors than will ever be given them. We give our cheers and songs of praise to statesmen and warriors. We commemorate their memory and the memory of their deeds in monuments of marble and bronze; but what monument

could be erected which would worthily pay a tribute to the efforts, the sacrifices and the accomplishments of the pioneers who blazed and made the trail of civilization which we have followed? Monuments, the work of human hands, may be defaced, destroyed or return to the elements of nature from which they originated; but to do honor to the pioneer, there should be a monument durable as time, so great as to cast the shadow of its influence over all, so creditable as to receive the favorable approval of the Almighty.

Such a monument, I believe, can only be found in the development of the highest type of manhood and womanhood to which the human race can possibly attain. Then upon the broad foundation made for us by the pioneers, a foundation of liberty in thought and action, of the quality and opportunity and of justice always, it is for us, their successors, to erect a superstructure of superior manhood which shall do honor to their patriotism and their self-sacrificing achievements. I can conceive of no better ending for these remarks than to quote a sentence from the recent Thanksgiving proclamation of our honorable president: "Let us therefore as a people set our faces resolutely against the evil, and with broad charity, with kindness and good-will toward all men, but with unflinching determination to smite down wrong, strive with all the strength that is given us for righteousness in public and private life."

The people, the individual unit of which have such an ideal, would be a worthy monument in a land given us by the pioneers.

Mr. Rogers spoke as follows:

Henry L. Strobridge, who died December 7th, was a man of splendid intellect, and few who have served in the lower House came better equipped in broad education and mental balance than he.

As a friend he could be implicitly relied upon, ever ready with aidful counsel to assist those in need. He was generous to a fault, not alone with advice, but with his purse if necessary.

Henry L. Strobridge was a man to gain whose intimate friendship necessitated the taking of most of the introductory steps by those who sought his esteem; but the gaining of that relationship was proof sufficient that the initiatory advances made by applicants for his favor resulted in a splendid reward. If one of these friendships suffered from wrecking—though of rare occurrence—it is safe to assert Henry L. Strobridge was not responsible for the overt act causing the rupture, for friendship to him was a highly valued bond.

The deceased member in his college days pulled bow oar in the first racing crew Cornell ever put in the water and throughout his life was an enthusiastic sportsman. His broad education had its foundation in his legal, medical, musical and art training, assisted by a vast amount of travel abroad and in America; also in journalism, for he once worked shoulder to shoulder as a reporter with the poet, Eugene Field, and other scintillating newspaper men of that early day. Some

years ago he was known as a valued contributor to such out-of-door publications as "Outing" and "Forest and Stream."

Henry L. Strobridge had reached his fifty-eighth year when death so suddenly and unexpectedly closed his career, which should have contained at least ten years more of active, useful life.

Mr. H. L. Strobridge was a pioneer of the city of Everett, and I have known him intimately for the last seventeen years and I have always gone to him for counsel. He was my next door neighbor for a number of years and I loved him for his great attainments and due simplicity.

Funeral services were held at Everett, December 10th, and were attended by a large number of people from all over the state, among them distinguished persons, including the governor, a number of his colleagues in the House and members of the Senate and many state officers and nearly all the bar of Snohomish county.

There comes a time in the life of every man, no matter how exalted his position or how humble his lot, how keen his intellect or how simple his thought, when he must face the inevitable solution of life's great mystery. It may put off until the shades of evening are fast blotting out the glories of the setting sun, or during the heat of mid-day while the work seems all but done, but come as it may, it will always stir our sympathies and leave an ache that is hard to cure.

He believed in the fatherhood of God and the brotherhood of man, in the religion of love, and the gospel of good works; that above all sects is truth, above all nations is humanity. He believed that all the sons of man were sons of God. He sympathized with human frailties and human sufferings. He felt that the man who scatters flowers in the pathway of his fellow men, who lets into the dark places of life the sunshine of human sympathy and human helpfulness, is following in the footsteps of his Master.

He believed that: "We rise by raising others, and he who stoops above the fallen stands erect."

Beyond Time's whirl we brightly see
The stars shine through the cypress trees,
Not hopeless pass our dead away,
For we shall view the breaking day
Across the mournful marbles play.

Mr. Lambert spoke as follows:

I wish at this time to say a few words in memory of Henry L. Strobridge. Well may we pause as did the troubled patriarch of old and ask the momentous question to which the centuries have given no answer: If a man die, shall he live again? Whether he is pursuing his labor in another world, or sleeps as unconscious dust we do not know. The hope of immortality is as natural and may spring from our desire to live, so let us hope that our departed friend is now contented in a higher House than this.

It has been a custom among mankind for ages to meet together and engage in some kind of ceremonies at the death of one of their

number. The primitive people believed that they could assist the spirit of the departed from the realm of the known to the great unknown, but we meet today to pay our respects in official form, to the memory of the deceased members of this body, review the work, recount their virtues, and forget their faults.

It was my very good fortune to personally know and enjoy the friendship of Mr. Strobridge. He was a good lawyer, a true friend and a devoted public servant. In the advocacy of measures before this House he never asked support on any ground other than the justness of his cause. I served with Mr. Strobridge during the sessions of 1905 and 1907. He was a valuable legislator who believed that he could best serve the people of his district and this great state by preparing and securing the passage of a few measures of general interest. He did not take an active part in general legislation on the floor of this House, but rather confined his work to committees and in the support of one or two measures, of great public interest. During the session of 1905 he introduced and urged the passage of a direct primary law, and two years later, as a member of the sub-committee on privileges and elections, drafted and urged the passage of the primary law on our statute books. It was his aim in this law to provide that the people should express their preference for candidates without being subject to the influences that might be had with money. He was an able speaker, always thoroughly prepared to sustain his position on any measure in which he was interested.

Mr. Strobridge was a lover of nature, and an outing with a few friends along the streams and mountains was one of his chief pleasures. He enjoyed the good things of life and in his habits regulated his conduct along that golden mesne between abstinence on the one side and over-indulgence on the other. In the death of Henry L. Strobridge the state has lost a valuable public servant and humanity a good friend.

Mr. Bird spoke as follows:

The fading violet of early spring, the murmurs of the brook growing less musical with the evaporations of mid-summer, the icy breath of winter chilling the heart of animated nature—all teach us that life is but a vapor; that our stay here is but temporary and that we, too, must soon answer the summons from the shadow world.

Already four of those who occupied honored places in this assembly at the last session have been called to the great beyond, and, conforming to a beautiful custom, we have turned aside today from the usual routine of business to pay a tribute of respect to their cherished memory.

It had never been my privilege to become intimately acquainted with Mr. Strobridge, and I regret that I am deprived of that inspiration which obtains between men whose hearts have been linked together in the mysterious ties of personal friendship. Coming, however, as I do, from the community where his public and private virtues were

so clearly indexed, I feel it not only a duty but a pleasure to add this appreciation of his goodness and his manliness, morality, temperance, unbending integrity, and personal honor, which so adorns and by which we estimate personal character; are in no less degree honorable and ornamental when carried into and made the governing principle of public life and political action, and these attributes were in a marked degree characteristic of the late lamented Henry L. Strobridge, whose memory we commemorate today.

As a friend, he was ever kind, genial and sympathetic; as a citizen, he was ever prominently identified with the promotion of the welfare of his city; as a lawyer, he stood high in the councils of his profession; as a legislator, he was broad and charitable in his views, faithful to his constituents, and true to the trusts confided to his care.

As we honored and respected him while he lived, so now that he is gone, I gladly bear this brief testimony to his high character as a friend, a citizen, a lawyer, and a legislator.

Senator Stevenson said:

We are assembled here today in pursuance of a joint resolution which requires that we shall meet at this time to pay our tributes of respect to the memory of those of our colleagues and friends who, since the gavel fell for the last time in the session of 1907, have gone out into the vast eternity.

The deep interest we feel in these ceremonies is evidenced by this large gathering of friends and associates who have assembled to take part in these memorial services here today.

I will claim your attention for a moment while I pay my tribute of respect to the memory of our late friend, Senator Walter J. Reed, of Yakima, a member of the Senate in the legislature of 1907. I wish I might find and give expression to words which would convey to you something of the deep sorrow I felt when news of the death of Walter J. Reed was imparted to me. While I had not the pleasure of a long acquaintance with Senator Reed, only during the 1907 session, yet during the two months in which we were associated more or less closely in committee work I learned to love and admire that kind, conscientious, unassuming old gentleman.

I recognized in him a man of sterling worth and noble purposes. Since we have met to commemorate the lives and memory of those who have gone before, it is well that we pause to consider those qualities of life and character which form a basis for grateful remembrance. Many who attained distinction have died unmourned. The goodness and worth of individuals is measured by the tears of sorrow that are shed when they lie down to their last sleep. When Napoleon Bonaparte, the general before whom the European nations crouched and cowered like a belabored hound beneath his master's lash, who scattered the armies of the European nations like the leaves of the forest, who spread the funeral crepe over empires, and who on the glorious battlefield of Austerlitz recorded his name as a military

genius unparalleled in the annals of earth—when that warrior, a lonely prisoner on the desolate isle of St. Helena, laid down for the last time, no tears of grief were shed, no hearts were wrung with sorrow and anguish; he died a prisoner on that lonely isle, with no funeral dirge save the moaning of the stormy Atlantic as it beat against that rock-bound shore. When the news was carried to France, the very nation where once the beckon of Napoleon's hand would call forth an army from her citizens, it was received without sorrow or mourning; the busy metropolis heard the report, and continued on in its world of gaiety and pleasure. We ask, "Why such indifference at the death of one who had attained such distinctions?" The answer is readily given: Those brilliant campaigns, that tremendous energy and dazzling genius which had rendered his name immortal were not employed in the interest of humanity, but for self alone. In the language of Phillips, he knew no motive but interest, acknowledged no criterion but success, worshipped no God but ambition, and with an eastern devotion, knelt at the shrine of his idolatry.

With Napoleon contrast the immortal Lincoln—that name which, as the centennial of the birth of the great emancipator approaches, is in the hearts and minds of millions of loyal American citizens; that man who, in devotion to duty, forgot self and gave all to the cause of humanity, justice and freedom. When the news of his assassination was flashed like an electric shock to every corner of the continent, the nation wept like a child; even Europe joined in the mourning, and the civilized world felt and knew that a great and good man had fallen beneath the hand of the assassin; from every altar prayers ascended to the throne of heaven, petitioning the Almighty to spare his noble life, that he might yet live to behold the glory and prosperity of the nation he had helped to preserve. But the hand of the assassin had done its work, and, amid the sorrow of the world and the weeping of those million of slaves who by his hand were exalted by the light of freedom, the nation laid away the noblest character of modern times to its last repose.

The record of the life of Walter J. Reed, like that of the great Lincoln, reveals a life devoted to duty. Born in Edinburgh in 1842, while yet very young he moved with his parents to America, settling in the Great Beaver valley of Pennsylvania, where his early life was spent. When Sumpter was fired upon and the great war president called for volunteers, he, with his father and only brother, were among the first to respond to the call. Young Reed, then only 19 years old, offered his young life upon the altar of the country of his adoption, fighting her battles through three years of that great fratricidal struggle. He enlisted in the 63d regiment of Pennsylvania Volunteers, and participated, with his regiment, in the battles of Antietam, Fredericksburg, Chancellorville, Gettysburg and many others. At Gettysburg he received the veteran's badge in wounds, and was soon after honorably discharged and mustered out of the service, returning again to his Pennsylvania home.

Soon after he turned his face to the setting sun, settling in California in 1877, removing to the Northwest territory a year later, settling in Yakima valley, then in Washington Territory, in 1878, where he has since resided. Identified with all the great interests and building up of that great section of our state, he held many positions of honor and trust, always filling the same with credit to himself and satisfaction to his constituency, holding the position of joint senator from the 15th senatorial district at the time of his death.

Senator Walter J. Reed is gone; our words here today can neither comfort nor disturb him. At the grave all pride is lost; death knocks alike at the palace and the hovel, and today as we stand by the river that marks the border of the unknown shore, no boast of achievement, no pride of ancestry or pomp of wealth will still the soul or harden our heart. But as we reflect on the uncertainty of life and the fleeting character of mortal glory, we can join with Lincoln in the words of his favorite poem:

Oh, why should the spirit of mortal be proud?
Like a swift fleeting meteor, a fast flying cloud,
A flash of the lightning, a break of the wave,
Man passeth from life to his rest in the grave.

Senator Kline said:

It was my pleasure and good fortune to know John Earles, and to know him well, in his home and business life. I did not associate with him as a member of the Senate of this state, but, coming as his successor from the district he represented, I am somewhat familiar with his work while representing his district. His reason for leaving public life was owing to ill health, and not because our people wished to have him succeeded; his popularity with our people is best shown by the fact that, while a democrat in politics, he was elected from a strong republican district.

He was a native of Wisconsin, born in 1858. He secured a common school education, and came to this state in 1897, locating in Bellingham, and engaged in the lumbering industry. He died at Pasadena, California, on the 18th day of last December, and his remains were brought back to his adopted state and interred in Mt. Calvary cemetery in the city of Seattle.

A man of truth, honor and integrity, he was esteemed because of these qualities. I never heard a fellow man speak an ill word of him; his every act and deed proclaimed him a man worthy of our confidence and esteem. He was a loving husband and father, a good citizen, an upright man.

The State of Washington is the better from the fact of his having been a citizen of it. Although stricken down in the early afternoon of life, his work was well done, and in his death Washington lost one of its best and most honored citizens. His loss as a neighbor, townsman and friend is a severe one indeed.

Senator Blair said:

While I only had the opportunity of knowing Walter J. Reed for the sixty days of the legislative session of 1907, as joint senator from the 15th senatorial district, and the few days I spent in his company thereafter in locating the soldier's branch home, I learned that to become acquainted with him was to respect him, and to know him was to love him.

To me he was a brother, for when the war broke out in 1861 and the nation was in the throes of dissolution, he went into the army to defend his country on the side of right and justice, and to sustain and protect and advance the integrity and honor of the American flag. He fought through many battles and received his badge of honor in wounds upon the battlefield, seared into the flesh of his body to be held sacred by him through life. He had the pleasure and joy of living to see the National flag placed upon every school house in the United States, and also to witness the progress of the land of the free, and advance in strength to a point where it is almost the arbiter in peace and war among the nations of the world. When Japan and Russia were having their struggle, and our nation called upon them to make peace with each other, he had the great satisfaction of seeing that advice followed in recognition of the superiority of his own great nation.

Had Comrade Reed lived a few days longer he would have rejoiced in his nation's charity to the afflicted, for when Italy was recently scourged with a great calamity, she gave to her own suffering people two million dollars; England came forward, with her six millions, and with all the great, rich nations of Europe and all the rest of the world, they sent to the stricken people four millions of money. Our nation—my comrade's nation—gave four millions, or as much as all the rest of the world, outside of Italy herself.

After the war of '61 he returned home an energetic, resolute, self-reliant young man. Later he came west, finally settling at North Yakima, where he did all in his power to build up and forward the interests of his new state. In agriculture, education and development of the coal mines he was always to the front, and he was exceedingly successful in building up his part of the state. He first introduced alfalfa in the State of Washington, securing and planting in the soil, the first seed, thereby instituting an industry in Eastern Washington which brought millions of money into the hands of his people.

During the legislative session of 1907 his one great ambition was to see a perfect school system built up, and his efforts were all in that direction, for a better school system and a higher standard of morality. Later, during our travels around the Sound seeking for a suitable place to establish the soldier's home, he said to me: "Blair, I'll tell you what we'll do, and we will stand by it. We will not locate the home in any place where we wouldn't be willing to live ourselves, provided circumstances are such that we wished to live at a soldier's

home." And he did stand by his statement and would consider no place for the location of this institution which he believed to be unfit for any man to pass his last days who had been among those to assist in preserving the honor and glory of the United States of America.

Walter J. Reed, the man and statesman, is no longer with us, but he is sincerely mourned by those he left behind, who today are in sorrow because of his absence—and he has left behind him a heritage in works and deeds, by which he will be remembered, and which will not pass away.

Senator Brown spoke as follows:

Mr. President and gentlemen of the joint session:

It would seem but mockery for a man like myself to attempt to eulogize the name of the late Senator John Earles, a man whose life, like the magic wand, left a brighter spot wherever it touched. By frugal habits and careful industry, this man of humble birth built for himself and family a beautiful home, surrounded with every comfort, and by his numerous virtues and kindly disposition entwined himself about the lives of his many acquaintances. In his death the citizens of Whatcom county lost one of its most enterprising and respected citizens.

Being a colleague of Senator Earles while I was serving in the lower House of the legislature of 1901, I know that his knowledge and influence and all his works were directed toward the common welfare and for the best interest of his constituents, the records of the state show many of his wise and well considered measures. Why the Grim Reaper sees fit to strike down in the midsummer of life, when in the midst of manifold duties and responsibilities, at a time when so much of the work seems unfinished, a man of such sterling qualities and unquestioned ability as Senator John Earles, we will never know until the great scroll is rolled back and we too stand before the All Wise and Just Judge. As we travel down the river of life and meet here at the different sessions and look around the halls to view the different faces that adorn the walls, and their memories are reflected back, we ask where are such men as Senator Carey Stewart, Representative Dawes, the great and powerful men physically and mentally of days now past, and we hear the words, "They are gone, gone to the great beyond." How vividly the words of the old song come to our mind that we have heard sung around the open grave in the country churchyard, "One by one, one by one, fording the river one by one." Realizing that we too must soon cross this great river, how well it behooves us to so do our work that when we do stand before the Great Tribunal it may be said of us as we say of Senator Earles today, "His work was not only done, but well done."

Rev. E. L. Swick offered prayer.

The joint session dissolved at 3:10 p. m., on motion of Senator Rosenhaupt.

The Senate was called to order by President Ruth in the Senate chamber at 3:12.

Communications from the Chambers of Commerce of Spokane and Seattle and from the Waterville Commercial Club, requesting that the state purchase the bridge crossing the Columbia river at Wenatchee, were read, and, on motion of Senator Nichols, ordered referred to the Committee on Roads and Bridges.

A petition, addressed to Senator Kline, from the Pomona Grange of Whatcom county, praying the enactment of equal suffrage legislation, was read, and, on motion of Senator Kline, referred to the Committee on Constitution and Constitutional Revision.

Petitions from certain citizens of Spokane county, addressed to Senator Hutchinson, petitioning the passage of local option measures, were read, and, on motion of Senator Hutchinson, ordered referred to the Committee on Public Morals.

SPECIAL COMMITTEE REPORT.

TO THE PRESIDENT OF THE SENATE:

We, your joint committee of the Senate and House, appointed under provision of joint resolution No. 8, for the purpose of meeting a like committee from the legislature of the State of Oregon, to confer, and, if practicable, to agree on matters for concurrent legislation of the States of Oregon and Washington in relation to the fisheries of the Columbia river, met at the Arlington Hotel, in Seattle, Saturday, January 30th, 1909, and thoroughly considered all matters concerning the said fisheries, and which resulted in an agreement, signed by all members of the joint committee, and we beg leave to submit the report attached hereto, and recommend that the same be adopted, and that legislation be enacted in accordance therewith.

Respectfully submitted,

H. S. MCGOWAN, *Chairman*;
W. B. PRESBY,
F. L. STEWART,
A. B. EASTHAM,

E. A. SIMS,
WALLACE STUART,
D. N. McMILLAN,
J. R. BURKE.

SEATTLE, WASH., Jan. 30, 1909.

To the Honorable Legislatures of the States of Oregon and Washington:

We, your joint Committees on Fisheries, appointed by you to submit a draft of proposed concurrent legislation relative to the fisheries on the Columbia river, beg leave to submit the following report:

We suggest that the necessary steps be taken for the purpose of

drafting a bill to be submitted to the legislatures of the States of Washington and Oregon, embodying the following provisions:

First. A spring closed season from 12:00 o'clock noon, March 1st, to 12:00 o'clock noon, May 1st.

Second. A fall closed season from 12:00 o'clock noon, August 25th, to 12:00 o'clock noon, September 10th.

Third. A Sunday closed season from 6:00 o'clock p. m., Saturday of each week, to 6:00 o'clock p. m., the Sunday following, between the 1st day of May and the 25th day of August.

Fourth. We suggest mutual recognition by each state of the licenses issued for floating gear by the other state.

Fifth. That the State of Oregon repeal chapter 89 of the Session Laws of Oregon for the year 1907, relative to the operation of purse seines and other like gear on the Columbia river.

Sixth. We recommend the repeal of both the fish bills passed under the provisions of the initiative and referendum in the State of Oregon in June, 1908, said bills being designated on the ballot as 318-319 and 332-333.

Seventh. We recommend the enactment of similar laws in both states, carrying an appropriation of a thousand dollars for each state, for the destruction of seals and sea lions, the same to be expended by the master fish wardens of the respective states.

Eighth. We recommend a system of central hatcheries at points in the Columbia river district below all power plants and other obstructions, with adequate nursery ponds for the proper protection of salmon fry, and that provisions be made so that the master fish wardens can carry out this suggestion.

Respectfully submitted,

Attest:

H. S. MCGOWAN, *Secretary*;
 J. R. BURKE,
 A. B. EASTHAM,
 W. B. PRESBY,
 E. A. SIMS,
 D. N. McMILLAN,
 WALLACE STUART,
 F. L. STEWART.

I. H. BINGHAM, *Chairman*;
 W. T. SCHOLFIELD,
 J. C. MCCUE,
 H. C. DODDS,
 J. C. SMITH,
 N. J. SINNOTT,
 H. D. NORTON,
 ROBT. S. FARRELL.

On motion of Senator McGowan, the report of the committee was adopted.

Senate joint resolution No. 1, by Senator McGowan:

WHEREAS, There was appointed a joint committee of the Senate and the House, consisting of four members from each, under Senate concurrent resolution No. 8, for the purpose of meeting a like committee from the Oregon legislature to confer and agree upon joint legislation

for the two states, covering matters relating to the fisheries of the Columbia river; and

WHEREAS, The said joint committee have met and have submitted their report thereon; be it

Resolved by the Senate and the House of Representatives, That the necessary traveling expenses of the members of said joint committee from the Washington legislature be paid upon presentation of vouchers covering such expenditures, upon being properly audited by the Committee on Claims and Auditing.

Senator McGowan moved the adoption of the resolution.

The secretary called the roll, and Senate joint resolution No. 1 was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cox, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Ruth, Smith, Stevenson, Stewart, Whitney, Williams—31.

Absent or not voting were: Senators Booth, Bryan, Cotterill, Davis, Eastham, Graves, Metcalf, Presby, Roberts, Rydstrom, Smithson—11.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 21, entitled "An act in relation to garnishment in the superior courts of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 2, section 2, of the printed bill, strike the word "two" and substitute the word "one" therefor.

In line 6, section 4, of the printed bill, strike the word "ten" and substitute the word "twenty" therefor. In line 7 of said section strike the figures "10" and substitute the figures "20" therefor. In line 7 of said section, beginning with the word "if," strike the remainder of line 7 and all of line 8 to and including the word "state."

In line 9, section 5 of the printed bill, strike the word and figures "ten," "10" and substitute the word and figures "twenty," "20" therefor. In line 10 of said section insert a comma after the word "writ." In line 10 of the said section, beginning with the word "if," strike the remainder of line 10 and all of line 11.

In line 4, section 17 of the printed bill, after the word "plaintiff" insert the words "or judgment creditor."

In line 2, section 21 of the printed bill, after the word "may" insert the words and figures "within ten (10) days thereafter."

In line 3, section 23 of the printed bill, strike the word "of" after the word "or" and before the word "judgment."

In line 16, section 26 of the printed bill, strike the word "it" and substitute the word "he" therefor. In line 18 of said section strike the word "ten" and substitute the word "twenty" therefor; strike the figure "10" and substitute the figure "20" therefor in the said line and section. In line 18 of said section, beginning with the word "if," strike the remainder of the line and all of line 19, and the words "any other county in this state" in line 20.

Strike all of section 28 of the printed bill and substitute therefor the following: "Sec. 28. Current wages or salary to the amount of one hundred dollars for personal services by any person having a family dependent upon him for support shall be exempt from garnishment, and where it appears upon the trial, or by answer of the garnishee, when not controverted as hereinbefore provided, that the garnishee is indebted to the defendant for such current wages or salary for an amount not exceeding one hundred dollars, the garnishee shall be discharged as to such indebtedness: *Provided, however,* That if the garnishment be founded upon a debt for actual necessities furnished to the defendant or his family, no exemption shall be allowed in excess of ten dollars per week for four consecutive weeks."

Strike all of section 29 of the printed bill and substitute therefor the following: "Sec. 29. Neither the maker nor the acceptor of a negotiable instrument as defined by the laws of the State of Washington shall be subject to garnishment as to the indebtedness evidenced thereby, nor shall said maker or acceptor be liable to the plaintiff or judgment creditor at whose instance the writ of garnishment was issued for any indebtedness evidenced by such negotiable instruments."

WILL G. GRAVES, *Chairman.*

We concur in this report: I. B. Knickerbocker, Harry Rosenhaupt.

SENATE CHAMBER,

OLYMPIA, WASH., February 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 20, entitled "An act relating to garnishments in the justice courts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 2, section 2 of the printed bill, strike the word "two" and substitute the word "one" therefor.

In line 3, section 5 of the printed bill, strike the word "King" and leave the space blank.

In line 11, section 10 of the printed bill, strike the word "section" and substitute the word "act" therefor.

In line 14, section 16 of the printed bill, strike the word "sheriff" and substitute the word "justice" therefor.

In line 2, section 18 of the printed bill, strike the word "him" and substitute the word "it" therefor.

In line 2, section 23 of the printed bill, after the word "garnishee" insert the word "or."

In line 25, section 24 of the printed bill, strike the word "its" and substitute the word "his" therefor after the word "in." In line 25 in said section strike the word "its" after the word "under" and substitute the word "his" therefor.

Strike all of section 26 of the printed bill and substitute therefor the following: "Sec. 26. Current wages or salary to the amount of one hundred dollars for personal services by any person having a family dependent upon him for support shall be exempt from garnishment, and where it appears upon the trial, or by answer of the garnishee, when not controverted as hereinbefore provided, that the garnishee is indebted to the defendant for such current wages or salary for an amount not exceeding one hundred dollars, the garnishee shall be discharged as to such indebtedness: *Provided, however,* That if the garnishment be founded upon a debt for actual necessities furnished to the defendant or his family, no exemption shall be allowed in excess of ten dollars per week for four consecutive weeks."

Strike all of section 27 of the printed bill, and substitute therefor the following: "Sec. 27. Neither the maker nor the acceptor of a negotiable instrument as defined by the laws of the State of Washington shall be subject to garnishment as to the indebtedness evidenced thereby, nor shall said maker or acceptor be liable to the plaintiff at whose instance the writ of garnishment was issued for any indebtedness evidenced by such negotiable instruments."

WILL G. GRAVES, *Chairman.*

We concur in this report: Robt. F. Booth, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Allen, the reports of the Judiciary Committee on Senate bills Nos. 20 and 21 were adopted.

By unanimous consent, the Senate returned to the order of business, Introduction of Bills.

House bill No. 46, entitled "An act authorizing and empowering the board of regents of the State College of Washington to acquire by lease or purchase a tract or tracts of land for experimental or other purposes."

The bill was read the first time, and on motion of Senator Nichols the rules were suspended, the bill was read the second time by title, and referred to the Committee on Educational Institutions.

House bill No. 102, entitled "An act to amend section 2 of an act of the legislature of the State of Washington, entitled 'An act providing for the establishment, construction and maintenance of state roads, etc.'"

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Roads and Bridges.

House bill No. 169, by House Committee on State Library, entitled "An act to create a public archives commission, and to define its duties and powers."

The bill was read the first time, and on motion of Senator Williams the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Library.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 30, entitled "An act for the relief of R. E. Darnell, and making an appropriation therefor," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, Geo. F. Cotterill.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 11, entitled "An act for the relief of J. F. Collier, Adams county, State of Washington, and making appropriation therefor," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, Geo. F. Cotterill.

L. G. McGuire was sworn in by the president as Senate clerk.
At 3:25 p. m., on motion of Senator Piper, the Senate adjourned until 11:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

TWENTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Thursday, February 4, 1909.

The Senate was called to order by President Ruth at 11 o'clock a. m., pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senator Rydstrom, excused.

Senator Stevenson moved that the reading of yesterday's journal be dispensed with and that it be approved.

Senator Graves moved as a substitute that there be expunged from the journal of yesterday the message from the House concerning House bill No. 1, together with all the proceedings and all references pertaining to said House bill No. 1 appearing in the journal of yesterday subsequent to said House message; that the reading of the journal of yesterday be dispensed with, and that it be approved. The substitute motion was put and carried.

A petition submitted by Senator Hutchinson, in behalf of certain citizens of Latah, Washington, praying the enactment of a local option bill, was read and, on motion of Senator Hutchinson, ordered referred to the Committee on Judiciary.

A communication from the Spokane Chamber of Commerce, recommending the creation of a state board of charities, was read, and, on motion of Senator Hutchinson, referred to the Committee on State Charitable Institutions.

A communication from the Spokane Chamber of Commerce, praying legislation against bucket shops, was read and referred to the Committee on Public Morals, on motion of Senator Hutchinson.

On motion of Senator Hutchinson, a communication from the Spokane Chamber of Commerce, praying that the state appropriate a sum of money for the entertainment, etc., of the National Irrigation Congress, was ordered referred to the Committee on Appropriations.

A resolution of the Spokane Chamber of Commerce petitioning that the State of Washington purchase the bridge crossing the Columbia river at Wenatchee, was, on motion of Senator Hutchinson, ordered referred to the Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Labor and Labor Statistics, to whom was referred Senate bill No. 160, entitled "An act relating to and providing liens for labor and services performed, material, provisions and supplies furnished, and, to amend section 1 of an act approved March 9, 1905 (Laws of 1905, p. 229), amending sections 1 and 2 of an act entitled 'An act creating and providing for the enforcement of liens for labor and material,' approved February 21, 1893, being sections 5900 and 5901 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman*.

We concur in this report: J. R. Stevenson, J. A. Falconer, Joseph Arrasmith, John L. Roberts.

On motion of Senator Huxtable, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909

MR. PRESIDENT:

We, your Committee on Labor and Labor Statistics, to whom was referred Senate bill No. 100, entitled "An act providing for the payment of salary or wages of public officers and employees, and of employees upon public work, at not exceeding bi-weekly or semi-monthly intervals," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman*.

We concur in this report: J. R. Stevenson, J. A. Falconer, Joseph Arrasmith, John L. Roberts.

On motion of Senator Huxtable, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 66, entitled "An act relating to the signing of pledges by any candidate, etc," have had the same under consideration, and we respectfully

report the same back to the Senate with the recommendation that the bill herewith transmitted be substituted therefor, that the same be printed, and do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Robert Booth, Ralph Metcalf, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Booth, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 70, entitled "An act providing for the amendment of section 3, article XI, of the Constitution of the State of Washington, relating to county, city, and township organization," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

PETER MCGREGOR, *Chairman*.

We concur in this report: S. J. Cameron, E. C. Davis, Ed. Brown, R. A. Hutchinson, John L. Blair, E. M. Williams.

Senator McGregor moved that the report of the committee be adopted.

Senator Graves moved as a substitute that the bill be referred to the Committee on Constitution and Constitutional Revision.

The substitute motion carried, and the bill was ordered referred to the Committee on Constitution and Constitutional Revision.

SENATE CHAMBER,

OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred Senate bill No. 115, entitled "An act for the protection of water fowl and establishing breeding grounds, etc," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

In line 3 of title in printed bill, after the word "thereof" strike the balance of section and place in lieu thereof, the following: "and the disposal of the funds collected therefrom."

In line 4, section 2, printed bill, after the word "action" insert period, and strike balance of section.

Strike that part of section 3 between the word "informer," in line 5, printed bill, and the word "who," in line 7, printed bill.

Wherever the word "money" appears in section 3, change to "moneys."

Strike section 4.

ED. BROWN, *Chairman*.

We concur in this report: Chas. E. Myers, John L. Blair, E. C. Whitney.

On motion of Senator Brown, the report of the committee was adopted.

On motion of Senator Presby, the substitute bill for Senate bill No. 177 was ordered printed.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Memorials, to whom was referred House joint memorial No. 3, relating to the size of apple boxes and grading fruit, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. BLAIR, *Chairman*.

We concur in this report: W. H. Paulhamus, E. C. Davis.

On motion of Senator Blair, the report of the committee was adopted.

On motion of Senator Paulhamus, the rules were suspended, and House joint memorial No. 3 was taken up at this time.

House joint memorial No. 3 was read third time, placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Eastham, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—35.

Absent or not voting were: Senators Cotterill, Cox, Davis, Falconer, Graves, Huxtable, Rydstrom—7.

On motion of Senator Paulhamus, the rules were suspended and House joint memorial No. 3 was ordered immediately transmitted to the House.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Memorials, to whom was referred House joint memorial No. 5, making Olympic forest reserve a national park, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. BLAIR, *Chairman*.

We concur in this report: W. H. Paulhamus, E. C. Davis.

On motion of Senator Blair, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Memorials, to whom was referred Senate concurrent resolution No. 16, relative to the purchase of Mount Constitution, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. BLAIR, *Chairman*.

We concur in this report: W. H. Paulhamus, E. C. Davis.

On motion of Senator Blair, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Memorials, to whom was referred House joint memorial No. 2, relating to the irrigation of land lying between Moses Lake and the Columbia river, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. BLAIR, *Chairman*.

We concur in this report: W. H. Paulhamus, E. C. Davis.

On motion of Senator Blair, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Harbors and Harbor Lines, to whom was referred Senate bill No. 81, entitled "An act creating the state shore land improvement fund, providing for certain warrants to be drawn upon said fund, making such warrants preferential, and appropriating and providing for the expenditure and disbursement thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the approval of this committee and recommend it be referred to the Appropriations Committee for further consideration.

GEO. F. COTTERILL, *Chairman*.

We concur in this report: J. W. Bryan, R. L. Kline, Alex Polson.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Harbors and Harbor Lines, to whom was referred Senate bill No. 80, entitled "An act to amend section 3 of an

act entitled 'An act relating to the special Alaska-Yukon-Pacific Exposition fund, making certain warrants to be drawn on it preferential, and transferring any residue thereof into the general fund of the state treasury,' approved February 4, 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the approval of this committee and recommend it be referred to the Appropriations Committee for further consideration.

GEO. F. COTTERILL, *Chairman.*

We concur in this report: J. W. Bryan, R. L. Kline, Alex Polson.

On motion of Senator Cotterill, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 189, by Committee on Public Revenue and Taxation, entitled "An act to amend section 11, chapter 78, of the Session Laws of 1907, entitled 'An act to provide for the assessment of the operating property of railroads,' etc."

The bill was read first time.

Senator Falconer moved that the rules be suspended, the bill read second time by title, ordered printed, and placed on general file.

Senator Graves moved as a substitute that the rules be suspended, the bill read second time by title, be printed, and ordered referred to the Committee on Public Revenue and Taxation.

The substitute motion carried.

The bill was read second time by title, the rules being suspended.

Senate bill No. 190, by Senator Whitney, entitled "An act amending an act relating to certain contracts void unless in writing."

The bill was read the first time, and on motion of Senator Whitney the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 191, by Senator Eastham, entitled "An act to prohibit the wearing of the uniform of the United States army or navy, etc."

The bill was read the first time, and on motion of Senator Eastham the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Military.

Senate bill No. 192, by Senator Cameron, entitled "An act for the relief of the Tieton Water Users' Association, etc."

The bill was read the first time, and on motion of Senator Cameron the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

Senate bill No. 193, by Senator Smith, entitled "An act authorizing cities of the second, third and fourth classes to create an accident fund from which to pay judgments for personal injuries, and declaring an emergency."

The bill was read the first time, and on motion of Senator Smith the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 194, by Senator Allen, entitled "An act authorizing and empowering the railroad commission of Washington to bring and maintain suits, etc."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 195, by Senator Rosenhaupt, entitled "An act declaring baby buggies or folding carts, and typewriting machines to be baggage, etc."

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Railroads and Transportation.

GENERAL FILE.

Engrossed Senate bill No. 48, entitled "An act relating to actions brought to recover possession of real property and amending section 5518 of Ballinger's Annotated Codes and Statutes of the State of Washington," was read third time, placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts,

Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—37.

Absent or not voting were: Senators Cox, Davis, Fatland, Myers, Rydstrom—5.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Engrossed Senate bill No. 76, entitled "An act amending section 4828 of Ballinger's Annotated Codes and Statutes of the State of Washington, in relation to the recovery of damages for the death of a person caused by the wrongful act or neglect of another," was read third time and placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—38.

Absent or not voting were: Senators Cox, Davis, Piper, Rydstrom—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 102, entitled "An act to prohibit the throwing of bottles, glass and glassware in any road or highway, etc.," was read third time.

On motion of Senator Stevenson, the title of the bill was amended by inserting after the word "glassware" in the first line of the title of the printed bill the words "tacks and nails."

On motion of Senator Nichols, the title of the bill was amended by striking the word "and" between the words "glass" and "glassware" in line 1 of the title of the printed bill and a comma was inserted in lieu of the said word "and."

Senator Bryan moved to amend the bill by inserting after the word "nails" in line 3 of section 1 of the printed bill, as amended, the words "with intent to injure another." The motion was lost.

Senator Anderson moved to amend the bill by inserting in line 2 of section 1 of the printed bill, after the word "deposit" the words "or permit to be thrown, placed or deposited." The amendment failed to carry.

On motion of Senator Stevenson, the rules were suspended, Senate bill No. 102 was considered engrossed, and placed on final passage.

The secretary called the roll, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Smith, Smithson, Stevenson, Stewart, Williams—35.

Those voting nay were: Senators Brown, Bryan, Fatland, Paulhamus, Ruth—5.

Absent or not voting were: Senators Rydstrom, Whitney—2.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senator Piper moved that the Senate take a recess until 1:30 o'clock this afternoon.

Senator Paulhamus moved as a substitute that the Senate take a recess until 2:30 o'clock this afternoon.

The substitute motion of Senator Paulhamus was withdrawn by him.

Senator Cotterill moved as a substitute that the Senate take a recess until 2 o'clock this afternoon. The substitute motion carried, and a recess was taken at 12 o'clock noon until 2 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2 o'clock p. m., by President Ruth.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 34, entitled "An act making an appropriation for the payment of sundry expenses in the office of the secretary of state," have

compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: H. O. Fishback, A. W. Anderson.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA.

To the Gentlemen of the Senate and of the House of Representatives:

I desire at this time to call your attention to the necessity, in my judgment, of making some changes in the recently submitted report and estimates of the state board of control, and the advisability of making certain changes in the administration and management of several of our state institutions.

1. I recommend that the State Training School, at Chehalis, be removed to one of the irrigated districts of Eastern Washington.

2. That instead of increasing the buildings of the Western Washington Hospital for Insane, at Fort Steilacoom, the buildings at the State Training School, at Chehalis, be used as an asylum.

3. That the old soldiers at the State Soldiers' Home, at Orting, be removed to the Veterans' Home, at Port Orchard, thus combining the two homes into one institution.

4. That the inmates of the Institution for Feeble-Minded, at Medical Lake, be removed to the present State Soldiers' Home, at Orting.

5. That the buildings now being used at the State Institution for Feeble-Minded, at Medical Lake, be added to and become a part of the Eastern Washington asylum, this building to be used for convalescent patients.

I feel that there is very little chance of properly expanding the State Training School where it is now located, but that by removing it to one of the irrigated districts of Eastern Washington and establishing the school in a new location, the pupils can be much better cared for and at a much less expense to the state. There is a greater opportunity in the irrigated districts to give the pupils a healthful occupation, and the advantages of more out-of-door life. The students could assist in carrying on the work of the farm as much as is consistent with their ability, and should be given the proper degree of instruction in manual training, and in the simpler problems of scientific agriculture. The institution can be made very nearly, if not absolutely, self-sustaining. Furthermore, the students will be in a district where labor is in great demand at certain seasons of the year, and the more industrious of the boys can readily secure employment at good wages. This will not only be of advantage to the farmers of the section where the institution may be located, but will give the boys an opportunity to earn money for themselves. It will enable the boys to have a few dollars to their own credit—their very own money—and will

tend to keep them much better satisfied than if they were entirely dependent upon charity.

I believe the sexes should be kept separately, and that the home for the boys should not be closer than a mile to the home for the girls; and that the girls should be placed under the care of an assistant manager. The girls should be given instruction in the care of the home, and the simpler problems of domestic science, poultry-raising, etc.

I recommend that this legislature appropriate for the establishment and support of this proposed school as follows:

For the purchase of 640 acres of land (or as much thereof as may be necessary).....	\$100,000 00
For buildings and equipments.....	150,000 00
Thirty head of cows.....	1,500 00
Ten head of horses.....	2,000 00
Fifty hogs	500 00
Harness, vehicles, plows, harrows, scrapers and other farm implements and tools.....	1,750 00
Transportation and freight.....	2,500 00

I would make no change in the appropriation for maintenance of the institution, as recommended by the board of control, namely, \$98,500.00, but would recommend that the appropriation for manual training be increased from \$5,000 to \$10,000.

WESTERN WASHINGTON HOSPITAL FOR INSANE.

It is conceded by the best authorities that institutions of this class reach their limit of efficiency after the number of patients in their care exceeds 1,000. Above that number, the institutions become too big and unwieldy. We already have at the Western Washington Hospital over 1,200 patients, and the population of the institution is increasing at the rate of over 100 per year. It is now a question of increasing the capacity of the institution to an extent clearly beyond the limit of greatest efficiency for such institutions, or creating a new institution at some other point in the state, which can give better service to its patients. I urge that we do not increase the capacity of the institution at Fort Steilacoom. It is located at a point where it is very expensive to maintain. The land there is unfertile, it being practically impossible to raise any farm produce there, other than green garden truck, and this only at an excessive cost, as water has to be pumped for irrigation, and fertilizers have to be applied frequently. They have not even been able to raise their own potatoes. In fact, everything they consume, except the green garden produce mentioned, has to be shipped in. The further increase of the institution would, in my judgment, be committing a wrong against the taxpayers of the state. Institutions of this class should be as nearly as possible self-sustaining.

HOSPITAL FOR INSANE NO. 3.

I would recommend that the grounds and buildings now in use at the State Training School, at Chehalis, be used as a nucleus for the

establishment of a third asylum for the insane. At Chehalis the soil is fertile, and they can raise an abundance of garden produce, and great quantities of fruit and berries, and will be able to supply their own dairy and poultry necessities, as well as a large part of their meats. At the Eastern Washington asylum they produce all their own vegetables, fruit, and a large part of their meat.

I desire to withdraw from the estimates for appropriation for the Western Washington Hospital for Insane, as recommended by the board of control, as follows:

Farm dormitory	\$20,000 00
Administration building	75,000 00

Reduce the maintenance expense from \$492,750.00 to \$438,000.00.

The Chehalis institution is now equipped with sufficient stock, tools and farm machinery of different kinds so that further purchases along this line will not be necessary in the near future. Neither will it be necessary to make any further appropriations for the building of an asylum for at least two to four years. I recommend that you appropriate for this institution, which we will temporarily call "Hospital No. 3," as follows:

For maintenance	\$109,500 00
For repairs and improvements, as recommended by the board of control, to be used on these building (table 9, page 14, of their report)...	25,000 00

WASHINGTON VETERANS' HOME, AT PORT ORCHARD.

I endorse the board of control's recommendations that \$175,000 be appropriated for buildings to be erected at the Washington Veterans' Home, at Port Orchard, and that these buildings be completed at as early a date as is consistent with good and efficient work. For maintenance, I endorse the board of control's recommendation for an appropriation of \$150,000. In addition to other recommendations, I ask that you appropriate for this institution as follows:

Furniture and equipments.....	\$10,000 00
Freight and transportation.....	2,500 00
—or so much as may be necessary.	

I would suggest that all farm stock, tools, etc., now at Orting, be allowed to remain there.

STATE INSTITUTION FOR FEEBLE-MINDED.

I recommend that the inmates of the State Institution for Feeble-Minded, at Medical Lake, be removed to the State Soldiers' Home, at Orting. I endorse the recommendations for appropriations, as made by the board of control, as follows:

Maintenance (same as if left at Medical Lake) ..	\$98,550 00
Repairs and improvements (as recommended by the board of control).....	7,000 00
Furniture and equipments, beds, etc.	5,000 00

Transportation and freight (for moving inmates and furniture now in use by the Medical Lake institution) \$2,500 00

I wish to withdraw the recommendations of the state board of control for appropriations to increase the State Institution for Feeble-Minded, at Medical Lake, as follows:

For increase of buildings.....\$80,000 00
Boiler house 25,000 00

EASTERN WASHINGTON HOSPITAL FOR INSANE.

I advise that the buildings now used for the State Institution for Feeble-Minded be turned over to the Eastern Washington Hospital for Insane, and that you appropriate for this building as follows:

Furniture and carpets..... \$3,000 00
Repairs and improvements (as recommended by the board of control)..... 2,500 00

M. E. HAY,

Lieutenant Governor and Acting Governor.

Senator Potts moved that the message from the governor be ordered referred to the Committee on Appropriations.

Senator Huxtable moved to amend by adding that the message be ordered printed.

The amendment was accepted by Senator Potts, and the motion as amended carried, the message being ordered printed and referred to the Committee on Appropriations.

Engrossed Senate bill No. 127, entitled "An act to authorize the board of regents of the University of Washington and the state college of Washington to apply for participation in the fund of the Carnegie foundation for the advancement of teaching," was read third time, placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Absent or not voting were: Senators Fatland, Rydstrom—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed Senate bills Nos. 11, 30 and 34.

Senate bill No. 157, entitled "An act to amend section 9 of

an act entitled 'An act to provide against the adulteration of foods, etc,' " was read third time.

On motion of Senator Williams, the title of the bill was stricken and the following substituted therefore: "An act relating to the adulteration of foods, drinks and drugs, and amending section 9 of chapter 211 of the Session Laws of 1907."

On motion of Senator Williams, the bill was amended as follows: Strike the words and figures "(Section 1)" in line 1 of the printed bill and insert in lieu thereof the following: "Section 1. Section 9 of chapter 211, Session Laws of 1907, is hereby amended to read as follows:"

Senator Potts moved to amend the bill by striking lines Nos. 7, 8 and 9 in section 1 of the printed bill.

A roll call on the amendment was demanded by Senators Williams, Whitney, Allen, Piper, Potts, Booth, Cotterill.

The secretary called the roll, and the amendment of Senator Potts carried by the following vote:

Those voting aye were: Senators Anderson, Bassett, Blair, Brown, Cameron, Cox, Davis, Eastham, Hutchinson, Kline, McGowan, Metcalf, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Bryan, Cotterill, Falconer, Fishback, Huxtable, Knickerbocker, McGregor, Myers, Minkler, Nichols, Piper, Smith, Smithson, Whitney, Williams—17.

Those absent or not voting were: Senators Arrasmith, Fatland, Graves, Rydstrom—4.

Senator Williams moved that Senate bill No. 157 be amended by adding the following at the end of the bill:

"Each of said chemists shall receive, in addition to the compensation allowed by the respective institutions, the sum of twenty-five dollars per month for the services required under the provisions of this act, and their actual and necessary traveling expenses."

The amendment was lost.

Senator Cotterill moved to amend by adding to the end of the bill the following:

"Each of said chemists shall receive, in addition to the compensation allowed by the respective institutions, a sum of not more than \$50 per month, to be allowed by the board of regents of said institutions, for the services required under the provisions of this act, and their actual and necessary traveling expenses."

Senator Metcalf raised the point of order that the amendment proposed by Senator Cotterill was the same as that voted down.

The president held the point of order well taken.

Senator Nichols appealed from the decision of the president on the motion of Senator Cotterill to amend, and was seconded in his appeal by Senators Williams and Cotterill.

The ruling of the president was sustained by the Senate.

At the request of Senator Allen, the further consideration of Senate bill No. 157 went over for a time in order that he might prepare an amendment which he wished to submit.

Senator Eastham moved that Senate bill No. 95 be indefinitely postponed.

A motion of Senator Presby to amend the bill was held by the president to be out of order while the motion to indefinitely postpone was pending.

Senator Nichols moved as a substitute for the motion to indefinitely postpone that Senate bill No. 95 be re-referred to the Committee on Banks and Banking.

The substitute motion carried.

The president announced that the hour of 3 o'clock p. m. having arrived, the Senate would proceed to consider vetoed Senate bill No. 190, with the governor's veto message on same.

SPECIAL ORDER.

The president called Senator Hutchinson to take the chair.

On motion of Senator Cotterill, the special order for the consideration of vetoed Senate bill No. 190, with the governor's veto message on same, was postponed and made a special order for 2 o'clock p. m. of the first Tuesday in March, 1909.

GENERAL FILE.

The Senate resumed the consideration of Senate bill No. 157.

Senator Allen announced that he would not offer his contemplated amendment to the bill.

On motion of Senator Williams, the rules were suspended, Senate bill No. 157 considered engrossed, and placed on final passage.

The secretary called the roll and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Blair, Booth, Brown, Cameron, Cotterill, Davis, Eastham, Falconer, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Smith, Smithson, Stewart, Williams—31.

Absent or not voting were: Senators Arrasmith, Bassett, Bryan, Cox, Fatland, Graves, Rosenhaupt, Rydstrom, Stevenson, Whitney, Mr. President—11.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senator Cotterill moved that the Senate now take a recess until 10 o'clock tomorrow morning.

Senator Cotterill withdrew the above motion.

Senate bill No. 175, entitled "An act relating to the admission of attorneys and counselors at law, etc.," was placed on its third reading.

Senator Cotterill moved that the consideration of Senate bills Nos. 175 and 176 be laid over until tomorrow and that they be placed at the head of the general file for that day.

The motion was lost.

Engrossed Senate bill No. 175 was read third time, placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Booth, Brown, Bryan, Cotterill, Davis, Eastham, Falconer, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smithson, Stewart—29.

Those absent or not voting were: Senators Allen, Anderson, Bassett, Cameron, Cox, Fatland, Graves, Metcalf, Rydstrom, Smith, Stevenson, Whitney, Williams—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 176, entitled "An act relating to the disbarment and suspension of attorneys and counselors at law, etc."

On motion of Senator Bryan, the bill was amended by insert-

ing the words "and malicious" after the word "wilful" in line 8 of section 1 of the printed bill.

On motion of Senator Bryan, the bill was amended by striking all of line 22, and line 23 to and including the word "disbarment," in section 1 of the printed bill.

On motion of Senator Booth, the rules were suspended, Senate bill No. 176 was considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 176 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Falconer, Fishback, Hutchinson, Kline, Knickerbocker, McGowan, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stewart—27.

Absent or not voting were: Senators Bassett, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Graves, Huxtable, McGregor, Minkler, Rydstrom, Stevenson, Whitney, Williams—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Piper moved that the Senate, when it do adjourn, adjourn until 11 o'clock tomorrow.

Senator Piper withdrew the above motion.

Senator Paulhamus moved that the Senate adjourn, when it does adjourn, until 10 o'clock tomorrow morning.

The motion was carried.

By unanimous consent, the Senate returned to the order of business, "Introduction of Bills."

Senate bill No. 196, by Senators Hutchinson, Huxtable, Rosenhaupt and Whitney, entitled "An act relating to township organization, and amending an act entitled 'An act to provide for township organization.'"

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 197, by the Committee on Judiciary, entitled "An act relating to practice and proceedings in the trial of actions."

The bill was read the first time, and on motion of Senator

Booth the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 198, by Senator Graves, entitled "An act increasing the number of judges of the supreme court of the State of Washington, etc.,"

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 199, by Senator Falconer, entitled "An act to repeal chapter 173 of the Laws of 1907, and declaring an emergency."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 200, by Senator Booth, entitled "An act regulating the location and maintenance of private hospitals and sanitariums, etc."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 201, by Senator McGowan, entitled "An act to prohibit persons from stealing rides on railroad trains, etc."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Railroads and Transportation.

REPORT OF STANDING COMMITTEE.

We, your Committee on Senate Employees other than Regular, to whom was referred Senate resolution relative to A. A. Kirby, have had same under consideration and respectfully report same back with recommendation that it be adopted.

F. L. STEWART, *Chairman.*

We concur in this report: W. G. Potts, H. S. McGowan, Jesse Huxtable.

On motion of Senator Stewart, the report of the committee was adopted.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, January 29, 1909.

To the Honorable the Senate of the State of Washington:

GENTLEMEN:—I have the honor to inform you that the governor has this day signed Senate bill No. 47, entitled "An act prescribing the form of the official seal of the state insurance commissioner, and declaring an emergency."

HOWARD G. COSBROVE,
Secretary to the Governor.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, January 29, 1909.

To the Honorable the Senate of the State of Washington:

GENTLEMEN:—I have the honor to inform you that the governor has this day signed Senate bill No. 39, entitled "An act making an appropriation for furniture, supplies, clerk hire and sundry expenses for the office of the state insurance commissioner."

HOWARD G. COSBROVE,
Secretary to the Governor.

At 3:55 p. m., on motion of Senator Williams, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

TWENTY-SIXTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 5, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. D. R. McDonald, of the United Presbyterian church, Olympia, offered prayer.

The secretary called the roll, all members being present except Senators Booth and Rydstrom, both of whom were excused.

On motion of Senator Cameron, the reading of yesterday's journal was dispensed with and it was approved.

A telegram addressed to Senator Smithson, from the Water-ville Commercial Club, and a resolution of the Spokane Chamber of Commerce, both praying that the legislature make arrangements for the purchase of the bridge crossing the Columbia river at Wenatchee, were read by the secretary, and, on motion of Senator Smithson, ordered referred to the Committee on Roads and Bridges.

A petition addressed to Senator Williams, praying the enactment of equal suffrage legislation, was read, and, on motion of Senator Williams, ordered referred to the Committee on Constitution and Constitutional Revision.

Senate joint memorial No. 5, by Senator Rosenhaupt, memorializing Congress relative to the establishment of new postal divisions, was read first time.

On motion of Senator Rosenhaupt, the rules were suspended, the memorial read second time by title, and ordered printed. The rules were further suspended, and Senate joint memorial No. 5 placed on final passage.

The secretary called the roll, and Senate joint memorial No. 5 passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Williams—31.

Those absent or not voting were: Senators Allen, Anderson, Booth, Cox, Davis, Hutchinson, Huxtable, Rydstrom, Stevenson, Stewart, Whitney—11.

Senate joint resolution No. 2, by Senator Potts:

WHEREAS, There was appointed a joint committee of the Senate and of the House, consisting of two members from each, under joint resolution No. 22, Session of 1907, to confer with the secretary of the interior on the forest reserve matter;

WHEREAS, The said joint committee has met and have submitted their report thereon; be it

Resolved by the Senate and the House, That the necessary traveling expenses of the members of the joint committee from the Washington legislature be paid, the vouchers attached therewith, covering expenditures, upon being properly audited by the Committee on Claims and Auditing, and the sum of \$92.25 is hereby appropriated therefor.

On motion of Senator Potts, the resolution was amended by striking from the last line of the resolution the words "and the sum of \$92.25 is hereby appropriated therefor."

On motion of Senator Potts, that the rules be suspended and Senate joint resolution No. 2 be adopted, the secretary called the roll, and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—33.

Those absent or not voting were: Senators Anderson, Bassett, Booth, Cox, Davis, Kline, Piper, Presby, Rydstrom—9.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 83, entitled "An act to promote the safety of employees on railroads by requiring and compelling railroads operating in this state to use suitable and proper caboose cars as prescribed in this act, and providing a penalty for the violation of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

After the figures 1910 in section 3, add the following: "*Provided*, That caboose cars not conforming to the above requirements may be operated on branch lines not exceeding 100 miles in length, and on work trains, until January 1, 1911."

W. H. PAULHAMUS, *Chairman*.

We concur in this report: Joseph Arrasmith, D. H. Cox, J. D. Bassett, Chas. E. Myers, J. H. Smithson.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 171, entitled "An act to amend section 1 of an act entitled 'An act providing for the protection and health of employes in factories, mills or workshops, where machinery is used, and providing for suits to recover damages sustained by the violation there-

of, and prescribing a punishment for the violation thereof, and repealing an act entitled 'An act providing for the protection of employes in factories, mills or workshops where machinery is used, and providing for the punishment of the violation thereof,' approved March 6, 1903, and repealing all other acts or parts of acts in conflict herewith,' approved March 6, 1905," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

In line 5 of the title of the original bill and in line 3 of the printed bill, strike the word "prescribing" after the word "and" and before the word "a" and insert in lieu thereof the word "providing."

In section 1, line 1, of the bill, strike the word "be" after the word "act" and before the word "amended" and insert in lieu thereof the words "is hereby."

In section 1, line 14, of the printed bill, and in line 22 of the original bill, insert after the word "employer" and before the word "immediately" the words "or inspector."

In section 1, line 25, of the original bill and line 16 of the printed bill, after the word "provided" strike all that follows in said section 1, and substitute in lieu thereof the following: "Any employee operating machinery, or any part thereof without safeguards where same have been provided under the provisions of this act, or any person or employee removing or causing to be removed any such safety appliance, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed twenty-five dollars or by imprisonment in the county jail not to exceed fifteen days, or both such fine and imprisonment."

J. R. STEVENSON, *Chairman*.

We concur in this report: D. H. Cox, Peter McGregor, Chas. E. Myers, J. H. Smithson.

On motion of Senator Stevenson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations to whom was referred Senate bill No. 172, entitled "An act relating to hotels, inns and public lodging-houses, creating the office of state hotel inspector, and providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend title of the bill by striking the period at the end of title, insert a comma and add the words "and making an appropriation therefor."

Amend section 6, line 3 of the printed bill, and line 4 of the original bill by striking the hyphen and the word "one." Amend section 6, line

5 of the printed bill, and line 7 of the original bill, by striking the comma and the remaining words in the section after the word "persons"; then add a period.

Amend section 10, line 4 of the printed bill, and line 5 of the original bill, by inserting the word "and" after the word "charge."

Amend section 12, line 3 of the printed bill, and line 4 of the original bill, by inserting the word "and" after the word "appointed." Amend line 5 (same section) of the printed bill, and line 7 of the original bill, by striking the period after the word "monthly" and insert the words "together with his necessary traveling expenses"; then add a period.

Amend section 13, line 6 of the printed bill, and line 8 of the original bill, by striking the period, and insert a comma and the following: "and their necessary traveling expenses to be paid according to law"; add a period.

Amend section 20, line 4 of the printed bill, and line 6 of the original bill, by striking the period and inserting the words, "to be paid according to law"; add a period.

W. G. POTTS, *Chairman*.

We concur in this report: Harry Rosenhaupt, H. O. Fishback, J. R. Stevenson, S. J. Cameron, Chas. E. Myers, J. A. Falconer.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 72, entitled "An act for the relief of B. D. Minkler," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the "preamble" stricken.

W. G. POTTS, *Chairman*.

We concur in this report: Harry Rosenhaupt, H. O. Fishback, J. R. Stevenson, S. J. Cameron, Chas. E. Myers, J. A. Falconer.

Senator Potts moved that the report of the committee be adopted.

Senator Minkler moved as a substitute that the bill be ordered re-referred to the Committee on Appropriations.

The substitute motion carried, and the bill was ordered re-referred.

SENATE CHAMBER,
OLYMPIA, WASH., February 4, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 151, entitled "An act for certain deficiencies in maintenance of the State Fair of Washington," have had the same under con-

sideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In the title, strike out the word "for" and in lieu thereof insert the words "Providing for the payment of," and after the word "Washington" strike the period, add a comma and the following: "and appropriating money therefor."

W. G. POTTS, *Chairman*.

We concur in this report: Harry Rosenhaupt, H. O. Fishback, J. R. Stevenson, S. J. Cameron, Chas. E. Myers, J. A. Falconer.

On motion of Senator Potts, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 202, by Senator Smithson, entitled "An act for the relief of Kittitas county for money expended for the survey of and securing the right-of-way for the Snoqualmie pass state road, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Smithson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 203, by Senator Cox, entitled "An act authorizing and directing the commissioner of public lands to certify certain tide lands to the governor for deed, etc."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State, Granted, School and Tide Lands.

GENERAL FILE.

House joint memorial No. 2 was read third time, and placed on final passage.

The secretary called the roll, and House joint memorial No. 2, relating to the irrigation of certain lands in Douglas county, passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Ruth, Smithson, Stevenson, Stewart, Whitney, Williams—33.

Those absent or not voting were: Senators Booth, Cox, Davis, Eastham, Graves, Polson, Rosenhaupt, Rydstrom, and Smith—9.

House joint memorial No. 5, memorializing congress to create a national park at Quinault lake, in Chehalis county, Washington, was read third time, placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Eastham, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Rosenhaupt, Ruth, Smithson, Stevenson, Stewart, Whitney, Williams—30.

Those absent or not voting were: Senators Allen, Anderson, Booth, Cox, Davis, Falconer, Fatland, Graves, Polson, Roberts, Rydstrom, Smith—12.

Senate concurrent resolution No. 16, relating to the proposed purchase of Mount Constitution by the federal government, was read third time, and adopted by the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—34.

Those absent or not voting were: Senators Allen, Booth, Davis, Fatland, Graves, Hutchinson, Piper, Rydstrom—8.

On motion of Senator Hutchinson, the consideration of Senate bill No. 115 went over and the bill retained its place on the calendar.

On motion of Senator Cotterill, the further consideration of Senate bill No. 100 went over, and the bill retained its place on the calendar.

Senate bill No. 160, entitled "An act relating to and providing liens for labor and services performed, material, provisions and supplies furnished, etc," was read third time.

On motion of Senator Bryan, the bill was amended by inserting after the words "stone quarry," in line 12 of section 1 of

the printed bill, the words "or in establishing any telephone, telegraph, or electric line or system."

On motion of Senator Williams, the rules were suspended, the bill considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 160 passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Ruth, Smithson, Stevenson, Stewart, Whitney, Williams—33.

Those voting nay were: Senators Piper, Smith—2.

Those absent or not voting were: Senators Allen, Arrasmith, Booth, Davis, Eastham, Graves, Rydstrom—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Nichols moved that the Senate adjourn until 10:30 Monday morning.

Senator Stevenson moved as a substitute that when the Senate adjourn it be until 8:30 tomorrow morning.

Senator Presby gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 157 passed the Senate.

The motion of Senator Stevenson, relative to adjournment, was lost.

The motion of Senator Nichols carried, and the Senate adjourned at 10:50 o'clock a. m. to meet Monday morning, February 8, 1909, at 10:30 o'clock a. m.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

TWENTY-NINTH DAY

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, February 8, 1909.

The Senate was called to order at 10:30 o'clock a. m. by President Ruth, pursuant to adjournment.

The secretary called the roll, all members being present except Senators Eastham and Roberts, who were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with, and it was approved.

A memorial from the city council of Blaine was read, relative to the vacation of certain waterways in the city of Blaine, and, on motion of Senator Brown, the memorial was ordered referred to the Committee on Harbors and Harbor Lines.

The following communications were read and ordered placed on file:

THE COMMITTEE ON WAYS AND MEANS.
HOUSE OF REPRESENTATIVES U. S.
WASHINGTON, D. C., February 1, 1909.

Wm. T. Laube, Secretary of the Senate:

DEAR SIR: I beg to acknowledge receipt of your letter on the subject of Senate joint memorials Nos. 3 and 4, and the same will be placed on the committee files and brought to the attention of the members when this subject is taken up for consideration.

Respectfully,

WILLIAM K. PAYNE, *Clerk.*

UNITED STATES SENATE,
COMMITTEE ON COAST AND INSULAR SURVEY.

January 27, 1909.

Wm. T. Laube, Secretary of the Senate, Olympia, Washington:

DEAR SIR: I have yours of the 21st instant, enclosing Senate joint memorial No. 1, by Senator Minkler, against the removal of the duty on forest products, and Senate joint memorial No. 2, by Senator Potts, in respect to an appropriation for Alaska roads, for which please accept my thanks. I shall use the first on the tariff matter when the bill comes into the Senate; the second I shall present in the Senate; and I beg to assure you that I shall be very glad to do everything I can in respect to both of these matters.

Yours very truly,

S. H. PILES.

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., January 28, 1909.

Hon. W. T. Laube, Secretary of the Senate, Olympia, Washington:

DEAR SIR: Your letter of January 21, 1909, at hand, and I have also received under separate cover Senate joint memorials Nos. 1 and 2, reference to which is made in your letter. I have taken pleasure in presenting these memorials to the House of Representatives for proper action.

Very truly yours,

W. L. JONES.

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., February 2, 1909.

Hon. William T. Laube, Secretary of the Senate, Olympia, Washington:

DEAR SIR: Your favor of January 25, 1909, at hand and, under separate cover, Senate joint memorials Nos. 3 and 4, duly received, No. 3 I have turned over to Congressman Humphrey, as it affects matters in his particular district, and No. 4 I have presented to the House of Representatives.

Very truly yours,

W. L. JONES.

THE STATE OF WASHINGTON, DEPARTMENT OF STATE,
OFFICE OF THE SECRETARY,
OLYMPIA, February 4, 1909.

To the Honorable President of the Senate of the State of Washington:

SIR: The secretary of state of the State of Oregon has forwarded to this office certified copy of Senate joint memorial No. 4, Senate joint resolution No. 4, and House joint memorial No. 3, and same have been adopted by the twenty-fifth legislative assembly of the state of Oregon.

I have the honor to enclose said certified copies and respectfully transmit them for reference to the legislative body of this state.

Respectfully submitted,

SAM H. NICHOLS, *Secretary of State.*

STATE OF OREGON
TWENTY-FIFTH LEGISLATIVE ASSEMBLY
SENATE CHAMBER
SENATE JOINT RESOLUTION NO. 4.

Be it Resolved by the Senate of the State of Oregon, the House of Representatives concurring, That the following application to the congress of the United States of America, applying to congress to provide for the calling of a convention to propose an amendment to section 3 of article 1 of the Constitution of the United States, so that the United States senators from each state shall be elected by the direct vote of the qualified electors in each state, be and the same is hereby adopted:

To the Honorable Congress of the United States of America, represented in Senate and House of Representatives: The legislature of the State of Oregon hereby applies to your honorable body to provide for the calling of a convention to propose an amendment to section 3 of

article 1 of the constitution of the United States of America, so as to provide therein that the United States senators from each state shall be elected by the direct vote of the qualified electors in each state, and to further provide for the ratification of said proposed amendment by the several states, as made and provided for in article 5 of the Constitution of the United States.

That the aforesaid application shall be signed by the president of the Senate and the speaker of the House of Representatives, and attested by the chief clerk of each house, and a certified copy thereof, duly authenticated, shall be sent by the secretary of state to the president of the Senate of the United States, the speaker of the House of Representatives of the United States, to each member of the delegation in congress from this state, and to the legislature of each state in the United States.

Adopted by the Senate, Jan. 19, 1909.

JAY BOWERMAN, *President*.

Adopted by the House, Jan. 22, 1909.

C. N. McARTHUR, *Speaker*.

Endorsed: Senate Joint Resolution No. 4.

WM. H. BARRY, *Chief Clerk*:

Filed Jan. 26, 1909.

F. W. BENSON, *Secretary of State*.

UNITED STATES OF AMERICA
STATE OF OREGON

OFFICE OF THE SECRETARY OF STATE

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said state, do hereby certify:

That I have carefully compared the annexed copy of the Senate joint resolution No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the Senate January 19, 1909, and concurred in by the House January 22, 1909, together with the endorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oregon, this 29th day of January, A. D. 1909.

F. W. BENSON, *Secretary of State*.

STATE OF OREGON
TWENTY-FIFTH LEGISLATIVE ASSEMBLY
HALL OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 3.

Be it Resolved by the House of Representatives of the State of Oregon, the Senate concurring, That the following application to the congress of the United States of America, applying to congress to provide

for the calling of a convention to propose an amendment to section 3 of article 1 of the Constitution of the United States, so that the United States senators from each state shall be elected by the direct vote of the qualified electors in each state, be and the same is hereby adopted:

To the Honorable Congress of the United States of America, represented in Senate and House of Representatives: The legislature of the State of Oregon hereby applies to your honorable body to provide for the calling of a convention to propose an amendment to section 3 of article 1 of the Constitution of the United States of America, so as to provide therein that the United States senators from each state shall be elected by the direct vote of the qualified electors in each state, and to further provide for the ratification of said proposed amendment by the several states as made and provided for in article 5 of the Constitution of the United States; and, be it further

Resolved, That the aforesaid application shall be signed by the president of the Senate and the speaker of the House of Representatives, and attested by the chief clerk of each House, and a certified copy thereof, duly authenticated, shall be sent by the secretary of state to the president of the Senate of the United States, the speaker of the House of Representatives of the United States, to each member of the delegation in congress from this state, and to the legislature of each state in the United States.

Adopted by the House, Jan. 22, 1909.

C. N. McARTHUR, *Speaker.*

Concurred in by the Senate, Jan. 26, 1909.

JAY BOWERMAN, *President.*

Endorsed: House Joint Memorial No. 3.

W. F. DRAGER, *Chief Clerk.*

Filed Jan. 27, 1909.

F. W. BENSON, *Secretary of State.*

UNITED STATES OF AMERICA
STATE OF OREGON
OFFICE OF THE SECRETARY OF STATE

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said state, do hereby certify:

That I have carefully compared the annexed copy of House joint memorial No. 3, twenty-fifth legislative assembly of the State of Oregon, adopted by the Senate January 22, 1909, and concurred in by the House January 26, 1909, together with the endorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1909, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oregon, this 29th day of January, A. D. 1909.

F. W. BENSON, *Secretary of State.*

STATE OF OREGON
 TWENTY-FIFTH LEGISLATIVE ASSEMBLY
 SENATE CHAMBER

SENATE JOINT MEMORIAL NO. 4.

WHEREAS, There is a general demand by the people of the United States and of the State of Oregon for better and more permanent public roads; therefore, be it

Resolved by the Senate of the State of Oregon, the House concurring, That it is the sense of the people of this state that the national government should aid in the permanent construction of the main highways, and that the congress of the United States is hereby memorialized to extend some such aid by the appropriation of a percentage of the cost of such permanently improved main highways throughout the different states of the Union where and whenever a state and the several counties thereof shall by statute extend a like aid in so permanently improving their main highways, or that the loan of public money by the treasurer of the United States be authorized for such construction or the aiding thereof, or by both the appropriation and loan and in such sums and under such conditions as may be by said congress determined upon and deemed advisable; be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States, in congress assembled, and to the legislatures of the several states of the Union by the secretary of state.

Adopted by the Senate, Jan. 20, 1909.

JAY BOWERMAN, *President.*

Concurred in by the House, Jan. 22, 1909.

C. N. McARTHUR, *Speaker.*

Endorsed: Senate Joint Memorial No. 4.

WM. H. BARRY, *Chief Clerk.*

Filed Jan. 26, 1909.

F. W. BENSON, *Secretary of State.*

UNITED STATES OF AMERICA

STATE OF OREGON

OFFICE OF THE SECRETARY OF STATE

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said state, do hereby certify:

That I have carefully compared the annexed copy of Senate joint memorial No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the Senate January 20, 1909, and concurred in by the House January 22, 1909, together with the endorsements thereon, and that it is a full, true, and complete copy of the original as filed in the

office of the secretary of state of the State of Oregon on the 26th day of January, 1909.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oregon, this 29th day of January, A. D. 1909.

F. W. BENSON, *Secretary of State.*

On motion of Senator Blair, the communication from the secretary of state, with its inclosures, was ordered referred to the Committee on Memorials.

STATE OF OREGON, SENATE CHAMBER,
SALEM, February 4, 1909.

To the Honorable the President of the Senate, Washington Legislative Assembly, Olympia, Washington:

DEAR SIR: I have the honor to transmit herewith a copy of enrolled Senate concurrent resolution No. 22, providing for a joint committee, consisting of three members on the part of the House and two on the part of the Senate, to meet with a like committee from the legislative assembly of Washington.

The speaker appointed under this resolution, Messrs. Davis, Mahone and Campbell.

The president appointed under this resolution, Senators Beach and Bailey.

Very respectfully,

WM. H. BARRY, *Chief Clerk.*

SENATE CONCURRENT RESOLUTION NO. 22.

WHEREAS, There have been presented to the legislative assembly of the State of Oregon, petitions by the city council of Portland, citizens and taxpayers of Multnomah county, requesting said legislative assembly to enact a measure for the construction of a bridge across the Columbia river from a point at or near the northerly extension of Patton avenue, in the city of Portland, in said county, to the city of Vancouver, in the State of Washington; and

WHEREAS, The needs of the constantly-increasing commerce between the populous trade centers on the opposite banks of said river demand the construction of such bridge as soon as possible; and

WHEREAS, Such a bridge will furnish a thoroughfare across the Columbia river, making possible a roadway between Portland, Seattle, Tacoma and way points, also a great interstate highway, and will be an undertaking far-reaching in its beneficial results, not only to the residents of the respective communities, but the States of Oregon and Washington, and will add greatly to the wealth of both; therefore be it

Resolved by the Senate, the House concurring, That a committee of five, composed of two on the part of the Senate and three on the part of the House, be appointed to confer with a like committee from the Washington legislature, to the end that action may be taken at once to ini-

tiate this movement for an interstate bridge across the Columbia; and be it further

Resolved, That this committee shall be allowed their actual expenses in the performance of their duties under this resolution.

Concurred in by the House February 3, 1909.

C. N. McARTHUR, *Speaker*.

Adopted by the Senate February 3, 1909.

JAY BOWERMAN, *President*.

I hereby certify that this is a true and correct copy of Senate concurrent resolution No. 22, adopted by the Senate and concurred in by the House.

WM. H. BARRY, *Chief Clerk*.

On motion of Senator Paulhamus, Senate concurrent resolution No. 22 of the legislature of the State of Oregon, with the communication accompanying same, were ordered referred to the Committee on Memorials.

A petition from certain citizens of North Yakima, against the enactment of local option legislation, was, on motion of Senator Cameron, ordered referred to the Committee on Public Morals.

Senate concurrent resolution No. 19, by Senator Graves:

Resolved by the Senate, the House concurring, That one thousand copies of the criminal code be printed for the use of the legislature.

Senator Graves moved the adoption of the resolution.

The secretary called the roll on passage of Senate concurrent resolution No. 19, and it was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Ruth, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—37.

Those absent or not voting were: Senators Booth, Eastham, Roberts, Rosenhaupt, Rydstrom—5.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred—S. B. 48—An act relating to actions brought to recover possession of real property and amending section 5518 of Ballinger's Annotated Codes and Statutes of Washington;

S. B. 73—An act to amend chapter 135 of the Session Laws of 1907, relating to the sale and distribution of grain sacks manufactured at the State Penitentiary, and declaring an emergency;

S. B. 75—An act amending section 4838 of Ballinger's Annotated Codes and Statutes of Washington, in relation to survival of actions for personal injury to any person, occasioning his death;

S. B. 76—An act amending section 4828 of Ballinger's Annotated Codes and Statutes of Washington, in relation to recovery of damages for the death of a person caused by the wrongful act or neglect of another;

S. B. 102—An act to prohibit the throwing and placing of bottles, glass, glassware, tacks and nails in any road or highway in the State of Washington, and prescribing a penalty for the violation thereof;

S. B. 157—An act relating to the adulteration of foods, drinks and drugs, and amending section 9 of chapter 211 of the Session Laws of 1907;

S. B. 165—An act providing for the purchase and maintenance of law libraries for the superior courts and for the creation of a fund therefor by the taxation of costs;

S. B. 175—An act relating to the admission of attorneys and counselors at law, and to the revocation of their certificates of admission, amending section 1 of chapter XIII of the Laws of 1897, being an act entitled "An act amending section 4 of an act entitled 'An act in relation to attorneys and counselors at law, providing for admission to the bar,' passed by the legislature of the State of Washington, and approved March 19, 1895";

S. B. 176—An act relating to the disbarment and suspension of attorneys and counselors at law, and amending section 1 of an act entitled "An act to amend section 3289 of the Code of 1881, relating to the removal and suspension of attorneys," being chapter IX of the Laws of 1897.

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

We concur in this report: F. L. Stewart, H. H. Fatland.

On motion of Senator Myers, the report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 3, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 56, entitled "An act relating to the foreclosure and sale of real property for delinquent taxes, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the

recommendation that it do pass with the following amendments:

Strike the amended title in the printed bill and substitute therefor the following title: "An act relating to the foreclosure and sale of real property for delinquent taxes and amending section 18, chapter 141 of the Session Laws of 1899."

In line 1, section 1 of the printed bill, after the figure "1" strike the remainder of the line. In said section strike all of lines 2, 3, 4, 5, 6, 7, and line 8 to and including the figures "103" and substitute the following words and figures therefor: "Section 1. That section 18 of chapter 141, Session Laws of 1899, is hereby amended to read as follows: Section 18."

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, Ralph Metcalf, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was re-referred Senate bill No. 72, entitled "An act for the relief of B. D. Minkler," for the purpose of correcting title, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the following title be added to said bill: "An act for the relief of B. D. Minkler, and making an appropriation therefor," and that as so amended the bill be placed on general file.

W. G. POTTS, *Chairman*.

We concur in this report: Robert F. Booth, F. L. Stewart, J. R. Stevenson, A. W. Anderson, Peter McGregor, J. A. Falconer.

On motion of Senator Potts, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 204, by Senator Metcalf, entitled "An act enabling cities of the first class to govern themselves, except in matters pertaining to public safety and order."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Cities of the First Class, with recommendation that the committee submit the bill to the Judiciary Committee after having considered same.

Senate bill No. 205, by Senator Graves, entitled "An act authorizing employers and employees to enter into contracts

concerning compensation for future injuries to and death of employees, etc.”

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 206, by Senator Graves, entitled “An act relating to the introduction and use of medical expert testimony in civil actions and proceedings, etc.”

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 207, by Senator Cotterill, entitled “An act relating to the form, canvass and count of ballots received by the election board at any election held under the laws of this state.”

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Elections and Privileges.

Senate bill No. 208, by Senators Cameron, McGregor and Smithson, entitled “An act relating to the prevention of disease in sheep, and prescribing penalties for the violation of its provisions.”

The bill was read the first time, and on motion of Senator McGregor the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Dairy and Live Stock.

Senate bill No. 209, by Senator Graves, entitled “An act relating to, regulating and providing for the nomination of candidates for municipal office in incorporated cities of the first, second and third classes in the State of Washington, etc.”

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Elections and Privileges.

Senate bill No. 210, by Senator Graves, entitled “An act relating to appeals from the superior courts to the supreme

court and authorizing the supreme court to make rules regulating the same, etc.”

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 211, by Senator Falconer, entitled “An act to amend section 3 of an act entitled ‘An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds, and declaring an emergency.”

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 212, by Senator Cotterill, entitled “An act to prevent city or town councilmen from taking employment or appearing for gain or hire before municipal courts, etc.”

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 213, by Senator Metcalf, entitled “An act relating to the adulteration of foods, drinks and drugs, etc.”

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Commerce and Manufactures.

GENERAL FILE.

Senate bill No. 100, entitled “An act providing for the payment of salary or wages of public officers or employees, and of employees upon public work, at not exceeding bi-weekly or semi-monthly intervals,” was read third time.

Senator Nichols moved to amend the bill by striking the word “shall” in line 4 of section 2 of the printed bill after the word “work” and inserting in lieu thereof the word “may.” The amendment was lost.

Senator Bassett moved to amend by striking the words "school district" in line 2 of section 1 of the printed bill. Senator Bassett withdrew the proposed amendment.

Senator Bassett moved to amend the bill by adding the following to the end of section 1:

"Provided, That this act shall not apply to school districts of the second and third classes."

Senator Nichols moved as a substitute that Senate bill No. 100 be ordered re-referred to the Committee on Labor and Labor Statistics.

The substitute motion carried.

Senate bill No. 172, entitled "An act relating to hotels, inns and public lodging-houses, creating the office of state hotel inspector, etc," was placed on its third reading.

On motion of Senator Potts, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 172.

The bill was considered in the Committee of the Whole and reported back to the Senate with the recommendation that it do pass with the following amendments:

Strike the words "two openings" in line 4 of section 2 of the printed bill and insert in lieu thereof the words "one opening."

Strike the word "three" in line 1 of section 2 of the printed bill and insert in lieu thereof the word "two."

Strike the word "three" in line 1 of section 3 of the printed bill and insert in lieu thereof the word "two."

In line 2 of section 6 of the printed bill, strike the words "eighty-four" and insert in lieu thereof the words "eighty-one."

In line 1 of section 3 of the printed bill, strike the words "not over" and in the same line and section strike the words "and third floors" and insert the word "floor" in lieu thereof.

Amend section 6 of the printed bill by striking the word "bottom" in line 2; strike the words "eighty-four" in said line and insert in lieu thereof the words "eighty-one"; also strike the word "long" and insert in lieu thereof the word "wide."

In line 1 of section 6 of the printed bill, strike the word "transient."

In line 2 of section 3 of the printed bill, insert the word "outside" after the word "every."

In lines 3 and 4 of section 6 of the printed bill, strike the following: "with clean top sheets at least ninety-one inches long, all of which sheets shall be at least 12 inches wider than the beds on which the same are used," and insert in lieu thereof the words "ninety inches long."

After word "persons," in line 5 of section 6, strike balance of section 6.

Add to the end of section 9 the following: "but in any event such room shall not be let to any person for at least forty-eight hours after such fumigation or disinfection."

Strike the word "established" in line 1 of section 10 of the printed bill, and in line 2 of said section strike the word "principles" and insert in lieu thereof the words "rules to be established by the state board of health and."

In line 2 of section 12 of the printed bill, strike the word "advice" and insert in lieu thereof the word "approval."

In line 5 of section 12 of the printed bill, after the word "dollars" insert the words "together with his necessary traveling expenses."

Insert after the word "month" in line 5 of section 13 of the printed bill the following: "and their necessary traveling expenses, to be paid according to law."

Insert between words "an" and "inspection" in line 2 of section 19 of the printed bill the word "annual," and in line 4 of the same section insert between the words "an" and "inspection" the word "annual."

Add to the end of section 20 the following: "but in no event shall the amount appropriated during any biennial period exceed the collections under this act during said period."

Insert in line 3 of the printed bill, section 19, after the words and figures "twenty (20)" the words and figures "and less than one hundred (100) rooms."

Insert in line 4 of section 20, after the words and figures "ten dollars (\$10.00)" a comma and the following words: "and every hotel containing one hundred (100) rooms or more shall pay an annual inspection fee of twenty dollars (\$20.00)."

Strike the word "and" after word "height" in line 1 of section 3 of the printed bill, and insert in lieu thereof the word "or."

In line 2 of section 3 of the printed bill, strike the words "fire escapes as is" and in lieu thereof insert the words "fire escapes as are."

In line 3 of section 3 of the printed bill, strike the words "second and third floors" and insert in lieu thereof the words "any floor where the window of such room is more than twelve feet above the ground."

On motion of Senator Paulhamus, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended and the reading had in the Committee of the Whole was considered the third reading of the bill, the bill considered engrossed, and placed on final passage.

The secretary called the roll and Senate bill No. 172 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—40.

Voting nay: Senator Eastham—1.

Absent or not voting: Senator Rosenhaupt—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 115, entitled "An act for the protection of water fowl, etc," was read third time.

On motion of Senator Davis, the bill was amended as follows:

In section 1 strike out all after the word "fowl" in line 2 of the printed bill, to and including the word "nor" in line 3 of the printed bill.

Senator Hutchinson moved to amend by striking the figures "18" and "19" in line 3 of section 1 of the printed bill.

The amendment was lost.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 5, 1909.

MR. PRESIDENT:

The House has passed House bill No. 37, entitled "An act dedicating to the city of Seattle all the right, title and interest of the State of Washington in and to certain lands for street and boulevard purposes";

Also House bill No. 63, "An act to amend section 5 of an act defining a homestead and providing for the manner of the selection of the same";

Also House bill No. 99, "An act relating to justices of the peace and constables in cities of 200,000 or over, providing for their election and appointment, and fixing their salaries";

Also House bill No. 125, "An act to enable counties, cities and towns to validate certain warrants and other obligations."

The speaker has signed House bill No. 2, entitled "An act providing for judges of the superior court of the State of Washington in and for Pierce county, providing for an appointment of the additional judge therein, providing for the election of his successor to serve until the second Monday of January, 1913; providing for the election of four judges of said court at the general election in November, 1912, and every four years thereafter, and declaring an emergency";

Also Senate bill No. 11, entitled "An act for the relief of J. F. Collier, Adams county, State of Washington, and making an appropriation therefor";

Also Senate bill No. 30, entitled "An act for the relief of R. E. Darnell, and making an appropriation therefor";

Also Senate bill No. 34, entitled "An act making an appropriation for the payment of sundry expenses in the office of the secretary of state";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Cotterill moved to amend Senate bill No. 115 by adding to the end of section 1 the words "nor within one mile of the shore of any such meandered lake."

Senator Davis moved as a substitute for the above to make the distance "one-quarter" of a mile.

The substitute motion was put and carried, and the words "nor within one-quarter of a mile of the shore of any such meandered lake" were added to the end of section 1.

On motion of Senator Metcalf, the bill was amended by striking the word "said" before the word "lake" in line 4 of section 1 of the printed bill and inserting in lieu thereof the words "any such."

On motion of Senator Davis, the title of the bill was amended by striking the words and figures "and 20" and inserting in lieu thereof the words and figures "20 and 21."

On motion of Senator Davis, the rules were suspended, Senate bill No. 115 was considered engrossed and placed on final passage.

The secretary called the roll, and Senate bill No. 115 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—39.

Absent or not voting were: Senators Graves, Rosenhaupt, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Hutchinson gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 115 passed the Senate.

House bill No. 2 was signed by the president.

Senate bill No. 83, entitled "An act to promote the safety of employees on railroads, etc," was placed on its third reading.

Senator Cotterill moved to amend by adding to the end of section 1 the following:

"Provided, however, That this act shall not apply to logging railways upon which passengers are not regularly carried for hire."

The amendment was carried.

On motion of Senator Cotterill, the bill was ordered re-referred to the Committee on Railroads and Transportation.

Senate bill No. 171, entitled "An act to amend section 1 of an act entitled 'An act providing for the protection and health of employees in factories, etc,'" was read third time.

Senator Cotterill moved to amend by inserting after the word "employee" in line 16 of section 1 of the printed bill the words "who having himself removed safeguards is."

The amendment was lost.

On motion of Senator Metcalf, the bill was amended by striking the words "said act be," in line 1 of section 1 of the printed bill, and inserting in lieu thereof the words "chapter 84, Session Laws of 1905, providing for the protection of employees of factories and mills, is hereby."

Senator Cotterill moved that the bill be ordered re-referred to the Committee on Labor and Labor Statistics.

The motion was lost.

Senator Cotterill moved to insert after the word "provided," in line 5 of the typewritten copy of the committee amendment to the bill, the words " and are maintained."

A roll call on the amendment was demanded by Senators Cotterill, Huxtable, Stevenson, Bryan, Anderson, Polson, Falconer.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting yea were: Senators Allen, Anderson, Arrasmith, Bassett, Bryan, Cotterill, Huxtable, Nichols, Rosenhaupt, Whitney, Mr. President—11.

Those voting nay were: Senators Blair, Booth, Brown, Cameron, Cox, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart—26.

Those absent or not voting were: Senators Davis, Graves, Piper, Smithson, Williams—5.

Senator Bryan moved to amend by striking the word "same" in the fifth line of the typewritten committee amendment, and inserting in lieu thereof the words "such employee has knowledge of the fact that safeguards."

Senator Stevenson moved the previous question, and was seconded by Senators Cameron, Falconer and Myers.

The motion for the previous question carried.

Senator Bryan's amendment was put and lost.

Senator Rosenhaupt moved to amend by inserting after the words "be removed," in the sixth line of the typewritten copy of the committee amendment, the words "without the knowledge or permission of the employer."

Senator Stevenson raised the point of order that the amendment submitted by Senator Rosenhaupt covered the same ground and subject matter as the previous amendments of Senators Bryan and Cotterill, which had been lost.

The president overruled the point of order, holding same not well taken.

Senator Rosenhaupt's amendment was put and failed to carry.

On motion of Senator Metcalf, the rules were suspended, Senate bill No. 171 considered engrossed and placed on final passage.

The secretary called the roll, and Senate bill No. 171 passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Booth, Brown, Cameron, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart—28.

Those voting nay were: Senators Allen, Anderson, Bassett, Bryan, Cotterill, Huxtable, Nichols, Rosenhaupt, Mr. President—9.

Those absent or not voting were: Senators Davis, McGregor, Piper, Whitney, Williams—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 151 was placed on its third reading.

On motion of Senator Cameron, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 151.

The bill was considered in the Committee of the Whole, Senator Knickerbocker in the chair, and reported back to the Senate with the recommendation that it be amended as follows: Insert after the enacting clause the words "section 1," and make the further consideration of the bill a special order for Monday afternoon, February 15th, 1909, at 2:00 o'clock.

On motion of Senator Knickerbocker, the report of the Committee of the Whole was adopted.

On motion of Senator Knickerbocker, the rules were suspended, and Senate concurrent resolution No. 19 was ordered immediately transmitted to the House.

At 4:35 p. m., on motion of Senator Bryan, the Senate adjourned until 10:00 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

A. S. RUTH,

President of the Senate.

THIRTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Tuesday, February 9, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senator Fatland, excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

REPORT OF COMMITTEE ON MEMORIALS.

OLYMPIA, February 8, 1909.

To the State Senate of Washington:

GENTLEMEN:—The undersigned, being the members of the Lincoln Centennial Memorial Joint Committee, appointed in behalf of the

Senate under Senate joint resolution No. 1, would respectfully report that they have met with the similar committee from the House, under the chairmanship of the governor, and have arranged for the observation of the Lincoln Centennial Day, as set forth in said joint resolution, with appropriate exercises, in joint session of this legislature, to be held beginning at 1:30 p. m., on Friday, February 12th. We are glad to report that ex-Governor J. Frank Hanly, of Indiana, has accepted the invitation of the committee to deliver the Lincoln memorial address.

Respectfully submitted,

GEO. F. COTTERILL,

J. R. STEVENSON,

JOHN L. BLAIR.

On motion of Senator Cotterill, the report of the committee was adopted.

A resolution by the city council of Vancouver and a resolution by the Commercial Club of the city of Vancouver, Washington, relative to the proposed construction of a bridge crossing the Columbia river at Vancouver, was read, and on motion of Senator Eastham ordered referred to the Committee on Memorials.

The following communication was read and ordered placed on file:

UNITED STATES SENATE, COMMITTEE ON IRRIGATION.

February 3, 1909.

Honorable William T. Laube, Secretary of the Senate, Olympia, Washington:

DEAR SIR:—Upon my return to Washington, I find your letter of the 25th ultimo; also enrolled copies of Senate joint memorials Nos. 1, 2, 3 and 4, and these I have today presented to the Senate.

Very truly,

LEVI ANKENY.

Concurrent resolution No. 20, by Senator Stewart:

WHEREAS, It appears, after careful examination of the receipts and expenditures of the State of Washington, as evidenced by the statement of the various officers of the state, that no insurance of any kind is now carried on the capitol building, the law library or any of the books, furniture or other property of the State of Washington, contained in the capitol building; and

WHEREAS, A loss would be sustained in the event of a fire which would be almost irreparable, and which the state in its present condition could ill afford; therefore, be it

Resolved by the Senate of the State of Washington, the House concurring, That an adequate amount of fire insurance be procured on the capitol building, the furniture thereof, and all other valuable property now contained therein—more especially on the law library—and that a

special committee be appointed to investigate and make recommendations.

Senator Stewart moved that the rules be suspended and the resolution adopted.

Senator Cotterill moved as a substitute that the resolution be ordered referred to the Committee on Appropriations.

Senator Cotterill withdrew his substitute motion.

Senator Williams moved as a substitute that the resolution be ordered referred to the Committee on Public Grounds and Buildings.

The substitute motion of Senator Williams was lost.

The secretary called the roll on the motion of Senator Stewart, that the resolution be adopted, and it was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Anderson, Cox, Davis, Fatland, Piper, Rosenhaupt, Whitney—7.

On motion of Senator Stewart, the rules were suspended, and Senate concurrent resolution No. 20 was ordered immediately transmitted to the House.

Senate joint memorial No. 6, by Senator Hutchinson, memorializing congress of the United States and petitioning that a townsite be established at a certain point in the Colville Indian reservation, was read first and second times.

Senator Hutchinson moved that the rules be suspended, the memorial ordered printed, and placed on final passage.

Senator Cotterill moved as a substitute that the memorial be printed and referred to the Committee on Memorials.

The substitute motion of Senator Cotterill carried.

A petition from certain citizens of Douglas county, praying for the extension of State Road No. 7, was read, and on motion of Senator Davis ordered referred to the Committee on Roads and Bridges.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 198, entitled "An act increasing the number of judges of the supreme court of the State of Washington, providing for the court *en banc*, and for separate departments of such court, for the holding of terms thereof, for the method of hearing and determining causes therein, authorizing the making of rules, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 2, section 2 of the printed bill, after the word "the" strike the remainder of the line, and in said section strike all of lines 3 and 4 and that part of line 5 down to and including the word "ensuing" and substitute therefor the words "second Monday in January, 1911."

In line 5 of said section, after the word "at" strike the words "such election" and substitute therefor the words "the next succeeding general election after the passage of this act."

In line 8 of said section, after the word "provided" insert the word "for."

In line 5, section 5 of the printed bill, after the word "then" insert the following words: "reargument shall be ordered and."

In line 5, section 8 of the printed bill, after the word "justice" strike the comma and substitute a period therefor and strike the balance of said section.

WILL G. GRAVES, *Chairman*.

We concur in this report: Robt. Booth, Ralph Metcalf.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 109, entitled "An act relating to the selection, exemption and service of jurors in the superior court of the state," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith transmitted be substituted therefor, and that the same be printed and do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Robt. Booth, Ralph Metcalf.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Labor and Labor Statistics, to whom was re-referred Senate bill No. 100, entitled "An act providing for the payment of salary or wages of public officers and employees, and of employees upon public work, at not exceeding bi-weekly or semi-monthly intervals," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

Amend section 1 by striking all of said section after the word "Washington," in line 1 of the printed bill and line 2 of the original bill, down to and including the word "State," and insert in lieu thereof the following: "and of every county, and of every city of the first, second and third class, and of every school district which includes a city of the first, second or third class within said state."

JESSE HUXTABLE, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. R. Stevenson, Joseph Arrasmith, John L. Roberts, J. A. Falconer.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 196, entitled "An act relating to township organization and amending an act entitled 'An act to provide for township organization, and prescribing the duties and fixing the compensation of township officers, and providing for the assessment, levy and collection of town taxes, approved March 23, 1895,' by amending sections 11, 17, 48, 79, 80, 81, 82, 93 and 115 and adding sections 117, 118, 119 and 120 to said act, repealing all laws in conflict therewith and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that sections 2, 4, 5, 6 and 7 be stricken from the bill and the remainder of the bill be re-referred to the Committee on Roads and Bridges.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. D. Bassett, J. H. Smithson, E. M. Williams, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on Dairy and Livestock, to whom was referred Senate bill No. 16, entitled "An act providing for the sanitation of

bakeries, canneries, packing-houses, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the Committee on Medicine, Dentistry, Surgery, and Hygiene.

S. J. CAMERON, *Chairman*.

We concur in this report: Ed Brown, Chas. E. Myers, Peter McGregor, E. C. Whitney.

On motion of Senator Cameron, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 90, entitled "An act to repeal an act entitled 'An act to provide for the assessment of the operating property of railroads,' approved March 6, 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be postponed indefinitely.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. D. Bassett, J. H. Smithson, E. M. Williams, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 169, entitled "An act to amend article XI, paragraph VII, of the Constitution of the State of Washington, relating to the eligibility of county officers," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the Committee on Constitution and Constitutional Revision.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. D. Bassett, J. H. Smithson, E. M. Williams, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 82, entitled "An act to amend sections 17, 93 and 116 of an act entitled 'An act to provide for township organizations,

and prescribing the duties and fixing the compensation of township officers, and providing for the assessment, levy and collection of town taxes,' approved by the governor March 23d, 1895, and repealing sections 79, 80, 81 and 82 of said act, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In section 1, line 3 of the printed bill and line 4 of the original bill, after the word "clerk" insert "one deputy county assessor for said township." In section 1, line 5 of the printed bill and line 6 of the original bill, after the word "town" add a comma and insert the following: "But each overseer shall be elected by the electors of the respective road districts present at said annual town meeting, and must be a resident elector of such road district." Amend section 1 by adding the following sentence: "The deputy county assessor for each township shall perform his duties under the direction of the county assessor."

Amend section 2 by adding the following sentence: "The deputy county assessor for each township shall be paid for his services by the county at the same rate and in the same manner as other deputies of the county assessor."

J. A. FALCONER, *Chairman.*

We concur in this report: Geo. F. Cotterill, J. D. Bassett, J. H. Smithson, E. M. Williams, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 83, entitled "An act to promote the safety of employees on railroads by requiring and compelling railroads operating in this state to use suitable and proper caboose cars as prescribed in this act, and providing a penalty for the violation of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Amend section 1 by adding the following at the end of the section: "Provided, That this act shall not apply to logging roads which do not do business as common carriers."

W. H. PAULHAMUS, *Chairman.*

We concur in this report: Ralph D. Nichols, Will G. Graves, J. Huxtable, Alex. Polson, Joseph Arrasmith, Chas. E. Myers, J. H. Smithson.

On motion of Senator Paulhamus, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 214, by Senator Minkler, entitled "An act amending section 6 of an act entitled 'An act to provide for the

alteration, replat or vacation of any townsite, city plat or plats, addition or additions, or plats thereof, and the assessment, collection and payment of any damages connected therewith,' approved March 14, 1903."

The bill was read the first time, and on motion of Senator Minkler the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Harbors and Harbor Lines.

Senate bill No. 215, by Senator Smithson, entitled "An act to regulate, restrain, license, or prohibit the maintenance or running of pool halls, billiard halls, and bowling alleys outside of incorporated cities and towns."

The bill was read the first time, and on motion of Senator Smithson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 216, by Senator Bassett, entitled "An act relating to procedure in condemnation proceedings affecting lands owned by the state, or in which it has an interest, and amending section 2 of chapter 219 of the Laws of 1907."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State, Granted, School and Tide Lands.

Senate bill No. 217, by Committee on Labor and Labor Statistics, entitled "An act relating to the liability of employers to their workmen for injuries while in the course of their employment."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 218, by Senator Kline, entitled "An act to amend chapter 149, Laws of Washington, approved March 12, 1907, entitled 'An act creating a state highway board and the office of the state highway commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance and repair of state highways, and providing for the expenditure of moneys appropriated by the state or counties for the survey, establishment, construction, building, maintenance and repair of state highways, and mak-

ing an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws of 1905, approved March 13, 1905, and declaring an emergency."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

Senate bill No. 219, by Senator Davis, entitled "An act relating to the registering of marks and brands of horses and cattle shipped over railroads, and providing a penalty for the violation of the provisions thereof."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Agriculture.

Senate bill No. 220, by Senator Cox, entitled "An act requiring county officers to transmit estimates of timber on public lands of the state to the commissioner of public lands."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 221, by Senator Cox, entitled "An act relating to lands granted to the State of Washington by the United States for the benefit of state charitable, educational, penal and reformatory institutions, and other institutions, and repealing chapter 91 of the Laws of 1903, and declaring an emergency."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 222, by Senator Cox, entitled "An act to validate deeds, authorized by the county commissioners of real property acquired by the county through tax sales."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

House bill No. 99, entitled "An act relating to justices of the peace and constables in cities having a population of 200,000

or more inhabitants, providing for their election and appointment, fixing their salaries, and providing for the appointment of clerks and bailiffs of such courts, authorizing such clerks to administer oaths, and declaring an emergency."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Cities of the First Class.

House bill No. 7, entitled "An act dedicating to the city of Seattle all the right, title and interest of the State of Washington in and to certain lands in the city of Seattle, lying within section 16, township 25 north, range 3 east W. M., for street and boulevard purposes."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and referred to the Committee on Cities of the First Class.

Engrossed House bill No. 125, entitled "An act to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Counties and County Boundaries.

Engrossed House bill No. 63, entitled "An act to amend section 5 of an act approved March 13, 1895, Laws of Washington, 1895, page 109, entitled 'An act defining a homestead and providing for the manner of the selection of the same,' and specifying in what cases the homestead shall be liable to execution."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 19, relating to the printing of the criminal code, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

By unanimous consent, at the request of Senator Falconer, Senate bill No. 217 was ordered taken off general file and ordered re-referred to the Committee on Labor and Labor Statistics.

GENERAL FILE.

At the request of Senator Graves, the Senate by unanimous consent took up the consideration of Senate bill No. 21 out of order.

Senate bill No. 21, entitled "An act in relation to garnishments in the superior courts of the State of Washington," was read third time.

Senator Bryan moved to amend the bill by striking all of section 8.

The amendment was lost.

Senator Nichols moved to amend by striking the word "and" after the word "debtor" in line 6 of section 8 of the printed bill and inserting the word "or" in lieu thereof.

The motion was lost.

Senator Bryan moved to amend by striking lines 6, 7 and 8 of section 8 of the printed bill, beginning with the word "and" after the word "debtor" in line 6 of section 8 of the printed bill.

Senator Graves raised the point of order that the above amendment covered the same subject matter as a previous amendment which had been voted on.

The president sustained the contention of Senator Graves and ruled the amendment out of order.

The roll was called on final passage of Senate bill No. 21, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Eastham, Falconer, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Ruth, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—34.

Those voting nay were: Senators Bryan, Hutchinson—2.

Those absent or not voting were: Senators Cox, Davis, Fatland, Huxtable, Rosenhaupt, Whitney—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 12 o'clock m., on motion of Senator Potts, a recess was taken until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

Senate bill No. 20, entitled "An act in relation to garnishments in justice courts in the State of Washington," was read third time.

Senator Bryan moved to amend the bill by striking section 8.

The amendment was lost.

The secretary called the roll on final passage of the bill, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fishback, Graves, Hutchinson, Kline, McGregor, Myers, Minkler, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—31.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Falconer, Fatland, Huxtable, Knickerbocker, McGowan, Metcalf, Piper, Presby, Rosenhaupt, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 72, entitled "An act for the relief of B. D. Minkler, etc.," was read third time.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 72.

The bill was considered in the Committee of the Whole, Senator Allen in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments:

Strike the preamble.

In line 3 of section 1 of the printed bill, strike the words "as set forth in the above preamble" and insert in lieu thereof the following: "by reason of being dispossessed of lot No. 2, section 16, township 35, N. R. 6 E., purchased from the State of Washington."

On motion of Senator Allen, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended, the

reading of Senate bill No. 72 had in the Committee of the Whole was considered the third reading of the bill, the bill considered engrossed, and placed on its final passage.

The secretary called the roll on final passage of Senate bill No. 72, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Kline, McGregor, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—32.

Absent or not voting were: Senators Bassett, Fatland, Huxtable, Knickerbocker, McGowan, Minkler, Presby, Rosenhaupt, Stevenson, Whitney—10.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 197, entitled "An act relating to practice and proceedings in the trial of actions, and amending section 1 of chapter 81 of the Session Laws of 1903," was read third time.

The secretary called the roll on final passage of Senate bill No. 197, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fishback, Graves, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—33.

Absent or not voting were: Senators Falconer, Fatland, Hutchinson, Huxtable, Knickerbocker, Presby, Rosenhaupt, Stevenson, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate substitute bill No. 66, entitled "An act relating to the signing of pledges by any candidate for the legislature, for supervisor, school director, or for any legislative body, and making the signing of such pledge a disqualification," was read third time.

Senator Cotterill moved to amend the bill by inserting the word "secret" between the words "any" and "pledge" in line 2 of section 1 of the printed bill.

Senator Huxtable moved as a substitute to amend the bill by inserting the words "secret or public" between the words "any" and "pledge" in line 2 of section 1 of the bill.

The president ruled the substitute out of order on the ground that it would nullify the original amendment as proposed by Senator Cotterill.

Senator Stevenson moved as a substitute that Senate substitute bill No. 66 be indefinitely postponed.

Senator Falconer raised point of order that a substitute motion takes precedence over a motion to indefinitely postpone.

The president sustained Senator Falconer on the point of order raised.

Senator Falconer moved as a substitute that the bill be amended by adding to it the following:

"Section 2. Any person who shall accept or receive an annual retainer to look after or protect the interests of any person, company, or corporation, shall be disqualified from holding any legislative office in the State of Washington."

Senator Cotterill withdrew his motion to amend the bill.

The amendment proposed by Senator Falconer carried.

Senator Stevenson renewed his motion that the bill be indefinitely postponed.

The following Senators demanded a roll call: Senators Booth, Falconer, Cotterill, Stevenson, Eastham, Bryan, Knickerbocker.

The secretary called the roll on the motion of Senator Stevenson that the bill be indefinitely postponed, and the motion was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Falconer, Fishback, Hutchinon, Polson, Stevenson—12.

Those voting nay were: Senators Allen, Booth, Cameron, Cox, Davis, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—27.

Absent or not voting were: Senators Fatland, Presby, Rosenhaupt—3.

Senator Cotterill renewed his motion, that the bill be amended

by inserting the word "secret" between the words "any" and "pledge" in line 2 of section 1 of the printed bill.

A roll call on the amendment was demanded by the following: Senators Falconer, Cox, Fishback, Cameron, Cotterill, Anderson, Bryan.

The secretary called the roll, and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fishback, Hutchinson, Myers, Nichols, Polson, Stevenson—15.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Paulhamus, Piper, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—2.

Absent or not voting were: Senators Davis, Fatland, Presby, Rosenhaupt—4.

The secretary called the roll on the final passage of the bill, and Senate substitute bill No. 66 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Booth, Cameron, Cox, Eastham, Falconer, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—27.

Those voting nay were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cotterill, Fishback, Hutchinson, Myers, Polson, Stevenson—11.

Absent or not voting were: Senators Davis, Fatland, Presby, Rosenhaupt—4.

Senator Cotterill moved that the bill be amended by adding an emergency clause.

The motion carried.

The secretary called the roll on the passage of the emergency clause to Senate substitute bill No. 66, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Cotterill, Cox, Falconer, Hutchinson, Huxtable, Kline, McGregor, Metcalf, Myers, Paulhamus, Polson, Potts, Stevenson, Whitney—18.

Those voting nay were: Senators Allen, Anderson, Booth, Bryan, Cameron, Eastham, Fishback, Knickerbocker, McGowan, Minkler, Nichols, Piper, Roberts, Rydstrom, Smith, Stewart, Williams, Mr. President—18.

Absent or not voting were: Senators Davis, Fatland, Graves, Presby, Rosenhaupt, Smithson—6.

On motion of Senator Booth, the bill was referred to the author of the bill for the purpose of correcting the title.

Senate bill No. 56, was placed on its third reading.

On motion of Senator Graves, the consideration of Senate bill No. 56 went over until tomorrow, the bill retaining its place on the calendar.

On motion of Senator Booth, the title of Senate substitute bill No. 66 was stricken and the following substituted therefor:

“An act relating to the qualifications of members of the legislature, supervisors, school directors, or members of any legislative body.”

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Senator Minkler requested unanimous consent, which was granted, to return to the order of business, “Introduction of Bills.”

Senate bill No. 223, by Senator Myers, entitled “An act to amend article VII of the Constitution of the State of Washington, relating to the assessment and taxation of property within the state.

The bill was read the first time, and on motion of Senator Myers the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 224, by Senator Minkler, entitled “An act authorizing cities of the third class to provide for the drainage and sewerage of such cities, etc.”

The bill was read the first time, and on motion of Senator Minkler the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Municipal Corporations.

Senate bill No. 225, by Senator Blair, entitled “An act to provide for submitting propositions to amend the constitution and other questions to voters by separate ballots.”

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Constitution and Constitutional Revision.

Senate bill No. 226, by Senator Cotterill, entitled "An act to promote the safety and comfort of passengers on street railway cars, etc."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Railroads and Transportation.

On motion of Senator Smith, Senate bill No. 193 was ordered withdrawn from the Committee on Municipal Corporations and ordered referred to the Committee on Judiciary.

On motion of Senator Booth, House bill No. 99 was ordered withdrawn from the Committee on Cities of the First Class and ordered referred to the Committee on Judiciary.

On motion of Senator Cotterill, engrossed House bill No. 125 was withdrawn from the Committee on Counties and County Boundaries and ordered referred to the Committee on Municipal Corporations.

By unanimous consent, at the request of Senator Graves, the rules were suspended, and Senate concurrent resolution No. 20 was amended as follows:

After the words "special committee be appointed," insert the following words: "to consist of three members of the Senate, to be appointed by the president of the Senate, and four members of the House, to be appointed by the speaker thereof."

At 3:10 p. m., on motion of Senator Allen, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

THIRTY-FIRST DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Wednesday, February 10, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senator Fatland, excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on State Charitable Institutions, to whom was referred Senate bill No. 112, entitled "An act relating to the government, regulation, control and maintenance of the State Penitentiary, the Eastern Washington Hospital for the Insane, the State Institution for the Feeble-Minded, the Western Washington Hospital for the Insane, the State Industrial School, the State School for the Deaf and Blind, the State Soldiers' Home, Washington Veterans' Home, etc., etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

R. A. HUTCHINSON, *Chairman*.

We concur in this report: B. D. Minkler, John L. Roberts, A. B. Eastham.

On motion of Senator Hutchinson, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on State Charitable Institutions, to whom was referred Senate bill No. 42, entitled "An act to establish and maintain a home for the indigent blind, aged and infirm, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Line 1, section 2, printed bill (and original bill), insert the following after the word "any": "person who has been a"; and the following after the word "state": "for a period of not less than three years immediately prior to the time of application and."

R. A. HUTCHINSON, *Chairman*.

We concur in this report: B. D. Minkler, John L. Roberts, A. B. Eastham.

On motion of Senator Hutchinson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 177, entitled "An act relating to the superior courts of Clarke, Cowlitz, Skamania, Klickitat, Lewis, Pacific and Waukiakum counties, providing for the election of judges therein, and providing for appointment, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith transmitted be substituted therefor, that the same be printed and do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Robt. Booth, Ralph Metcalf.

On motion of Senator Presby, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 132, entitled "An act for the protection of minority stockholders in and purchasers from any corporation selling or conveying substantially all of its property or assets, or any thereof necessary to the continuance of its corporate business, or any franchise granted by public authority; authorizing sale and conveyances of such property, assets and franchises by any corporation on certain conditions, providing for the distribution of proceeds thereof and for proceedings in court, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 7 of section 1 of the printed bill, strike the words "two-thirds" and substitute the words "eighty-five per cent." In line 9 of said section, strike the word "ten" and substitute the word "sixty" therefor. In line 10 of said section, strike the period after the word "waived" and substitute a semicolon therefor. At the end of said section add the following words: "such notice to state that the meeting of stockholders is called for the purpose of determining whether the corporation shall sell all or substantially all of the property or

assets of such corporation, or of property necessary to the continuance of its corporate business, or of any franchise granted by public authority."

In line 21, section 4 of the printed bill, strike the word "four" and substitute the words "six successive" therefor.

In line 11, section 5 of the printed bill, strike the words "two-thirds" and substitute the words "eighty-five per cent." therefor. In line 33 of said section, strike the words "two-thirds" and substitute the words "eighty-five per cent." therefor.

In line 3, section 8 of the printed bill, strike the words "without a jury, and as a court of equity" and substitute the word "and" therefor. At the end of said section, strike the period and insert a comma therefor. Add to said section the following words: "and a jury may be called as in other cases to pass upon the value of the stock. The cost of the proceedings shall be awarded in the discretion of the court."

WILL G. GRAVES, *Chairman*.

We concur in this report: Robt. Booth, Ralph Metcalf.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on State Charitable Institutions, to whom was referred Senate bill No. 156, entitled "An act providing for the appointment of ex-soldiers and sailors of the Civil War as bailiffs of the superior courts of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. A. HUTCHINSON, *Chairman*.

We concur in this report: B. D. Minkler, John L. Roberts, A. B. Eastham.

On motion of Senator Hutchinson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on Insurance, to whom was referred Senate bill No. 93, entitled "An act to establish retaliation and reciprocity between this state and others of the United States as regards insurance companies of such respective states," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ROBT. L. BOOTH, *Chairman*.

We concur in this report: P. L. Allen, R. L. Kline, J. D. Bassett, J. R. Stevenson, F. L. Stewart, W. H. Paulhamus.

On motion of Senator Allen, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 33, entitled "An act to amend sections 2 and 3 of an act entitled 'An act to encourage county agricultural associations and fairs, and to provide funds therefor,' approved March 17, 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

PETER MCGREGOR, *Chairman.*

We concur in this report: S. J. Cameron, John L. Blair, E. C. Davis, R. A. Hutchinson.

On motion of Senator Cameron, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 86, entitled "An act relative to the payment of deposits in trust," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

S. T. SMITH, *Chairman.*

We concur in this report: R. L. Kline, J. H. Smithson, J. D. Bassett.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 85, entitled "An act regulating the transfer of stock of corporations," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

S. T. SMITH *Chairman.*

We concur in this report: R. L. Kline, J. H. Smithson, J. D. Bassett.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 95, entitled "An act to punish derogatory statements affecting banks," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike title and add in lieu thereof the following title: "An act to prohibit false statements, rumors or suggestions affecting banks, and making the same a misdemeanor."

In line two of the printed bill after the word "any" and before the word "statement" insert the word "false."

S. T. SMITH, *Chairman*

We concur in this report: R. L. Kline, J. H. Smithson, J. D. Bassett.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on Memorials, to whom was referred joint memorial No. 6, relative to the establishment of a government town-site in section 3, township 30, north of range 21, E. W. M., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. BLAIR,
W. H. PAULHAMUS.

On motion of Senator Hutchinson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1909.

MR. PRESIDENT:

We, your Committee on Memorials, to whom was referred petitions and resolutions relating to the construction of a bridge across the Columbia river from the city of Vancouver in Washington to some point opposite that city in Oregon, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

JOHN L. BLAIR,
W. H. PAULHAMUS.

Senator Blair moved that the report of the committee be adopted.

Senator Presby moved as a substitute that the resolution men-

tioned in the committee report be ordered referred to the Committee on Roads and Bridges.

The substitute motion carried, and the resolution relating to the construction of a bridge across the Columbia river at Vancouver was ordered referred to the Committee on Roads and Bridges.

INTRODUCTION OF BILLS.

Senate bill No. 227, by Committee on Cities of the First Class, entitled "An act granting to cities owning their own waterworks, electric light or power plants a lien for delinquent charges, and providing for the enforcement thereof."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 228, by Committee on Cities of the First Class, entitled "An act providing that all claims for damages sounding in tort against any city of the first class must set forth a statement of the actual residence of the claimant at the date of presenting such claim and for one year immediately prior to the time such claim for damages accrued, and providing that such claims for damages shall comply in all respects with valid charter provisions of any such city relating to such claims for damages, and declaring mandatory the provisions hereof."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 229, by Committee on Cities of the First Class, entitled "An act to amend section 16 of an act entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited,' approved March 13, 1907."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 230, by Committee on Cities of the First Class, entitled "An act to amend section 15 of an act entitled 'An act

to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefits,' approved March 13, 1907."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 231, by Committee on Cities of the First Class, entitled "An act to amend section 32 of an act entitled 'An act to provide for laying out, establishing, altering, changing the width of, or vacating any county road, and providing for assessment, payment of damages, and providing for appeals,' approved March 7, 1890, and declaring an emergency."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 232, by Committee on Cities of the First Class, entitled "An act to amend section 23 of an act entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited,' approved March 13, 1907."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 124, entitled "An act making appropriation for the maintenance of the office of the commissioner of public lands and for the payment of sundry salaries and per diem of officers and for sundry expenses of said office, and the same is herewith transmitted."

The speaker has signed House bill No. 1, entitled "An act relating to betting, wagering, pool-selling and book-making upon horse races or upon the result of any trial or contest of speed or endurance of any animal, declaring the violation thereof a felony, fixing a penalty";

Also joint memorial No. 3, relating to apple boxes now in use by the growers and dealers in the northwest;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 233, by Committee on Cities of the First Class, entitled "An act requiring bonds from contractors contracting to do public work conditioned to pay laborers, mechanics, materialmen and others; and repealing chapter XII of the Laws of 1888, entitled 'An act requiring municipal corporations to take a bond from contractors, contracting to do work or make any improvements for such municipal corporations, conditioned to pay laborers, mechanics, materialmen and others,' approved January 31, 1888; and repealing chapter XLIV of the Laws of 1897, entitled 'An act amending section 2415, volume 1, Hill's Annotated Codes of Washington, in relation to an act for bonds of contractors for security of laborers,' approved March 6, 1897; and repealing chapter CV of the Laws of 1899, entitled 'An act amending section 2417, volume 1, Hill's Annotated Statutes and Codes of Washington, the same being section 5927, Vol. 2, of Ballinger's Codes and Statutes of Washington, in relation to an act for bonds to be taken for municipal contracts, and declaring an emergency,' approved March 13, 1899; and repealing all other acts or parts of acts in conflict with the provisions of this act."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 234, by Committee on Cities of the First Class, entitled "An act to amend sections 2 and 4 of an act entitled 'An act relating to and authorizing the collection of assessments for local improvements by a new assessment or re-assessment of the cost and expense of making same in cities and towns, and declaring an emergency,' approved March 9, 1893."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 235, by Senator Stewart, entitled "An act to

repeal section 97 $\frac{1}{2}$ of an act entitled 'An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97 $\frac{1}{2}$, 119 $\frac{1}{4}$, 119 $\frac{1}{2}$, 120 $\frac{1}{4}$, 120 $\frac{1}{2}$, 120 $\frac{3}{4}$ to said act, and declaring an emergency,' adopted March 15, 1899."

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 236, by Senator Stewart, entitled "An act regulating the issuance of summons and regulating the procedure for the enforcement of liens for labor."

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 237, by Senator Anderson, entitled "An act to amend sections 5, 12 and 16 of an act entitled 'An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency,' approved March 20, 1895, and declaring an emergency."

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Dikes, Drains and Drainage.

Senate bill No. 238, by Committee on Appropriations, entitled "An act to provide for the making of topographical maps within the State of Washington, and the investigation of its water resources in co-operation with the United States government; also for geologic investigations within the State of Washington, and appropriating moneys therefor."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 239, by Senator Cox, entitled "An act for the regulation of public warehouses, relating to the shipping, grading, inspection and weighing of grain and hay, defining the duties of railroads, warehousemen and millers in relation thereto, providing penalties for the violation of this act, and repealing chapter CIX of the Session Laws of 1895."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Railroads and Transportation.

Senate bill No. 240, by Senator Stewart, entitled "An act creating a state road in Cowlitz, Skamania and Yakima counties and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

Senate bill No. 241, by Senator Ruth, entitled "An act providing for the construction and improvement of county roads at the expense of the lands specially benefited thereby; authorizing the creation of local improvement districts and the levying of special assessments on the lands in such districts for paying the cost and expenses thereof, and the payment of such assessments immediately or by installments; providing for the issuance and disposal of local improvement district warrants to pay the cost and expenses of such construction and improvements, as a charge upon the property of the local district, and providing for the payment of such warrants."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

Senate bill No. 242, by Senator Myers, entitled "An act relating to the destruction of animals affected with glanders, farcy or tuberculosis, providing for compensation to the owners thereof and making an appropriation therefor."

The bill was read the first time, and on motion of Senator

Myers the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Dairy and Live Stock.

Senate bill No. 243, by Senator Williams, entitled "An act requiring judges of the supreme court and superior courts to wear gowns while sitting in the hearing of causes."

The bill was read the first time, and on motion of Senator Williams the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 244, by Senators Whitney, Hutchinson, Huxtable, Graves and Rosenhaupt, entitled "An act appropriating the sum of thirty thousand dollars to the National Irrigation Congress meeting at Spokane."

The bill was read the first time, and on motion of Senator Whitney the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

GENERAL FILE.

Senate bill No. 56, entitled "An act relating to the sale of land for delinquent taxes, etc.," was read third time.

On motion of Senator Cotterill, the bill was amended by striking the word "east" in line 63 of the printed bill and inserting in lieu thereof the word "easterly," and by striking the word "east" in line 64 of the printed bill and inserting in lieu thereof the word "easterly"; also by striking the words "north and south" in line 66 of the printed bill and inserting in lieu thereof the words "northerly and southerly."

On motion of Senator Cotterill, the bill was further amended by striking out the words "due north and south, far enough west of the eastern point of the tract to make the requisite quantity," in lines 67 and 68 of the printed bill, and inserting in lieu thereof the words "northerly and southerly, or easterly and westerly, as the case may be, parallel to the boundary of the tract or lot on the side from which the portion is sold under this proceeding, and far enough therefrom to make the requisite quantity."

On motion of Senator McGowan, the bill was amended as fol-

lows: Strike the period after the word "sale" in line 67 of the printed bill and insert after the word "sale" the following:

"Provided, That no county officer shall directly or indirectly be a purchaser of such property at such sale."

On motion of Senator McGowan, the bill was further amended by striking the word "copy" in line 40 of the printed bill and inserting in lieu thereof the word "property."

On motion of Senator Paulhamus, the bill was amended by inserting the following words after the word "law" in line 39 of the printed bill:

"Provided, however, That before such sale shall be held, the county treasurer shall notify the record owner of such real estate of the pending sale, or in case of unknown owner shall post a notice of same in some public place at the county court house."

On motion of Senator Nichols, the rules were suspended, Senate bill No. 56, considered engrossed, and placed on final passage.

The secretary called the roll on final passage of Senate bill No. 56, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Fishback, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Absent or not voting were: Senators Bassett, Booth, Davis, Falconer, Fatland, Graves, Hutchinson, Huxtable, Knickerbocker, Rosenhaupt—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed House bill No. 1 and House joint memorial No. 3.

Senate bill No. 198, entitled "An act increasing the number of judges of the supreme court of the State of Washington, etc.," was read third time.

Senator Paulhamus moved that Senate bill No. 198 be indefinitely postponed.

Senator Falconer moved that the further consideration of the motion to indefinitely postpone Senate bill No. 198 be made a

special order for 3:00 o'clock p. m., Monday, February 15, 1909.

Senator Paulhamus withdrew his motion to indefinitely postpone the bill.

The motion of Senator Falconer was put and lost.

Senator Paulhamus renewed his motion that Senate bill No. 198 be indefinitely postponed.

The motion was lost.

The secretary called the roll on final passage, and Senate bill No. 198 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Anderson, Arrasmith, Brown, Cotterill, Hutchinson, Paulhamus, Polson—7.

Absent or not voting were: Senators Booth, Knickerbocker, Potts—3.

The secretary called the roll on the emergency clause to the bill, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cox, Davis, Eastham, Fatland, Fishback, Graves, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Those voting nay were: Senators Arrasmith, Cotterill, Falconer, Hutchinson, Paulhamus, Polson—6.

Absent or not voting were: Senators Booth, Knickerbocker, Potts—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 12:00 o'clock m., on motion of Senator Falconer, the Senate took a recess until 1:30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

At the request of Senator Nichols, by unanimous consent, the Senate returned to the order of business,

INTRODUCTION OF BILLS.

Senate joint memorial No. 7, relating to flood of White, Stuck and Puyallup rivers, was read first time, and on motion of Senator Nichols the rules were suspended, the memorial was read second and third times, ordered printed, and placed on final passage.

The secretary called the roll on final passage of Senate joint memorial No. 7, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—29.

Absent or not voting were: Senators Bassett, Booth, Bryan, Davis, Graves, Huxtable, Knickerbocker, McGregor, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—13.

On motion of Senator Nichols, the rules were suspended, and Senate joint memorial No. 7 was ordered transmitted to the House immediately.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 10, 1909.

Hon. A. S. Ruth, President of the Senate, Olympia:

DEAR SIR:—Kindly note message attached herewith, which has just been received from Mr. Bacon, assistant secretary of state. Kindly advise me if you know if there is anything in this report concerning a bill to be introduced compelling Japanese attending the A.-Y.-P. exposition to give bond for their return. Advise me in this matter as early as possible, so that I may answer.

Respectfully yours,

M. E. HAY,

Lieutenant Governor and Acting Governor.

WASHINGTON, D. C., February 9, 1909.

Governor of Washington, Olympia, Wn.:

It is reported from Tokio that a bill to be introduced in the Washington legislature requiring Japanese attending the exposition to give bond for their return. I should appreciate a statement from you regarding the truth of this report, and, if unfounded, it would have a very good effect if it could be broadly denied. BACON.

Resolution by Senator Metcalf:

Resolved by the Senate of the State of Washington, That no such resolution as referred to in telegram from the acting secretary of state has been introduced, and if such should be introduced it would receive the unanimous disapproval of the Senate.

Senator Metcalf moved the adoption of the resolution.

Senator Cotterill moved as a substitute that the secretary of the Senate be instructed to assure the governor that no such legislative action as that referred to in the communication from the governor and its enclosures is contemplated.

The substitute motion of Senator Cotterill was lost.

The motion of Senator Metcalf carried and the resolution was adopted.

On motion of Senator Metcalf, a copy of the resolution was ordered immediately transmitted to the governor.

Senator Hutchinson asked unanimous consent, which was granted, to consider Senate joint memorial No. 6 at this time.

Senate joint memorial No. 6, memorializing the congress of the United States to establish a townsite at a certain point on the Colville Indian reservation, was read third time.

On motion of Senator Hutchinson, the rules were suspended and Senate joint Memorial No. 6 was placed on final passage.

The secretary called the roll on final passage of the memorial, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Eastham, Fatland, Fishback, Hutchinson, McGregor, McGowan, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Whitney, Mr. President—27.

Those voting nay were: Senators Smith, Stevenson, Williams—3.

Absent or not voting were: Senators Booth, Brown, Davis, Falconer, Graves, Huxtable, Kline, Knickerbocker, Metcalf, Nichols, Piper, Stewart—12.

On motion of Senator Hutchinson, the rules were suspended and Senate joint memorial No. 6 was ordered immediately transmitted to the House.

INTRODUCTION OF BILLS.

. Senate bill No. 245, by Senators Knickerbocker, Nichols and Paulhamus, entitled "An act to provide for the establishment and creation, and the construction and maintenance of a system of dikes and drainage, including flood and drift barriers, for the establishment and creation of districts and boards for such purposes, and providing a method of raising funds for such purposes, when the lands affected are situated in two or more counties."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Railroads and Transportation.

Senate bill No. 246, by Senators Knickerbocker, Nichols and Paulhamus, entitled "An act appropriating the sum of one hundred thousand dollars for the purpose of aiding in the construction of a drift barrier in King county, Washington, at or near a point where White river departs from its old channel."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 247, by Senator Metcalf, entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Medicine, Dentistry, Surgery and Hygiene.

GENERAL FILE.

On motion of Senator Cox, Senate bills Nos. 82 and 196 were ordered referred to a special committee consisting of the senators from Spokane county.

At the request of Senator Graves, the Senate by unanimous consent returned to the order of business, "Reports of Standing Committees."

REPORTS OF STANDING COMMITTEES

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, the undersigned members of the Judiciary Committee, to whom was referred Senate bill No. 121, entitled "An act to further regulate the sale of spirituous, malt, fermented, and other intoxicating liquors, delegating to incorporated cities and towns the right to license, prohibit, limit, regulate and control the sale of spirituous, malt, fermented and other intoxicating liquors within their respective limits, and limiting the power of the county commissioners of each county to grant licenses for the sale of spirituous, malt, fermented, or other intoxicating liquors," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the annexed bill be substituted for Senate bill No. 121; that it be printed and placed on general file.

RALPH D. NICHOLS,

ROBT. L. BOOTH,

I. B. KNICKERBOCKER.

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, the undersigned members of the Committee on Judiciary, to whom was referred Senate bill No. 121, entitled "An act to further regulate the sale of spirituous, malt, fermented, and other intoxicating liquors, delegating to incorporated cities and towns the right to license, prohibit, limit, regulate and control the sale of spirituous, malt, fermented and other intoxicating liquors within the respective limits and limiting the power of the county commissioners of each county to grant licenses for the sale of spirituous, malt, fermented, or other intoxicating liquors," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman.*

HARRY ROSENHAUPT.

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, the undersigned members of Committee on Judiciary, to whom was referred Senate bill No. 28, entitled "An act to provide for the creation by popular vote of anti-saloon territory, within which, except as herein provided, the sale of intoxicating liquor and the licensing of such sale shall be prohibited, etc.," have had the same under considera-

tion, and we respectfully report the same back to the Senate with the recommendation that the bill herewith transmitted be substituted therefor, that the same be printed, and placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, W. B. Presby.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, the undersigned members of Committee on Judiciary, to whom was referred Senate bill No. 28, entitled "An act to provide for the creation by popular vote of anti-saloon territory, within which, except as herein provided, the sale of intoxicating liquor and the licensing of such sale shall be prohibited, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

RALPH METCALF,
J. W. BRYAN.

Senator Graves moved that the reports of the Judiciary committee on Senate bills Nos. 121 and 28, in so far as such reports relate to the printing of substitute bills, be adopted, and that the bills, together with the committee reports thereon, be made a special order for Wednesday morning, February 17, 1909, at 10:00 o'clock.

The motion carried.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 167, entitled "An act to provide for the vacation of portions of waterways, the extension of streets over the portions so vacated, and for the sale and disposition of the portions so vacated not embraced within any street or streets extended over the same," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, W. B. Presby, Ralph D. Nichols, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 168, entitled "An act granting to railroads, interurban railroads and street railroads operating as common carriers the right to cross state

waterways with trestle or bridges for railroads and railroad purposes, and prescribing the conditions under which such crossings may be made," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith transmitted be substituted therefor, that the same be printed, and do pass.

WILL G. GRAVES, *Chairman.*

We concur in this report: Harry Rosenhaupt, W. B. Presby, Ralph D. Nichols, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

GENERAL FILE.

Senate bill No. 83, entitled "An act entitled 'An act to promote the safety of employees on railroads, etc.," was read third time.

Senator Smith moved to strike the words "which do not do business as common carriers" from the committee amendment to the bill.

Senator Smith withdrew his motion.

On motion of Senator Huxtable, the words "entitled an act" and the quotation marks were stricken from the title of the bill.

On motion of Senator Huxtable, the rules were suspended, the bill considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 83 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—39.

Absent or not voting were: Senators Booth, Knickerbocker, Metcalf—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 100, entitled "An act providing for the payment of salaries or wages of public officers and employees, and of employees upon public work, at not exceeding bi-weekly or semi-monthly intervals," was read third time.

Senator Cotterill moved to amend the bill by striking the words "and of every school district which includes a city of the first, second or third class" in the committee amendment to section 1 of the printed bill.

The amendment carried.

Senator Cameron moved to amend the bill by striking the word "county" from line 2 of section 1 of the printed bill.

Senator Cotterill moved as a substitute that the words "of the first class" be inserted in line 2 of section 1 of the printed bill after the word "county."

Senator Paulhamus moved as a substitute that the bill be indefinitely postponed.

The president held the motion to indefinitely postpone to be out of order.

The substitute motion of Senator Cotterill carried.

Senator Paulhamus renewed his motion that Senate bill No. 100 be indefinitely postponed.

The following senators demanded a roll call on the motion: Senators Allen, Myers, Piper, Cotterill, Falconer, Bryan, Huxtable.

The secretary called the roll, and the motion to indefinitely postpone was lost by the following vote:

Those voting aye were: Senators Brown, Eastham, Kline, Metcalf, Minkler, Paulhamus, Rydstrom, Smith, Smithson—9.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, McGregor, McGowan, Myers, Nichols, Piper, Potts, Presby, Roberts, Rosenhaupt, Stevenson, Stewart, Williams, Mr. President—29.

Absent or not voting were: Senators Booth, Knickerbocker, Polson, Whitney—4.

On motion of Senator Cotterill, the rules were suspended, Senate bill No. 100 was considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 100 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishbask, Graves, Hutchinson, Huxtable,

McGregor, McGowan, Myers, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Stevenson, Stewart, Williams, Mr. President—29.

Those voting nay were: Senators Brown, Eastham, Kline, Metcalf, Minkler, Nichols, Paulhamus, Rydstrom, Smith, Smithson—10

Absent or not voting were: Senators Booth, Knickerbocker, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate Substitute bill No. 109, entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the state," was read third time.

Senator Huxtable moved to amend by inserting after the word "physicians" in line 2 of section 2 of the printed bill the words "locomotive engineers, motormen and railway conductors."

The amendment was lost.

Senator Eastham moved to amend by striking the words "attorneys at law" in line 1 of section 2 of the printed bill.

The president ruled the proposed amendment out of order.

Senate substitute bill No. 109 was placed on final passage, and passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—36.

Absent or not voting were: Senators Booth, Davis, Huxtable, Knickerbocker, Whitney, Williams—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 73, entitled "An act to amend chapter 135 of the Session Laws of 1907, relating to the sale and dis-

tribution of grain sacks manufactured at the State Penitentiary, and declaring an emergency";

Also Senate joint memorial No. 7, relating to floods in the valleys of the White, Stuck and Puyallup rivers in the State of Washington; And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

At 3:10 p. m., on motion of Senator Stevenson, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

THIRTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, February 11, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Booth and Myers, both of whom were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

The secretary read the following communications:

COMMONWEALTH OF PENNSYLVANIA, EXECUTIVE CHAMBER,
HARRISBURG, February 4, 1909.

Mr. Wm. T. Laube, Secretary of the Senate, Olympia, Washington.

DEAR SIR:—The governor directs me to acknowledge the receipt of your letter of January 30th, enclosing a copy of Senate concurrent resolution No. 10, passed by the legislature of the State of Washington, relative to sending the Liberty Bell to the Alaska-Yukon-Pacific Exposition, and to advise you that he has referred your communication, together with the joint resolution, to the mayor of the city of Philadelphia, with the request that it be given careful consideration. I am, with respect,

Very truly yours,

A. B. MILLAR, *Private Secretary.*

SELECT COUNCIL, PHILADELPHIA.
PHILADELPHIA, PENN., Feb. 5, 1909.

William T. Laube, Esq., Secretary of the Senate, Olympia, Washington.

DEAR SIR:—I am in receipt of your communication of January 30th, accompanied by a certified resolution adopted by the state legislature of Washington. At a meeting of select council held yesterday the resolution was read and referred to the Committee on Finance for their consideration and report.

Respectfully yours,

W. J. MILLIJON, *Chief Clerk, Select Council.*

OFFICE OF THE MAYOR.
PHILADELPHIA, February 5, 1909.

William T. Laube, Esq., Secretary of the Senate, Olympia, Washington.

DEAR SIR:—I am directed by His Honor, Mayor Reyburn, to acknowledge receipt of your communication of January 30th, stating that you have sent under separate cover enrolled copy of Senate concurrent resolution No. 10, passed by the Eleventh Legislature of the State of Washington, requesting that the mayor give his sanction and support to any bill that would permit the Liberty Bell to go to the Alaska-Yukon-Pacific Exposition and the Portland Rose Festival during the coming summer, and to assure you that this effort has the fullest support of his honor, the mayor. The matter is one, however, that is subject to the decision of the city councils, and until they finally decide, the mayor cannot answer you more definitely than above. Your letter, however, together with the set of resolutions, will be referred to the councilmanic committee.

Yours very truly,

WM. F. GLEASON, *Mayor's Secretary.*

On motion of Senator Blair, the communications were ordered placed on file.

A communication from the South Park Improvement Club, of Seattle, relative to Senate bill No. 170, establishing port districts, was read and on motion of Senator Nichols was ordered referred to the Committee on Harbors and Harbor Lines.

A petition from students of the University of Puget Sound, Tacoma, praying the enactment of equal suffrage legislation, was read, and on motion of Senator Metcalf ordered referred to the Committee on Constitution and Constitutional Revision.

The following resolution was read:

Senate joint resolution No. 3, by Senator Polson:

Resolved by the Senate and House of Representatives, That an invitation be extended to the Hon. Samuel Hill, president of the Washington Good Roads Association, to deliver an address in the House

chamber at an evening session, at as early a date as will suit his convenience, on the subject of "Good Roads in Europe and America."

Senator Stevenson moved that the rules be suspended and the resolution adopted.

The secretary called the roll, and Senate joint resolution No. 3 was adopted by the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—39.

Absent or not voting were: Senators Booth, Myers, Rosenhaupt—3.

On motion of Senator Stevenson, the rules were suspended, and Senate joint resolution No. 3 ordered immediately transmitted to the House.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 134, entitled "An act to amend section 7 of an act entitled 'An act to provide for prosecuting public offenses on information by providing that a grand jury shall be summoned in each county in the state at least once in each year,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Geo. F. Cotterill, J. A. Falconer, D. H. Cox, Ralph Metcalf.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 135, entitled "An act providing that county clerks shall deposit trust funds in banks and shall require and take an indemnity bond to protect the same," have had the same under consideration, and we re-

spectfully report the same back to the Senate with the recommendation that it be re-referred to the Judiciary Committee.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. A. Falconer, D. H. Cox, Ralph Metcalf.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on State, Granted, School and Tide Lands, to whom was referred Senate bill No. 203, entitled "An act authorizing and directing the commissioner of public lands to certify certain tide lands to the governor for deed, and authorizing and directing the governor to execute, and the secretary of state to attest a deed conveying to the city of Seattle certain tide lands for street purposes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: S. T. Smith, P. L. Allen, J. R. Stevenson, E. C. Whitney, Alex Polson, H. S. McGowan.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on State, Granted, School and Tide Lands, to whom was referred Senate bill No. 104, entitled "An act authorizing and directing the board of state land commissioners to sell at public auction, in manner provided by law, a portion of the southeast quarter of the northwest quarter of section 16, in township 11 north, range forty-three east of the Willamette meridian, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: S. T. Smith, P. L. Allen, J. R. Stevenson, E. C. Whitney, Alex Polson, H. S. McGowan.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 158, entitled "An act making an appropriation for the relief of Chicago, Milwaukee & Puget Sound Railway Company, for money paid for rights-of-way across lands of the State of Washington,"

have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman*.

We concur in this report: H. O. Fishback, S. J. Cameron, J. A. Falconer, J. R. Stevenson, F. L. Stewart, Peter McGregor, A. W. Anderson, W. H. Paulhamus.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 13, entitled "An act authorizing the state treasurer to call in and pay the warrants drawn upon the 'State Normal School Fund' provided for by the legislature, approved March 7th, 1895, and appropriating money for the same," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

W. G. POTTS, *Chairman*.

We concur in this report: H. O. Fishback, S. J. Cameron, J. A. Falconer, J. R. Stevenson, F. L. Stewart, Peter McGregor, A. W. Anderson, W. H. Paulhamus.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 149, entitled "An act authorizing the issuance of bonds for the payment and redemption of all warrants issued for erecting and equipping the Cheney and New Whatcom Normal Schools, under an act entitled 'An act relating to State Normal Schools and making appropriation therefor,' approved March 7, 1895," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend section 2, line 5 of the printed bill, and line 8 of the original bill, by striking the word "four" after the word "of," and insert in lieu thereof the word "three."

W. G. POTTS, *Chairman*.

We concur in this report: H. O. Fishback, S. J. Cameron, J. A. Falconer, J. R. Stevenson, F. L. Stewart, Peter McGregor, A. W. Anderson.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 186, entitled "An act providing for the payment to the various counties of this state of moneys collected under the provisions of the direct primary law, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman*.

We concur in this report: H. O. Fishback, S. J. Cameron, J. A. Falconer, J. R. Stevenson, F. L. Stewart, Peter McGregor, A. W. Anderson, W. H. Paulhamus.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 38, entitled "An act creating the office of state commissioner of health, fixing his qualifications, term of office and compensation, and defining his duties, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be reported out on general file with the following amendment:

Amend section 1, line 9 of the printed bill, and line 14 of the original bill, by striking the words "five thousand" after the word "of," and insert in lieu thereof the words "three thousand six hundred."

W. G. POTTS, *Chairman*.

We concur in this report: H. O. Fishback, S. J. Cameron, J. A. Falconer, J. R. Stevenson, F. L. Stewart, Peter McGregor, A. W. Anderson, W. H. Paulhamus.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 80, entitled "An act to amend section 3 of an act entitled 'An act relating to the special Alaska-Yukon-Pacific Exposition fund, making certain warrants to be drawn upon it preferential, and transferring any residue thereof into the general fund of the state treasury,' approved February 4, 1907," have had the same under consideration,

and we respectfully report the same back to the Senate with the recommendation that it be reported out on general file.

W. G. POTTS, *Chairman*.

We concur in this report: H. O. Fishback, S. J. Cameron, J. A. Falconer, J. R. Stevenson, F. L. Stewart, Peter McGregor, A. W. Anderson.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 81, entitled "An act creating the State Shore Land Improvement Fund, providing for certain warrants to be drawn upon said fund, making such warrants preferential, and appropriating and providing for the expenditure and disbursement thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be reported out on general file.

W. G. POTTS, *Chairman*.

We concur in this report: H. O. Fishback, S. J. Cameron, J. A. Falconer, J. R. Stevenson, F. L. Stewart, Peter McGregor, A. W. Anderson.

On motion of Senator Potts, the report of the committee was adopted.

On motion of Senator Cotterill, Senate bill No. 14 was ordered withdrawn from the Committee on Judiciary and ordered referred to the Committee on Harbors and Harbor Lines.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 36, entitled "An act relating to the public highway fund, and amending an act entitled 'An act to amend section 2 of an act of the legislature of the State of Washington, approved March 9, 1905, entitled 'An act creating a fund to be known as the public highway fund and making provisions for an annual levy to produce revenue therein for the construction and repairs of highways and bridges,' approved February 15, 1907,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Will G. Graves, Geo. F. Cotterill, D. H. Cox, J. H. Smithson, H. H. Fatland.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1909.

MR. PRESIDENT:

We, your Committee on Educational Institutions, to whom was referred House bill No. 46, entitled "An act authorizing and empowering the board of regents of the State College of Washington to acquire by lease or purchase a tract or tracts of land for experimental or other purposes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In line 3 of the title of the original bill and line 2 of the printed bill, strike the word "purchase" and substitute the word "gift." In line 4 of the title of the original bill and line 2 of the printed bill, strike the period and add the following: "and exempting such land from taxation."

In section 1, line 3, of the original bill and line 2 of the printed bill, strike the word "purchase." In line 8 of the original bill and line 6 of the printed bill, after the word "purposes" insert a semicolon and add the following: "Provided, further, That when said land is leased by the state for the purposes of this act, such land shall be exempt from taxation."

RALPH D. NICHOLS, *Chairman.*

We concur in this report: R. L. Kline, J. D. Bassett, W. B. Presby.

On motion of Senator Nichols, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 248, by Senators Myers and Anderson, entitled "An act making an appropriation and creating a commission, to be known as the Columbia river improvement commission, for the purpose of the improvement of the Columbia river between Bridgeport and Kettle Falls.

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 249, by Committee on Cities of the First Class, entitled "An act authorizing cities and towns to construct, condemn and purchase, acquire, add to, maintain, conduct and operate certain public utilities, providing for modes of payment therefor, and repealing all acts in conflict herewith."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

GENERAL FILE.

On motion of Senator Roberts, Senate bill No. 42 was ordered re-referred to the Committee on Appropriations.

On motion of Senator Graves, Senate bill No. 95 was ordered re-referred to the Committee on Judiciary.

Engrossed Senate bill No. 86, entitled "An act relative to the payment of deposits in trust," was read third time.

The secretary called the roll on final passage of Senate bill No. 86, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Mr. President—33.

Those absent or not voting were: Senators Booth, Davis, Huxtable, Metcalf, Myers, Rosenhaupt, Smithson, Whitney, Williams—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed Senate bill No. 85, entitled "An act regulating the transfer of stock of corporations," was read third time.

The secretary called the roll on final passage, and Senate bill No. 85 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those voting nay were: Senators Bryan, Hutchinson—2.

Those absent or not voting were: Senators Anderson, Booth, Davis, Huxtable, Myers, Rosenhaupt—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, Senate bill No. 112 was ordered re-referred to the Committee on Public Morals.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.

OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

The House has passed House bill No. 29, entitled "An act to provide for the creation by popular vote of anti-saloon territory, within which, except as herein provided, the sale of intoxicating liquor and the licensing of such sale shall be prohibited";

House bill No. 62, "Relating to the superior court of the county of Spokane, the election and appointment of judges therein, and declaring an emergency";

House bill No. 65, "Amending section 3 of an act approved March 28, 1890, entitled 'An act relating to foreign corporations and to repeal certain laws in conflict therewith'";

House bill No. 161, "Creating the county of Big Bend, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties";

House bill No. 186, "Providing for the establishment of certain state roads";

House bill No. 197, "Requiring street and electric cars to be properly heated, and prescribing a penalty";

Senate bill No. 2, "Providing for seven judges of the superior court of King county, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 33, entitled "An act to amend sections 2 and 3 of an act entitled 'An act to encourage county agricultural associations and fairs, etc,'" was read third time.

On motion of Senator Knickerbocker, the bill was amended by inserting after the word "therefore," in line 2 of section 1 of the printed bill, the words and figures "approved March 17, 1903."

On motion of Senator Paulhamus, the bill was amended by striking the colon after the word "existence" in line 7 of section 2 of the printed bill and by inserting in lieu thereof a period, and striking the balance of the section after said period.

On motion of Senator Cotterill, the further consideration of Senate bill No. 33 was deferred and the bill placed at the foot of the calendar.

Senate bill No. 156, entitled "An act providing for the appointment of ex-soldiers and sailors of the Civil war as bailiffs of the superior courts of the State of Washington," was read third time.

Senator Graves moved that the bill be indefinitely postponed.

A roll call on the motion to indefinitely postpone was demanded by Senators Hutchinson, Williams, Paulhamus, Metcalf, Rosenhaupt, Rydstrom, Stevenson.

The secretary called the roll and the bill was indefinitely postponed by the following vote:

Those voting aye were: Senators Allen, Cameron, Cotterill, Fishback, Graves, McGregor, McGowan, Metcalf, Nichols, Piper, Potts, Presby, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—18.

Those voting nay were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cox, Davis, Eastham, Falconer, Hutchinson, Kline, Minkler, Paulhamus, Polson, Roberts, Rosenhaupt, Smithson—17.

Those absent or not voting were: Senators Bassett, Booth, Fatland, Huxtable, Knickerbocker, Myers, Whitney—7.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.

OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 6, providing for adjournment of the legislature until February 15, 1909, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Engrossed Senate bill No. 93, entitled "An act to establish retaliation and reciprocation between this state and others of the United States as regards insurance companies of such respective states," was read third time.

The secretary called the roll on final passage of Senate bill No. 93, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Mr. President—27.

Those absent or not voting were: Senators Allen, Bassett, Booth, Brown, Cameron, Eastham, Graves, Huxtable, Knickerbocker, Metcalf, Myers, Piper, Stewart, Whitney, Williams—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Presby, the consideration of Senate substitute bill No. 177, which was next on the calendar, went over until next week.

Senate bill No. 167, entitled "An act to provide for the vacation of portions of waterways, etc," was read third time.

Senator Cotterill moved to amend the bill by inserting the words "two-thirds of" after the word "of" in line 1 of section 1 of the printed bill.

Senator Cotterill withdrew his motion to amend.

Senator Cotterill moved to amend the bill by inserting after the word "whenever" in line 1 of section 1 of the printed bill the words "all of."

The amendment was lost.

On motion of Senator Cotterill, the bill was amended by striking the figures "100" in line 4 of section 2 of the printed bill and inserting the figures "150" in lieu thereof.

On motion of Senator Kline, the rules were suspended, Senate bill No. 167 considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 167 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Smith, Smithson, Stewart, Williams, Mr. President—33.

Those absent or not voting were: Senators Bassett, Booth, Bryan, Cameron, Knickerbocker, Myers, Rydstrom, Stevenson, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Graves, the consideration of Senate bill No. 132, which appeared next on the calendar, was laid over until Monday, February 15.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 124, entitled "An act making an appropriation for maintenance of the office of commissioner of public lands, etc.," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, A. W. Anderson, D. H. Cox.

The president signed Senate bill No. 124.

Senate concurrent resolution No. 21, by Senator Allen:

WHEREAS, The legislature of the State of Oregon, now in session, has passed a concurrent resolution appointing a committee of five to meet with a like committee from the legislature of the State of Washington to consider matters in connection with the building of a proposed bridge across the Columbia river, connecting the State of Washington with the State of Oregon; and

WHEREAS, The chamber of commerce, city council and citizens of the city of Vancouver, Washington, have petitioned this legislature to appoint a similar committee; and

WHEREAS, The proposed bridge would make possible a roadway between Bellingham, Everett, Seattle, Tacoma, Portland and way points; therefore, be it

Resolved by the Senate, the House concurring. That a committee of five, composed of two members of the Senate and three members of the House, be appointed to confer with the committee appointed by the legislature of Oregon, to the end that action may be taken to initiate this movement for an interstate bridge across the Columbia; and be it further

Resolved, That this committee be allowed their actual expenses in the performance of their duties under this resolution.

Senator Allen moved that the rules be suspended and the resolution adopted.

The secretary called the roll, and Senate concurrent resolution No. 21 was adopted by the following vote:

Those voting aye were: Senators Allen, Brown, Bryan, Cox, Eastham, Falconer, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Smith, Stevenson, Stewart, Williams, Mr. President—25.

Those voting nay were: Senators Anderson, Blair—2.

Those absent or not voting were: Senators Arrasmith, Bassett, Booth, Cameron, Cotterill, Davis, Fatland, Graves, Hutchinson, Myers, Paulhamus, Rosenhaupt, Rydstrom, Smithson, Whitney—15.

On motion of Senator Allen, the rules were suspended and Senate concurrent resolution No. 21 ordered immediately transmitted to the House.

House concurrent resolution No. 6:

Resolved, by the House of Representatives, the Senate concurring, That when we adjourn today, we adjourn until Monday, February 15, 1909, at 2 p. m.

On motion of Senator Cotterill, the resolution was amended to read as follows:

Resolved, by the House of Representatives, the Senate concurring, That when we adjourn today we adjourn for the transaction of business until Monday, February 15, 1909, at 2 p. m., provided that this shall not interfere with the joint session to be held at 1:30 on February 12th, for the observance of the Lincoln Centennial Memorial, in accordance with Senate concurrent resolution No. 1, as heretofore adopted by the legislature.

On motion of Senator Cotterill, the rules were suspended and House concurrent resolution No. 6, as amended, was placed on final passage.

The resolution, as amended, passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Smith, Smithson, Williams—30.

Voting nay: Mr. President—1.

Those absent or not voting were: Senators Bassett, Booth, Cameron, Cox, Myers, Paulhamus, Rosenhaupt, Rydstrom, Stevenson, Stewart, Whitney—11.

On motion of Senator Cotterill, the rules were suspended and House concurrent resolution No. 6, as amended in the Senate, was ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.

OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

The House has passed House bill No. 251, entitled "An act providing for county exhibits and buildings at the Alaska-Yukon-Pacific Exposition, and amending section 1 of chapter 172 of the Session Laws of 1907, and declaring an emergency"; and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

House bill No. 251, entitled "An act for county exhibits and buildings at the Alaska-Yukon-Pacific Exposition, etc."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Appropriations.

Engrossed House bill No. 62, entitled "An act relating to the superior court of the county of Spokane, the election and appointment of judges therein, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 65, entitled "An act to amend section 3 of an act approved March 28, 1890, entitled 'An act relating to foreign corporations, and to repeal certain laws in conflict therewith'."

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 161, entitled "An act to create the county of Big Bend, etc."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, and referred to the Committee on Counties and County Boundaries.

House bill No. 186, entitled "An act providing for the establishment of certain state roads."

The bill was read the first time, and on motion of Senator Eastham the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Medicine, Denistry, Surgery and Hygiene.

House bill No. 29, entitled "An act to provide for the creation by popular vote of anti-saloon territory, etc."

The bill was read first time.

Senator Metcalf moved that the rules be suspended, the bill read second time by title, and referred to the Committee on Public Morals, with instructions to report the bill out in time that it may be made a special order for Wednesday at 2:00 o'clock.

Senator Falconer moved as a substitute that the rules be suspended, the bill read second time by title, and referred to the Committee on Public Morals.

The substitute motion carried, and the bill was ordered referred to the Committee on Public Morals.

House bill No. 167, entitled "An act providing that county clerks shall deposit trust funds in banks and shall require and take an indemnity bond to protect same."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Railroads and Transportation.

Senate bill No. 250, by Senator Falconer, entitled "An act requiring persons, firms, or corporations, owning or operating irrigation ditches, or canals, and logging railroads, to furnish maps to assessors, and declaring an emergency."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenues and Taxation.

Senate bill No. 251, by Senator Fishback, entitled "An act to prohibit any manufacturer of or wholesale dealer in intoxicating liquors from owning, operating or having any financial interest in any saloon or other retail liquor store in the State of Washington."

The bill was read the first time, and on motion of Senator Fishback the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 252, by Senator Bryan, entitled "An act amending section 2934 of Ballinger's Annotated Codes and Statutes of Washington, relating to the licensing of the sale

of intoxicating liquors in cities and towns, and declaring an emergency.”

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 124, entitled “An act making appropriation for maintenance of the office of the commissioner of public lands, and for the payment of sundry salaries and per diem of officers and for sundry expenses of said office”; and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Stewart, the consideration of Senate bill No. 33 was laid over until Wednesday.

On motion of Senator Bassett, the secretary of the Senate was instructed to have amended Senate bill No. 6 printed.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your special committee on Senate bills 82 and 196, to whom was referred Senate bill No. 82, entitled “An act to amend sections 17, 93 and 116 of an act entitled ‘An act to provide for township organizations,’ etc.,” have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

R. A. HUTCHINSON, *Chairman.*

We concur in this report: E. C. Whitney, Harry Rosenhaupt.

On motion of Senator Hutchinson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your special committee on Senate bills 82 and 196, to whom was referred Senate bill No. 196, entitled “An act relating to township organization and amending an act entitled ‘An act to provide for township organization, etc.,’” have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 6, section 1 of the printed bill, strike the word "take."

In line 7, section 3 of the printed bill, strike the brackets; strike the words "including all county and state roads,"

In line 8, section 5 of the printed bill, beginning with the word "there," strike the remainder of the line; strike all of lines 9 and 10 and line 11 down to and including the word "instrument." In line 12 of said section strike the words "last Saturday of March" and substitute therefor the words "second Saturday of March." In line 15, section 5 of the printed bill, strike the period after the word "duties." After the word "duties" at the end of said section add the words "and that all township assessors shall perform their duties in accordance with the instructions of the county assessor."

In line 6, section 8 of the printed bill, strike the comma after the word "overseer" and substitute a period therefor, and strike the words "but not to exceed fifty." In line 7 of said section, strike the words "dollars in any one year."

In line 1, section 10 of the printed bill, strike the words and figures "Section 165 of Minn." In line 2 of said section strike the words and figures "Law (Booth's Manual) Section 165."

R. A. HUTCHINSON, *Chairman.*

We concur in this report: Harry Rosenhaupt, E. C. Whitney, J. Huxtable.

On motion of Senator Williams, the report of the committee on Senate bill No. 196 was adopted and the amendments ordered typewritten and the secretary instructed to supply each senator with a copy of same.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House concurrent resolution No. 6.

LOREN GRINSTEAD, *Chief Clerk.*

At 12 o'clock n., on motion of Senator Nichols, the Senate adjourned until Monday, February 15, 1909, at 2 o'clock p. m., in accordance with House concurrent resolution No. 6.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

THIRTY-SIXTH DAY.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Monday, February 15, 1909.

The Senate was called to order at 2 o'clock p. m. by President Ruth, pursuant to adjournment.

Rev. J. McKean, of Monroe, offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

There being no objection, House bill No. 186, referred to the Committee on Medicine, Dentistry, Surgery and Hygiene, was taken from that committee and ordered re-referred to the Committee on Roads and Bridges.

A communication from Samuel White, relative to proposed local option measures, was ordered referred to the Committee on Public Morals.

SPECIAL ORDER.

The Senate at this time took up the consideration of Senate bill No. 151, which was special order of business for this hour.

On motion of Senator Cameron, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 151.

The bill was considered in the Committee of the Whole, Senator Stevenson in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendment: Insert after the enacting clause the word and figure "Section 1."

On motion of Senator Stevenson, the report of the Committee of the Whole was adopted.

On motion of Senator Cameron, the rules were suspended, the reading had of Senate bill No. 151 in the Committee of the Whole was considered the third reading of the bill, the bill considered engrossed, and placed on final passage.

The secretary called the roll on final passage of Senate bill No. 151, entitled "An act providing for the payment of certain deficiencies in maintenance of the State Fair of Washington," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—37.

Voting nay: Senator Nichols—1.

Those absent or not voting were: Senators Cotterill, Cox, Hutchinson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 2, entitled "An act providing for seven judges in the superior court of the State of Washington in and for King county, and fixing the term of office of the additional judge appointed, and providing for the election of a judge at the general election in November, 1910, and providing for the election of seven judges at the general election in November, 1912, and every four years thereafter, and declaring an emergency," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted, J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, D. H. Cox.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 73, entitled "An act to amend chapter 135 of the Session Laws of 1907, relating to the sale and distribution of grain sacks manufactured at the State Penitentiary, and declaring an emergency," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted, J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, D. H. Cox.

The president signed Senate bills Nos. 2 and 73.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Elections and Privileges, to whom was referred Senate bill No. 213, entitled "An act relating to the adulteration of foods, drinks and drugs, and amending chapter 211 of the Session Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the Committee on Commerce and Manufactures.

W. B. PRESBY, *Chairman.*

We concur in this report: I. B. Knickerbocker, Harry Rosenhaupt, Ralph Metcalf, J. W. Bryan.

On motion of Senator Metcalf, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Harbor and Harbor Lines, to whom was referred Senate bill No. 214, entitled "An act amending section 6 of an act entitled 'An act to provide for the alteration, replat or vacation of any townsite, city plat or plats, addition or additions, or parts thereof, and the assessment, collection and payment of any damages connected therewith,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. F. COTTERILL, *Chairman.*

We concur in this report: Arvid Rydstrom, John L. Roberts, R. L. Kline.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 195, entitled "An act declaring baby buggies or folding carts, typewriting machines, to be baggage, and providing for the carrying of the same by railroad companies and steamboats," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman.*

We concur in this report: Jesse Huxtable, Chas. E. Myers, Joseph Arrasmith, J. H. Smithson, J. A. Falconer, Alex. Polson.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 201, entitled "An act to prohibit persons from stealing or attempting to steal rides on railroad trains, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

Amend section 1, line 3, by inserting after the word "thereof" the following: "with intent to steal ride thereon."

Amend section 2, line 2, by striking the word "foreman" and inserting in lieu thereof the word "fireman."

Amend section 3, line 3, by striking the word "country" and inserting in lieu thereof the word "county."

W. H. PAULHAMUS, *Chairman.*

We concur in this report: Jesse Huxtable, Chas. E. Myers, Joseph Arrasmith, J. H. Smithson, Alex. Polson.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 112, entitled "An act relating to the government, regulation, control and maintenance of the State Penitentiary, the Eastern Washington Hospital for the Insane, the Institution for the Feeble-Minded, the Western Washington Hospital for the Insane, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

H. O. FISHBACK, *Chairman.*

We concur in this report: Geo. F. Cotterill, J. A. Falconer, D. H. Cox, Ralph Metcalf.

Senator Fishback moved that the report of the committee be adopted.

Senator Hutchinson moved as a substitute that the bill be ordered referred to the Committee on State Penal and Reformatory Institutions.

The substitute motion was lost.

On motion of Senator Fishback, the report of the committee was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

The House has passed House bill No. 75, entitled "An act amending certain sections of Ballinger's Annotated Codes, relating to the classification of cities and towns";

Also House bill No. 100, entitled "An act providing for the survey of certain state roads and extensions";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 189, entitled "An act to amend section 11, chapter 78 of the Session Laws of 1907, entitled 'An act to provide for the assessment of the operating property of railroads,' approved March 6, 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended, each member reserving the right to amend further:

In line 19 of the printed bill, and line 25 of the original bill, section 1, after the word "county" insert a comma.

J. A. FALCONER, *Chairman.*

We concur in this report: E. C. Davis, J. W. Bryan, J. H. Smithson, H. H. Fatland, D. H. Cox.

On motion of Senator Falconer, the report of the committee was adopted.

On motion of Senator Cox, the railroad commission and tax commission of the State of Washington were requested to prepare for the Senate a statement indicating the effect in each county of the changes in present laws proposed in Senate bill No. 189.

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 11, 1909.

We, your Committee on Public Morals, to whom was referred Senate bill No. 212, entitled "An act to prevent city or town councilmen from taking employment or appearing for gain or hire before municipal courts, boards, departments, officials or employees of a city or town, and providing a penalty for violation hereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Geo. F. Cotterill, J. A. Falconer, D. H. Cox, Ralph Metcalf.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Harbor and Harbor Lines, to whom was referred Senate bill No. 14, entitled "An act authorizing and directing the commissioner of public lands to certify certain shore lands to the governor for deed, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In line 5, section 1 of the printed bill, and in line 6, section 1 of the original bill, after the word "block," add the letter "s." In line 7, section 1 of the printed bill, and line 10, section 1 of the original bill, after the word "lands" add the following: "except the north one hundred sixty-five (165) feet thereof"; also in the same line, after the word "block," add the letter "s." In line 9, section 1 of the printed bill, and in line 11, section 1 of the original bill, after the words and figures "seventy (70)," add the word "and." In lines 10 and 11 of the printed bill, and line 14 of the original bill, after the word "said" strike the words "Lake Washington shore lands and." Strike lines 12 and 13 of section 1 of the printed bill and lines 16 and 17, section 1 of the original bill, and insert in lieu thereof the following: "Lake Union shore lands—Lots one (1) to nine (9), inclusive, in block seventeen (17)."

In line 2, section 2 of the printed bill, and line 3, section 2 of the original bill, after the word "said" strike the words "tide and."

GEO. F. COTTERILL, *Chairman.*

We concur in this report: Arvid Rydstrom, John L. Roberts, R. L. Kline.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Education, to whom was referred Senate bill No. 6, entitled "An act establishing, providing for the maintenance of, and relating to a general and uniform public school system for the State of Washington, providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict with the provisions of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Title I, chapter 2, end of line 72, add the words:

"*Eighteenth.* To make a certified copy of papers filed in his office and of his official acts, attested by his official seal. He shall charge for such certified copy fifteen cents per folio, and all money so received

shall be immediately paid to the state treasurer and credited to the general fund of the state.

"Nineteenth. To perform such other duties as may be required by law."

Title I, chapter 3, section 5, line 3: Strike out words "To adopt" and substitute "To approve."

Title I, chapter 3, section 5, line 6: Strike out the word "limited."

Title I, chapter 3, section 5, line 19: Strike out the word "two" and insert the word "one."

Title I, chapter 3, section 5, substitute for paragraph 6 the following:

"6. When requested by any institution of college rank situated within the state maintaining a normal training department, the board shall send an inspector, qualified for such service, to examine the equipment of such department and to ascertain the extent and character of the courses provided and the preparatory requirements for admission to them, and particularly the qualifications and experience of the instructors and supervisors who are responsible for the work in this department.

"The inspector shall make a detailed report, including declaration of his opinion of the adequacy of the department for the work of educating and training teachers, which report shall be placed on file in the office of superintendent of public instruction.

"If any such normal training department is ascertained to be equipped and manned adequately for the education and training of teachers and to be under reliable and responsible management and upon a basis of efficiency equal to that of the normal schools maintained by the state, it shall be the duty of the board to accredit such department and to grant life diplomas to graduates who present diplomas certifying that the holders have completed the courses approved by the board when the applicants have complied with the other requirements for life diplomas. It shall be the further duty of the board to inspect all accredited normal training departments each year."

Title I, chapter 3, section 5, line 44: Strike out the words "and used as a guide in grading manuscripts."

At the end of title II, chapter 1, section 2, after the word "university" insert: "*Provided*, That no student shall be admitted to any department of the university who is under the age of sixteen years."

Title II, chapter 1, section 3, after the word "appointed," in line 6, insert the following: "*And provided further*, That appointments shall be so made that on and after January 1, 1910, there shall be at least one member of said board who is a graduate of the University of Washington."

"Sec. 7. The state superintendent of public instruction shall have the power to grant professional certificates and life diplomas without examination to applicants holding diplomas from any institution of learning situated within the state, based on a four-year course of high school work, and an additional two-year course of advanced work equal to the work of a course of two years in the state normal schools of this

state: *Provided*, That the state board of education shall be the judge of the standard of such institutions and shall have the power to accredit the same in addition to schools otherwise accredited."

Title II, chapter 1, section 5:

Third. Strike out all of lines 14 to 18 inclusive after the word "thing" and insert:

"The said board is also empowered, upon recommendation of the faculty, to grant normal diplomas which shall entitle the holder to teach in any public school in the state for a period of five years, and to grant university life diplomas to candidates who shall give satisfactory evidence of having taught successfully for twenty-four months: *Provided*, That all candidates for the normal diploma and life diploma shall have satisfactorily completed not less than twelve semester hours in the Department of Education."

Title II, chapter 2, section 3, after the word "determine" insert:

Provided, That no student shall be admitted to any department of the State College who is under the age of sixteen years."

Page 7, chapter 2, section 1, after line 7, insert:

"No student shall be admitted except upon examination satisfactory to the faculty of the State College: *Provided, however*, That students shall be admitted without examination upon presentation of certificates from those public high schools and other educational institutions in this state whose courses of study shall have been approved by said faculty of the State College or accredited by the state board of education: *Provided further*, That said faculty shall have power to specify the preparation required for admission to any department of the State College."

Title II, chapter 2, section 19: Strike out all of section 19 after the word "thing," in line 6, and substitute the following:

Third. The said board is also empowered, upon recommendation of the faculty, to grant normal diplomas which shall entitle the holder to teach in any public school in the state for a period of five years, and to grant life diplomas to candidates who shall give satisfactory evidence of having taught successfully for twenty-four (24) months: *Provided*, That all candidates for the normal diploma and life diploma shall have satisfactorily completed not less than twelve semester hours in the Department of Education."

Title 2, chapter 3, section 10, line 2, the following words be stricken:

Provided, That said student upon entrance into any one of said schools shall certify upon honor that it is his intention to pursue the vocation of teaching: *Provided*, That any applicant, instead of signing this obligation, may pay in advance a tuition fee of ten dollars for each semester."

Title II, chapter 3, section 11, lines 7 and 8: Strike out "School district of the third class, commonly known as a rural school," and insert "Elementary school."

Title II, chapter 3, section 11, line 13: Strike out the words "during

the time for which the diploma was issued" and substitute the words "such person."

Title II, chapter 6, section 2, line 1: Strike out the words "last Wednesday of August" and insert "second Wednesday of September."

Title II, chapter 6, section 2: Strike out the words "last Wednesday of the following May" and insert "second Wednesday of the following June."

Title II, chapter 6: Change sections 5, 6, 7, 8 and 9 to 6, 7, 8, 9 and 10, respectively, and insert the following as section 5:

"The superintendent shall be appointed by the state board of control for a term of four years, subject to removal at the discretion of the board of control. Said superintendent must be not less than 30 nor more than 70 years of age and must be practically acquainted with the school management and class instruction of the deaf and the blind, having had at least ten years' actual experience in teaching in schools for the deaf and the blind. The superintendent shall have power to appoint all subordinates. The state board of control shall have power to fix the number of employes and the salary paid each and may discharge any employe at their discretion."

Title II, chapter 6, section 7, line 4: After the word "control" add the words "and the superintendent of the School for the Deaf and Blind."

Title II, chapter 7, section 2: Strike out all of section 2 and change sections 3, 4, 5, 6, 7, 8 and 9 to 2, 3, 4, 5, 6, 7 and 8, respectively.

Title III, chapter 2, article I, section 4: Strike out all of the section.

Title III, chapter 3, section 1, add at the end of line 5 the words: "Provided, That in no case shall a new district be organized with fewer than ten children between the ages of six and fifteen years."

Title III, chapter 3, article IV, section 3, line 4: Strike out the words "state superintendent" and insert "superintendent of public instruction."

Title III, chapter 3, article VI: Strike out section 10 and change section 11 to section 10.

Title III, chapter 3, article VIII, section 2, line 3: Strike out one of the words "hold."

Title III, chapter 4, article I, section 2, line 3: Strike out all of section 1 after the word "a" and insert the following: "first grade or higher certificate."

Title III, chapter 4, article I, section 4, line 57: Strike out the word "nine" and insert the word "five."

Title III, chapter 4, article VI, section 8, line 5: After the word "districts" add: "Said estimate to be furnished by the county superintendent of schools."

Title III, chapter 4, article VI, section 12, line 5: After the word "districts" add: "Said estimate to be furnished by the county superintendent of schools."

Title III, chapter 4, article VIII, section 2, line 40: After the word "two" strike out the word "countersigned" and insert the word "signed."

After the word "directors" in same line strike out "of districts of." Line 41 of the same section (2), strike out the words "the second class."

Title III, chapter 4, article VI, section 14, line 4: Change period to comma and add: "including also the heating, lighting, ventilating and safety thereof: *Provided*, That school buildings heretofore erected, whenever ordered by county superintendent, shall be made to conform to the requirements of this section within six (6) months after the service upon said board of the order of the county superintendent requiring such modification. The plans and specifications in like manner to be approved by county superintendent."

Title III, chapter 4, article XII: Strike out section 1 and substitute the following:

"Section 1. There shall be in each county of this state a county board of education, which shall consist of five (5) members, including the county superintendent of common schools, who shall be *ex-officio* chairman of the board; the other members of said board shall be appointed by the county superintendent on the first Monday of September following his election and shall hold office for a term of two years: *Provided*, That in the event of a vacancy in said board from any cause the county superintendent shall fill the same for the remainder of the school year by appointment."

Title III, chapter 5, section 8: Change period to comma and add to the end of the section the words: "and in schools for defectives five times the actual attendance shall be allowed."

Title III, chapter 5, section 12:

"Whenever any school board shall neglect or refuse to comply with the provision of section 14, article 7, chapter 4, of title III of this code, it shall be the duty of the county superintendent to withhold the entire apportionment accruing to said district until such time as full compliance with requirements thereof has been made."

Title III, chapter 6, section 1: Strike out all of section after word "teachers" in 5th line.

Title III, chapter 4, article X: Strike out sections 3, 4, 5 and 6 and substitute the following:

"Section 3. He shall countersign and register warrants for the payment of all teachers' salaries, supplies, apparatus and accounts against the districts upon the written order of the majority of the members of the school board of each district.

"Sec. 4. No warrant shall be countersigned and registered for the payment of any teacher who is not qualified within the meaning of the law of this state, nor unless a written contract be filed with the county superintendent in accordance with the provisions of the law.

"Sec. 5. No warrant for maps, charts and apparatus shall be countersigned and registered until the order shall have been approved by the county superintendent.

"Sec. 6. He shall not countersign and register the warrant in payment of the last month's salary of teachers in districts of the third class until he shall receive due notice from the county superintendent

that the teacher's final report has been made to said county superintendent."

Title III, chapter 5, section 3: Strike out all of section 3 after the word "county" and insert:

"Provided further, When the school board of any district is obliged to close the schools by order of the board of health or health officer on account of the prevalence of infectious disease or when it is impossible to maintain the school on account of any circumstances over which the school board has no control, the state superintendent of public instruction may, at his discretion, allow such district its regular apportionment of funds for the time so lost, the amount to be determined on a basis of the average daily attendance in the district for the year in which such discontinuance occurs: *Provided,* That in no such case may any district draw money for a period of time longer than fifteen school days."

Title III, chapter 4, article V, section 2, line 1: Strike out word "upon" and insert word "on."

Title III, chapter 4, article V, section 16, lines 20 and 21: Strike out words "and their duties."

Title III, chapter 4, article V, section 3, line 4: After the word "superintendent" add the words "in conjunction with the other directors, if there be two."

Title III, chapter 5, section 3: Strike out all after word "provided" in line 2 and substitute: "That each school district shall be credited with at least two thousand days' attendance."

Title III, chapter 4, article I, section 4, after line 75 insert:

"Twentieth. To forthwith enforce the provisions of section 14, article 7, chapter 4, of title III of this code, and to notify the superintendent of public instruction whenever any school board of such county shall fail to comply with the provisions required."

Title III, chapter 4, section 2: Strike out line 31 after word "adopt" and all of line 32.

Title III, chapter 4, article IV, section 5, line 1: Strike out word "make."

Title III, chapter 4, article V, section 16: Add to line 39:

"Fourteenth. To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district; he or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health."

Title III, chapter 6, section 2: Strike out the words "or joint summer school."

Title III, chapter 6, section 8: Should be stricken and change sections 9 and 10 to sections 8 and 9, respectively.

Title III, chapter 6, section 9: Omit the words "or summer school" where they occur in this section.

Title III, chapter 6, section 10, line 2: Strike out the words "or summer school."

Title III, chapter 7, section 1, line 1: Strike out the word "That."

Title III, chapter 7, section 2, line 1: Strike out the word "That."

Title 3, chapter 9: Strike out sections 3, 4, 5 and 6 and insert the following:

"Sec. 3. The interest accruing on said permanent school fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools.

"In addition thereto, it shall be the duty of the state board of equalization, annually, at the time of levying taxes for state purposes, to levy a tax sufficient to produce a sum which, when added to the amount of money derived from interest and other income from the state permanent school fund during the preceding school year, shall equal \$10.00 for each child of school age residing in the state as shown by the last reports of the several county superintendents to the superintendent of public instruction: *Provided*, That said tax shall not exceed five (5) mills on the dollar.

"The funds provided by this section shall be known as the current state school fund.

"Sec. 4. The tax levy authorized by section 3 of this chapter shall be certified to the several county auditors in the same manner as other state taxes are required to be certified, and shall be collected and retained as other public funds, by the county treasurers, until paid out in the manner prescribed by law.

"The county treasurer shall certify to the state auditor the amount of money so collected. It shall be the duty of the state auditor, within thirty (30) days after the date at which the county treasurers are required to transmit state funds to the state treasurer, to certify to the superintendent of public instruction the amount of all current state school funds in the hands of the state treasurer and county treasurers subject to apportionment. In the event that there shall be an excess over the amount apportioned in the hands of the county treasurer, the amount shall be transmitted forthwith to the state treasurer. In the event that there shall not be in the hands of the county treasurer sufficient to pay the amount apportioned to his county, the deficiency shall be paid by the state treasurer.

"Sec. 5. The county commissioners of the several counties of the State of Washington shall annually, at the time of making the tax levy for county purposes, levy a tax on all the property subject to taxation in their county, sufficient to produce the sum of ten dollars for each child of school age therein, as is shown by the certificate of the county superintendent hereinafter mentioned: *Provided*, That such tax on

said property shall in no case exceed five mills on each dollar, at the assessed valuation, such tax to be used for the support and maintenance of the public schools in such county.

"Sec. 6. It shall be the duty of the county superintendent of each county in the State of Washington, between the fifteenth day of August and the first day of September of each year, to file with the county auditor of his county a certificate showing the number of children of school age in each district in his county, as is returned to him by the several school districts therein, and such certificate shall be the basis upon which said tax levy, as mentioned in section 5 hereof, shall be made by the county commissioners of the several counties of the State of Washington.

"Sec. 7. At the same time that the state school funds are apportioned to the different districts, as provided in chapter 5, title 3 of this act, the money derived under section 5 of this chapter shall be apportioned as follows: Two-thirds thereof shall go to the different districts of each county in proportion to the number of days of attendance in each district for the preceding school year, and one-third thereof shall go to the different districts of each county in proportion to the number of teachers employed in such district for the preceding school year: *Provided*, That where a district employed a second or additional teachers for a term less than eight months, such district shall receive one-eighth of an apportionment for each teacher for each month she is actually employed.

"Sec. 8. In addition to the school revenues provided by sections 3 and 5 of this chapter, for the support of the common schools of this state, a tax may be levied upon all taxable property in each school district of this state, in the manner provided by law, and the funds thereby created shall be known as the 'School District Fund.'

"The 'School District Fund,' together with the apportionments from the 'Current State School Fund' and the county apportionments, shall constitute the 'General School Fund' of each school district.

"Sec. 9. Except as otherwise provided by law, all sums of money derived from fines imposed for violation of orders of injunction, mandamus and other like writs, or for contempt of court, and the net proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures, shall be paid over in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him transmitted to the state treasurer, who shall place the same to the credit of the current state school fund. He shall indicate in such entry the source from which such money was derived."

Title 3, chapter 10: Add section 5 and renumber later sections:

"Sec. 5. If bonds issued under this chapter are not sold as herein provided, the holders of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the date of the election

may exchange said warrants at the face value thereof and accrued interest thereon for coupon bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange, such exchange to be made under such regulations as may be provided by the board of directors of such district."

Strike out section 3, article I, chapter 12, title 3; also all of articles 2 and 3 in same title and insert the following:

"Sec. 3. The fee for any teacher's certificate or any renewal thereof, or any life diploma, or other instrument issued by authority of the State of Washington, and authorizing the holder to teach in the public schools of the state shall be one dollar. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The county superintendent, or other officer authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county or city wherein such applicant is to teach or resides, to be by him placed to the credit of the institute fund of said city or county: *Provided*, That if any city collecting fees for the certification of teachers does not hold an institute separate from the county, then all such moneys shall be placed to the credit of the county institute fund.

"Sec. 4. No person who is less than eighteen years of age shall receive a certificate to teach in the State of Washington nor take the examination for the same; nor shall any person less than nineteen years of age receive any certificate other than a temporary, a third grade, or a second grade.

"Sec. 5. No teacher's certificate shall be issued to any person who shall not file with the examiners satisfactory evidence of good moral character and personal fitness.

"Sec. 6. Any person who receives credits of ninety per cent. or over in any subject or subjects at any regular teachers' examination in this state shall not be required to take an examination again in such subject or subjects in order to receive any certificate for which the applicant may be eligible to apply so long as he is actively engaged in educational work. The holder of any common school certificate shall be entitled to write on one or more subjects at any examination for the purpose of securing credits; and when sufficient credits have been earned the proper certificate shall be issued.

"Sec. 7. Evidence of successful teaching experience shall consist of a written personal statement signed by a superintendent of schools or other person competent to judge and having personal knowledge of the applicant's work as a teacher or supervisor, which shall be sent by the writer to the superintendent concerned. The aforesaid documentary evidence of successful teaching shall be kept on file in the office of the superintendent of public instruction.

"Sec. 8. The state board of education shall prepare a list of optional subjects for each grade above the second, from which the applicants for certificates above the second grade may select as provided for in article IV of this chapter.

"Sec. 9. Any holder of a certificate higher than a second grade who shall, after the granting of the same, complete one year's work in an accredited institution of higher education in this state, shall, when such work is certified to by the president of such institution, be entitled to a renewal upon application.

"Sec. 10. Every certificate issued by authority of the State of Washington shall have written or printed upon its face the subjects in which the holder has been examined, with standings in each, or the subjects or work upon which credits are given.

"Sec. 11. All certificates issued by the superintendent of public instruction shall be valid, and entitle the holder thereof to teach in any county of the state upon being registered by the county superintendent thereof, which fact shall be evidenced by him on the certificate in the words, 'Registered for use in..... county,' together with the date of registry, and his official signature: *Provided*, That a copy of the original certificate or diploma duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original."

"Article II. Examinations:

"Section 1. An examination for the certification of teachers of the State of Washington for third, second, first grade primary and first grade certificates shall be held at the county seat of each county by the county superintendent, in accordance with the rules and regulations of the state board of education, on the second Thursday of May and December and the Friday and Saturday next following, and on the last Thursday of August and the Friday and Saturday next following, and for professional and life certificates on the above named days of May and August only."

Title 3, chapter 12, article 2, section 1: Add after word "only" the following: "*Provided*, That any person taking any examination shall be authorized to teach until notified of the result of such examination."

"Sec. 2. The county superintendent shall within three days following the close of the examinations provided for in section 1 of this article transmit to the state superintendent of public instruction all papers written at such examination, together with such other reports as shall by him be required."

Title 3, chapter 12, article 2, section 2: Add after the word "required": "The superintendent of public instruction shall keep all manuscripts on file for a period of at least sixty (60) days."

"Article III. Classification of Common School Certificates and Diplomas:

"Section 1. The certificates and diplomas granted by authority of the State of Washington, and authorizing the holders to teach in the public schools of this state, shall be classified as follows:

"First: Common School Certificates and Diplomas.

- (a) Third Grade Certificates;
- (b) Second Grade Certificates;

- (c) First Grade Primary Certificates;
- (d) First Grade Certificates;
- (e) Professional Certificates;
- (f) Permanent Certificates;
 1. Permanent First Grade Primary Certificates;
 2. Permanent First Grade Certificates;
 3. Permanent Professional Certificates;
- (g) Life Certificates.

"Second: City Certificates.

- (a) City High School Certificates;
- (b) City Grammar School Certificates;
- (c) City Primary Certificates.

"Third: Certificates and Diplomas of the Higher Institutions of Learning.

- (a) Of the Normal Schools;
- (b) Of the State College of Washington;
- (c) Of the University of Washington.

"Fourth: Temporary Certificates.

"Fifth: Special Certificates.

"Article IV. Common School Certificates and Diplomas.

"Section 1. The common school certificates and diplomas issued by authority of the State of Washington, the period for which each shall be valid and the qualifications required of applicants for the same shall be as follows:

"*First:* Third Grade Common School Certificates. Applicant shall pass an examination in reading, grammar, penmanship and punctuation, history of the United States, geography, arithmetic, physiology and hygiene, theory and art of teaching, orthography, and Washington State Manual: *Provided*, That the holder of a third grade certificate who shall, after the granting of the same, attend any accredited institution of higher education in this state for one year, shall upon application be granted a second grade certificate. This certificate shall be valid for one year.

"*Second:* Second Grade Common School Certificates. Applicant shall have credits in the same subjects as for a third grade common school certificate and shall take an examination in music: *Provided*, That this certificate may be granted to teachers from other states who have had ten years or more of successful experience. Any such applicant must take an examination in State Manual. This certificate shall be valid for two years, but may be renewed, if, during the life of the certificate, the holder has complied with any one of the following conditions, to-wit: 1. An attendance of one semester at an accredited school of higher education or of six weeks at an accredited summer school when satisfactory work was done in three subjects and certified to by the principal of such school. 2. Upon sixteen months of successful teaching.

"*Third:* First Grade Primary Certificates. Applicant must have taught at least forty-five months in the primary grades, and shall have

credits in the same subjects as for a third grade certificate, and must also pass an examination in nature study, drawing, literature, and physical geography; but the state board of education may accept other subjects in lieu of two of the above subjects at the request of the applicant, as provided in section 9 of article I of this chapter: *Provided*, That the superintendent of public instruction may grant a first grade primary certificate without examination to a student of an accredited institution of higher learning in this state upon recommendation of the faculty of such school after the applicant has completed the junior year in such school. This certificate shall authorize the holder to teach in the primary grades only and shall be valid for five (5) years, and may be renewed for a like period at the expiration thereof if during the life of the certificate the holder has complied with any one of the following conditions, to-wit: 1. An attendance of one year at an accredited institution of higher learning during the life of the certificate when satisfactory work was done in three subjects and certified to by the principal or president of such school. 2. Successful teaching for not less than twenty-four (24) months during the life of the certificate. Any renewal may be renewed in like manner.

Fourth: First Grade Certificates. Applicant must have taught at least nine (9) months and shall have credits in the same subjects as for a second grade certificate, and also in physics, English literature, algebra and physical geography. The state board of education may accept other subjects in lieu of two of these upon request of the applicant as hereinbefore provided. Applicant must secure the same number of credits, and may be granted a first grade certificate for normal work in exactly the same manner as for a first grade primary certificate. This certificate shall be valid for five (5) years and may be renewed in the same manner and under the same conditions as a first grade primary certificate.

Fifth: Professional Certificates. Applicant shall meet all the requirements for a first grade certificate, but must have taught successfully twenty-four (24) months, at least eight (8) months of which must have been in the State of Washington. He shall also pass an examination in plane geometry, geology, botany, zoology, and civil government: *Provided*, That the state board of education may accept other subjects in lieu of any or all of these upon the request of the applicant, as hereinbefore provided: *And provided further*, That the state board may accept two year's advanced work in an accredited institution of higher learning in lieu of other examination except in State Manual. This certificate shall be valid for five (5) years and may be renewed in the same manner and under the same conditions as a first grade certificate.

Sixth: Permanent Certificates. Applicant must be the holder of a first grade primary certificate, a first grade certificate, or a professional certificate, or a renewal of any one of them, in full force and effect, and must have taught successfully not less than seventy-two (72) months, nor less than thirty-six (36) months in the State of

Washington, nor less than eighteen (18) months subsequent to the granting of the certificate upon which the application is made. Upon filing satisfactory evidence of having met these requirements, together with the written endorsement of the county superintendent, a permanent certificate shall be issued of the same grade as that held by the applicant, valid during the life of the holder unless revoked for cause.

"*Seventh*: Life Certificates. Applicant must file with the superintendent of public instruction evidence of having taught successfully for forty-five (45) months, not less than twenty-seven (27) months of which shall have been in this state. He must have the credits required for professional certificates and in addition shall pass an examination in the following, to-wit: Psychology, history of education, bookkeeping, composition, general history: *Provided*, That the board of education may accept other subjects in lieu thereof upon request of the applicant. This certificate shall be valid during the life of the holder unless revoked for cause."

Title III, chapter 12, article IV, section 1, line 1: Strike out "four" and insert "three." In same line strike out "all" and insert "any." In line 2 of the same section after the word "school" insert a comma and the following: "if the board of directors in such city shall so determine."

Title III, chapter 12: Strike out article V, page 63, and insert the following:

"Article 5. Certificates and Diplomas of the Higher Institutions of Learning.

"Section 1. Certificates and diplomas of the normal schools, of the State College of Washington, and of the University of Washington shall be granted as provided by law."

"Article 6. Temporary Certificates.

"Section 1. Temporary certificates shall be issued by the county superintendent, or, if in a city, by the city superintendent, in the county or city where the applicant expects to teach, and shall be valid in such county or city only, until the end of the then current school year. Temporary certificates shall be granted to such applicants only as show evidence of fitness to teach, either by successful experience, or by being the holder of accredited papers or a valid certificate or diploma from some other state or territory, or by special examination either oral or written. Only one temporary certificate shall be issued to any one applicant within a period of three (3) years, and issuance of the same shall be immediately reported to the superintendent of public instruction."

"Article 7. Special Certificates.

"Section 1. Special certificates shall be issued by the county superintendent, or city superintendent if in a city, to applicants who show by examination or otherwise satisfactory evidence of fitness to teach special subjects, such as music, foreign languages, art, manual training, penmanship, kindergarten, domestic science, typewriting, stenography, physical culture, etc. Special certificates shall be valid so long as the

holder continues to teach in the city or county where granted unless revoked."

"Article 8. Revocation of Certificates.

"Section 1. Any certificate to teach named in this act may be revoked by the authority authorized to grant same upon complaint of any superintendent for immorality, violation of written contract, intemperance, crime against the law of the state, or any unprofessional conduct, after the defendant has been given an opportunity to be heard.

"Sec. 2. In case any certificate is revoked, the holder shall not be eligible to receive another teacher's certificate for a period of twelve months after the date of revocation.

"Sec. 3. Any teacher whose certificate to teach has been revoked, as provided in the preceding sections, and feeling aggrieved at such revocation, shall have the following right of appeal:

"*First:* To the superintendent of public instruction whenever the certificate has been revoked by the county superintendent.

"*Second:* To the state board of education when the certificate has been revoked by the superintendent of public instruction.

"*Third:* To the state board of education when the certificate has been revoked by the faculty of the State University, the State College or the Normal Schools.

"*Fourth:* An appeal under the provisions of this act to the state superintendent shall operate as a stay of proceedings for a period of thirty (30) days, and an appeal to the state board of education shall operate as a stay of proceedings till the next regular or special meeting of said board."

Title III, chapter 12, article IV, add:

"Section 4. An appeal under the provisions of this act to the superintendent of public instruction shall operate as a stay of proceedings for a period of thirty (30) days, and an appeal to the state board of education shall operate as a stay of proceedings till the next regular or special meeting of said board."

Title III, chapter 13, article I, section 5, line 9: Strike out "or have declared their intention to become such."

Title III, chapter 14, article I, section 18. Strike out section 18.

Title III, chapter 12, article V: The whole article be stricken out.

J. D. BASSETT, *Chairman.*

We concur in this report: Harry Rosenhaupt, Chas. E. Myers, J. R. Venenson, I. B. Knickerbocker, George U. Piper.

On motion of Senator Bassett, the report of the committee was adopted, without reading amendments.

SENATE CHAMBER,

OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred House bill No. 161, entitled "An act to create the county

of Big Bend, subject to the requirements of the state constitution and statutes in respect to the establishment of new counties, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Beginning at the first of line 3 of section 1 of both the printed and original bills, strike everything to the comma following "beginning" in line 24 of the printed bill and line 38 of the original bill and substitute the following:

Beginning at the first of line 3 of section 1 of both the printed and original bills, strike everything to the comma following "beginning" in line 24 of the printed bill and line 38 of the original bill and substitute the following:

"Beginning at the southeast corner of township 17 north, range 30 east of the Willamette meridian; thence running west on the township line between townships 16 and 17 to the range line between ranges 27 and 28; thence south on said range line to the section line between sections 24 and 25 in township 14 north, range 27 east; thence west on said section line to the mid-channel of the Columbia river; thence up said channel of said river to a point; thence at right angles to the course of said channel to the meander corner to section 13 of township 20 north, range 22 east W. M., and section 18, township 20 north, range 23 east W. M.; thence north along the range line between ranges 22 and 23 to the northwest corner of section 18, township 31 north, range 23 east W. M.; thence east one mile to the southeast corner of section 7, township 21 north, range 23 east; thence north one mile to the northwest corner of section 8, township 21 north, range 23 east; thence east one mile to the southeast corner of section 5, township 21 north, range 23 east; thence north one mile to the northeast corner of section 5, township 21 north, range 23 east; thence east one mile to the northeast corner of section 4, township 21 north, range 23 east; thence north one mile to the southeast corner of section 28, township 22 north, range 23 east; thence east one mile to the southeast corner of section 27, township 22 north, range 23 east; thence north two miles to the northeast corner of section 22, township 22 north, range 23 east; thence east one mile to the southeast corner of section 14, township 22 north, range 23 east; thence north one mile to the southeast corner of section 11, township 22 north, range 23 east; thence east one mile to the southeast corner of section 12, township 22 north, range 23 east; thence north two miles to the northwest corner of section 6, township 22 north, range 24 east; thence east 16 miles to the northeast corner of section 3, township 22 north, range 26 east; thence north six miles to the northeast corner of section 3, township 23 north, range 26 east; thence east one mile to the northeast corner of section 2, township 23 north, range 26 east; thence north one mile to the northeast corner of section 35, township 24 north, range 26 east; thence east one mile to the southeast corner of section 25, township 24 north, range 26 east; thence north one mile to the southeast corner of section 24, township 24 north, range 26 east;

thence east one mile to the southeast corner of section 18, township 24 north, range 27 east; thence east one mile to the southeast corner of section 18, township 24 north, range 27 east; thence east one mile to the southeast corner of section 17, township 24 north, range 27 east; thence north one mile to the southeast corner of section 8, township 24 north, range 27 east; thence east one mile to the southeast corner of section 9, township 24 north, range 27 east; thence north one mile to the southeast corner of section 4, township 24 north, range 27 east; thence east one mile to the southeast corner of section 3, township 24 north, range 27 east; thence north one mile to the northeast corner of section 3, township 24 north, range 24 east; thence east three miles to the southeast corner of section 31, township 25 north, range 28 east; thence north one mile to the southeast corner of section 30, township 25 north, range 28 east; thence east one mile to the southeast corner of section 29, township 25 north, range 28 east; thence north three miles to the southeast corner of section 8, township 25 north, range 28 east; thence east one mile to the southeast corner of section 9, township 25 north, range 28 east; thence north four miles to the southeast corner of section 21, township 26 north, range 28 east; thence east one mile to the southeast corner of section 22, township 26 north, range 28 east; thence north one mile to the southeast corner of section 15, township 26 north, range 28 east; thence east one mile to the southeast corner of section 14, township 26 north, range 28 east; thence north two miles to the southeast corner of section 2, township 26 north, range 28 east; thence east one mile to the southeast corner of section 1, township 26 north, range 28 east; thence north two miles to the southeast corner of section 25, township 27 north, range 28 east; thence east one mile to the southeast corner of section 30, township 27 north, range 29 east; thence north six miles to the southeast corner of section 30, township 28 north, range 29 east; thence east one mile to the southeast corner of section 20, township 28 north, range 29 east; thence north one mile to the southeast corner of section 20, township 28 north, range 29 east; thence east two miles to the southeast corner of section 22, township 28 north, range 29 east; thence north one mile to the southeast corner of section 15, township 28 north, range 29 east; thence east one mile to the southeast corner of section 14, township 28 north, range 29 east; thence north two miles to the southeast corner of section 2, township 28 north, range 29 east; thence east one mile to the southeast corner of section 1, township 28 north, range 29 east; thence north one mile to the northeast corner of section 1, township 28 north, range 29 east; thence east along township line between townships 28 and 29 to the mid-channel of the Columbia river; thence up said channel of said river to the point where the Columbia guide meridian intersects said channel; thence running south on said Columbia guide meridian to the place of beginning."

In lines 1 and 2 of section 5 of the original and line 1 of the printed bill, strike the following: "Louis Delivuke, and Gilbert J. Egbert"

and insert in lieu thereof the following: "M. F. McAnelly, and R. W. Heathman."

PETER MCGREGOR, *Chairman.*

We concur in this report: E. C. Davis, S. J. Cameron, E. M. Williams, R. A. Hutchinson, John L. Blair.

On motion of Senator Allen, the report of the committee was adopted, without reading amendments.

INTRODUCTION OF BILLS.

Senate bill No. 253, entitled "An act relating to railroads, express, telephone and telegraph companies, etc."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 254, by Joint Committee on Railroads and Transportation, entitled "An act to regulate the manner in which railroads shall cross highways and other railroads in the State of Washington."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 255, by Senator Paulhamus, entitled "An act relating to the sale of and fixing the standard of purity of agricultural seeds, and providing penalty for violation thereof."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Agriculture.

Senate bill No. 256, by Committee on Game, entitled "An act enabling a state board of state game and game fish, etc."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 257, by Senator Anderson, entitled "An act relating to the assessment of benefits resulting to public or county roads by reason of the construction and maintenance of dikes or drains, etc."

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Dikes, Drains and Drainage.

Senate bill No. 258, by Senator Huxtable, entitled "An act to amend section 1 of an act entitled 'An act relating to the apprehension, trial, treatment and control of delinquent children,' etc."

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 259, by Senator Hutchinson, entitled "An act providing for the appointment of a commission to investigate state institutions and state departments, etc."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 260, by Senator Brown, entitled "An act establishing a state board of state game and game fish, etc."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 261, by Senator Anderson, entitled "An act amending an act of 1895, relating to establishment and maintenance of drainage districts, etc."

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Dikes, Drains and Drainage.

Senate bill No. 262, by Senator Davis, entitled "An act prescribing rules and regulations for the execution of the trust arising under an act of congress, entitled 'An act for the relief of inhabitants of cities and towns upon public lands.'"

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 263, by Senator Blair, entitled "An act relating to the purchase, sale and distribution of intoxicating liquors, and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator

Blair the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 264, by Senator Metcalf, entitled "An act relating to the fees of county sheriffs, etc."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 265, by Senator Cameron, entitled "An act repealing sections 4128 and 4157 of Ballinger's Annotated Codes and Statutes of Washington, etc., and providing for the protection of structures used for irrigation, etc."

The bill was read the first time, and on motion of Senator Cameron the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Irrigation and Arid Lands.

Senate bill No. 260 was withdrawn at the request of Senator Brown, as that bill was found to be a duplicate of Senate bill No. 256.

GENERAL FILE.

Senate bill No. 33, entitled "An act to amend sections 2 and 3 of an act entitled 'An act to encourage county agricultural associations and fairs, etc.'" was read third time.

Senator Williams moved to amend the bill by striking the words "first and" after the word "the" in line 9 of section 1 of the printed bill.

Senator Cotterill moved as a substitute to strike the words "first and second class" in line 9 of section 1 of the printed bill and insert in lieu thereof the words "second class" and in line 10 of section 1 of the printed bill, strike the colon, insert in lieu thereof a period and the words: "This act shall not apply to counties of the first class."

The substitute motion of Senator Cotterill carried.

Senator Rydstrom moved that Senate bill No. 33 be indefinitely postponed.

A roll call on the motion to indefinitely postpone was demanded by Senators Cameron, Cotterill, Presby, Stevenson, Stewart, Graves, Polson and Bryan.

The secretary called the roll and the motion to indefinitely postpone was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Brown, Cox, Fatland, Paulhamus, Polson, Rydstrom—8.

Those voting nay were: Senators Allen, Bassett, Blair, Booth, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rosenhaupt, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

On motion of Senator Stewart, the bill was amended by adding to the end of section 2 the following:

“And provided further, That any and all buildings and structures erected with the funds so appropriated shall become the property of the county making said appropriation: And further provided, That full and complete vouchers covering all expenditures of public money appropriated under this act shall be made to the board of county commissioners before the close of each calendar year.”

On motion of Senator Stewart, the rules were suspended, Senate bill No. 33 was considered engrossed, and placed on final passage.

The secretary called the roll and Senate bill No. 33 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Potts, Presby, Roberts, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Anderson, Arrasmith, Brown, Bryan, Fatland, Myers, Paulhamus, Polson, Rosenhaupt, Rydstrom—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 132, entitled “An act for the protection of minority stockholders in and purchasers from any corporation selling or conveying substantially all of its property or assets, etc.” was read third time.

Senator Cotterill moved that the bill be indefinitely postponed.

A roll call on the motion to indefinitely postpone was demanded by Senators Booth, Nichols, Knickerbocker, Williams, Piper, Stewart, Graves.

The secretary called the roll and the motion was lost by the following vote:

Those voting aye were: Senators Anderson, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, McGregor, Minkler, Nichols, Polson, Potts, Stevenson—16.

Those voting nay were: Senators Allen, Arrasmith, Bassett, Booth, Cameron, Davis, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Myers, Paulhamus, Piper, Presby, Roberts, Rosenhauph, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—25.

Absent or not voting: Senator Metcalf—1.

On motion of Senator Falconer, the bill was amended by striking the words "eighty-five" in line 7 of section 1 of the printed bill, and substituting therefor the words "ninety-five."

Senator Cotterill moved to amend the bill by striking the words "or of" in line 6 of section 1 of the printed bill and inserting in lieu thereof the word "except."

A roll call on the proposed amendment was demanded by Senators Williams, Hutchinson, Roberts, Paulhamus, Cox, Rydstrom, Fatland.

The secretary called the roll, and the amendment failed to carry by the following vote.

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, Myers, Nichols, Polson, Potts, Rosenhaupt, Stevenson—17.

Those voting nay were: Senators Allen, Bassett, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Minkler, Paulhamus, Piper, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—23.

Absent or not voting were: Senators Davis, Metcalf—2.

At 4:30 o'clock p. m., on motion of Senator Cox, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

THIRTY-SEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, February 16, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate substitute bill No. 66, entitled "An act relating to the signing of pledges by any candidate for the legislature, for supervisors, school director, etc.";

Also Senate bill No. 83, entitled "An act to promote the safety of employees on railroads, etc.";

Also Senate bill No. 197, entitled "An act relating to practice and proceedings in the trial of actions, etc.";

Also Senate bill No. 109, entitled "An act relating to the selection, exemptions and service of jurors in the superior courts of the state";

Also Senate bill No. 172, entitled "An act relating to hotels, inns and public lodging-houses, creating the office of state hotel inspector, etc.";

Also Senate bill No. 160, entitled "An act relating to and providing liens for labor and services performed, material, provisions and supplies furnished, etc.";

Also Senate bill No. 171, entitled "An act to amend section 1 of an act entitled 'An act providing for the protection and health of employes in factories, etc.'";

Also Senate bill No. 115, entitled "An act for the protection of water fowl, and establishing breeding grounds for water fowl in townships 18, 19 and 20, north of range 27 and 28 E., etc.";

Also Senate bill No. 20, entitled "An act in relation to garnishment in justice courts in the State of Washington";

Also Senate bill No. 72, entitled "An act for the relief of B. D. Minkler, and making an appropriation therefor";
—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS E. MYERS, *Chairman*.

We concur in this report: W. G. Potts, H. H. Fatland.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 110, entitled "An act relating to the organization of fire department relief associations, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith transmitted be substituted therefor, that it be printed and placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, Harry Rosenhaupt, Robert F. Booth.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred House bill No. 102, entitled "An act to amend section 2 of an act of the legislature of the State of Washington, entitled "An act providing for the establishment, construction and maintenance of state roads and making appropriations for state roads heretofore established," approved March 13th, 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ALEX POLSON, *Chairman*.

We concur in this report: J. R. Stevenson, R. L. Kline, J. H. Smithson, Arvid Rydstrom, Joseph Arrasmith, W. B. Presby.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred Senate bill No. 26, entitled "An act relating to game, water fowl, and prohibiting

the formation of feeding grounds for hunting purposes, etc., etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED. BROWN, *Chairman*.

We concur in this report: Arvid Rydstrom, John L. Blair.

On motion of Senator Brown, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 99, entitled "An act relating to justices of the peace and constables in cities having a population of 200,000 or more inhabitants, providing for their election and appointment, fixing their salaries, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line 5, section 3, of the original bill, strike the figures "\$2,500.00" and substitute the figures "\$2,000.00" therefor.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, Robert Booth.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 12, entitled "An act amending section 1 of an act entitled 'An act to provide for the payment of bailiffs of the superior court,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, Harry Rosenhaupt, Robert F. Booth.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Cities of the First Class, to whom was referred Senate bill No. 118, entitled "An act to amend an act entitled 'An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for violation thereof, and declaring an emergency,' approved

March 15, 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be referred to Committee on Elections and Privileges, for the purpose of incorporating the amendment in line 8, "metropolitan park district," in Senate bill No. 4.

RALPH METCALF, *Chairman*.

We concur in this report: Geo. F. Cotterill, Jesse Huxtable, R. L. Kline, John L. Roberts.

On motion of Senator Metcalf, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 111, entitled "Proposed amendment to section 2 of the Sales in Bulk Act, as approved March 16th, 1901," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Add to the original bill and the printed bill the following title: "An act amending section 2 of an act entitled 'An act to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and prescribing penalties for the violation thereof,'" chapter 109, Session Laws of 1901.

Add to the original bill an enacting clause in words as follows: "Be it enacted by the Legislature of the State of Washington:".

Strike the brackets around the words, "Be it enacted by the Legislature of the State of Washington," in the printed bill.

In line 1 of the printed bill, strike the following words and figure: "Sec. 2 to be amended to read as follows:" and substitute therefor the following words and figures: "Section 1. That section 2 of chapter 109 of the Session Laws of 1901 be amended to read as follows: 'Sec. 2.'"

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, Harry Rosenhaupt, Robert F. Booth.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Cities of the First Class, to whom was referred House bill No. 37, entitled "An act dedicating to the city of Seattle all the right, title and interest of the State of Washington in and to certain lands in the city of Seattle lying within section 16, township 25 north, range 4 east W. M., for street and boulevard purposes,

and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

RALPH METCALF, *Chairman.*

We concur in this report: Geo. F. Cotterill, Jesse Huxtable, R. L. Kline, John L. Roberts.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 32, entitled "An act authorizing and directing a numerical index of the records of the office of the county auditor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman.*

We concur in this report: Ralph D. Nichols, Harry Rosenhaupt, Robert Booth.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 251, entitled "An act to prohibit any manufacturer of or wholesale dealer in intoxicating liquors from owning, operating or having any financial interest in any saloon or other retail liquor store in the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Geo. F. Cotterill, Ralph Metcalf, D. H. Cox, J. A. Falconer.

On motion of Senator Fishback, the report of the committee was adopted.

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 2, entitled "An act providing for seven judges of the superior court of the State of Washington for King county";

Senate bill No. 73, entitled "An act to amend chapter 135 of the Session Laws of 1907, relating to grain sacks";

House joint memorial No. 2, relating to irrigable land in central Washington;

House joint memorial No. 5, relating to Quinault lake, in the State of Washington;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 18, entitled "An act amending an act relating to deposit of public funds in banks by county treasurers";

House bill No. 107, entitled "An act to create a police relief fund in cities of the first class";

Senate joint resolution No. 3, relating to invitation to Hon. Samuel Hill to deliver address in House chamber;

Senate joint memorial No. 6, relative to the establishment of a government townsite;

Senate concurrent resolution No. 21, relating to the appointment of a committee to confer with committee from the State of Oregon regarding interstate bridge across Columbia river;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Senate bill No. 266, by Senator Bassett, entitled "An act to amend section 1 of an act entitled 'An act to define, regulate and govern the State Penitentiary, and declaring an emergency.'"

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Penal and Reformatory Institutions.

Senate bill No. 267, by Senator Minkler, entitled "An act to amend section 1 of chapter 55 of the Session Laws of 1905 and approved March 3rd, 1905, being an act entitled 'An act to enable cities of the first, second and third classes and other cities and towns working under special charter and of sufficient population to authorize them to reincorporate under the laws of the State of Washington, as cities of the first, second and third classes, to exercise the right of eminent domain for the

taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited, and declaring an emergency."

The bill was read the first time, and on motion of Senator Minkler the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Municipal Corporations.

Senate bill No. 268, by Senator Paulhamus, entitled "An act regulating the selling of goods, wares and merchandise on commission and amending sections 1, 4, 5, 6, 7, 8 and 10 of 'An act regulating commission merchants or persons selling farm, dairy, orchard or garden produce on commission, and providing a penalty for the violation thereof, and repealing an act entitled 'An act to regulate the sale of farm, dairy, orchard or garden produce on commission,' approved March 21, 1895,' approved March 12, 1907,' and repealing section 9 of said act."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Horticulture and Forestry.

Senate bill No. 269, by Senator Knickerbocker, entitled "An act relating to grounds for divorce from bonds of matrimony and amending section 5716 of Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 270, by Senator Knickerbocker, entitled "An act relating to the substitution of judges in the superior court."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

On motion of Senator Bassett, Senate bill No. 65 was withdrawn from the Committee on Banks and Banking and ordered re-referred to the Committee on Judiciary.

GENERAL FILE.

Senate bill No. 132, entitled "An act for the protection of minority stockholders, etc.," was read the third time.

Senator Paulhamus moved to amend the bill by striking the words "ninety-five" in line 7 of section 1 of the printed bill and inserting in lieu thereof the words "eighty-four."

Senator Cotterill moved as an amendment to the amendment that the words "ninety-five" in line 7 of section 1 of the printed bill be stricken and the words "ninety-nine" be inserted in lieu thereof.

A roll call on the amendment proposed by Senator Cotterill was demanded by Senators Cotterill, Huxtable, Graves, Stewart, Paulhamus, Rydstrom and Williams.

Senator Rosenhaupt moved as a substitute for the above amendments that the words "ninety-five" in line 7 of section 1 of the printed bill be stricken and the word "ninety" be substituted therefor, and that the bill be further amended by adding to the end of section 1 the following:

"Provided, That none of the stockholders in the company participating in the sale shall be stockholders in the company purchasing the property."

Senator Cotterill withdrew his motion to amend the amendment.

A roll call on the adoption of the substitute motion of Senator Rosenhaupt was demanded by Senators Booth, Falconer, Knickerbocker, Nichols, Williams, Myers, Brown and Fatland.

The secretary called the roll, and the substitute motion of Senator Rosenhaupt was carried by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Nichols, Polson, Rosenhaupt, Smithson, Stevenson—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Kline, Knickerbocker, McGowan, Minkler, Paulhamus, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Williams, Mr. President—19.

Absent or not voting were: Senators Huxtable, Whitney—2.

Senator Bryan moved to amend by striking section 2.

The motion was lost.

On motion of Senator Rosenhaupt, the words "eighty-five" in line 11 of section 5 of the printed bill were stricken and the word "ninety" substituted therefor.

On motion of Senator Nichols, the words "eighty-five" in line 33 of section 5 of the printed bill were stricken and the word "ninety" substituted therefor.

On motion of Senator Cotterill, the bill was amended by inserting after the word "railroads" in line 4 of section 10 of the printed bill a comma and the following words: "street railway, telephone, telegraph, express, lighting, power, or other public utility."

On motion of Senator Cotterill, the bill was amended by adding the following to the end of section 10: "or to any corporation owning or controlling lines or systems which have theretofore been competing."

On motion the Senator Booth, the rules were suspended, Senate bill No. 132 was considered engrossed, and placed on final passage.

The secretary called the roll, and Senate bill No. 132 passed the Senate, as amended, by the following vote:

Those voting aye were: Senators Anderson, Bassett, Blair, Booth, Brown, Cox, Eastham, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—30.

Those voting nay were: Senators Arrasmith, Bryan, Cotterill, Falconer, Polson, Stevenson—6.

Absent or not voting were: Senators Allen, Cameron, Davis, Hutchinson, Huxtable, Smithson—6.

Senator Cox moved to amend the title by striking therefrom the word "minority" and inserting in lieu thereof the word "majority."

The motion was lost.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed House joint memorial No. 5 and House joint memorial No. 2.

By unanimous consent, the Senate returned to the order of business, "Introduction of Bills."

House bill No. 75, entitled "An act amending section 715, 716 and 717 of Ballinger's Annotated Codes and Statutes of the State of Washington, etc., relating to classification of cities and towns."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and referred to the Committee on Municipal Corporations.

House bill No. 100, entitled "An act providing for the survey of certain state roads, etc."

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second time by title, and referred to the Committee on Roads and Bridges.

House bill No. 107, entitled "An act to create a police relief, health and insurance fund in incorporated cities of the first class, etc."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

At 12:05 p. m., on motion of Senator Potts, the Senate took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

Senate substitute bill No. 177, entitled "An act relating to the superior court of Clarke, Cowlitz, Skamania, Klickitat, Lewis, Pacific and Waukiakum counties, providing for the election of judges therein, etc.," was read third time.

Senator Cotterill moved that the bill be ordered re-referred to the Committee on Judiciary with instructions to so amend the bill as to provide for three judicial districts, instead of four, as provided for in the bill.

The motion was lost.

The secretary called the roll on final passage of engrossed Senate substitute bill No. 177, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Brown, Cameron, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney, Williams, Mr. President—28.

Those voting nay were: Senators Cotterill, Eastham, Falconer, Fishback, Paulhamus—5.

Absent or not voting were: Senators Arrasmith, Bryan, Cox, Davis, Hutchinson, Polson, Potts, Smith, Stevenson—9.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Brown, Bryan, Cameron, Eastham, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—33.

Those voting nay were: Senators Cotterill, Falconer, Fishback, Paulhamus—4.

Absent or not voting were: Senators Arrasmith, Cox, Davis, Polson, Stevenson—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Presby, the rules were suspended and Senate substitute bill No. 177 ordered immediately transmitted to the House.

At the request of Senator Graves, Senate bill No. 134, which was next on the calendar, was by unanimous consent laid over for a few minutes.

Senate bill No. 203, entitled "An act authorizing and directing the commissioner of public lands to certify certain tide lands to the governor for deed, etc.," was read third time.

The secretary called the roll on final passage of engrossed Senate bill No. 203, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf,

Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—37.

Absent or not voting were: Senators Brown, Cameron, Polson, Rosenhaupt, Mr. President—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Piper, Senate bill No. 134 was indefinitely postponed.

Senate bill No. 104, entitled "An act authorizing and directing the board of state land commissioners to sell at public auction, in manner provided by law, a portion of the southeast quarter of the northwest quarter of section 16, in township 11 north, range 43 east of the Willamette meridian, etc.," was read third time.

The secretary called the roll on final passage of engrossed Senate bill No. 104, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Mr. President—34.

Absent or not voting were: Senators Bassett, Cameron, Davis, Graves, Polson, Rosenhaupt, Smith, Williams—8.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—36.

Absent or not voting were: Senators Bassett, Cox, Davis, Graves, Rosenhaupt, Williams—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 158, entitled "An act making an appropri-

tion for the relief of Chicago, Milwaukee & Puget Sound Railway Company, etc.," was placed on its third reading.

On motion of Senator Allen, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 158.

The bill was considered in the Committee of the Whole, Senator Metcalf in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Metcalf, the report of the Committee of the Whole was adopted.

On motion of Senator Knickerbocker, the rules were suspended, the reading of the bill had in the Committee of the Whole considered the third reading of the bill, and the bill placed on final passage.

The secretary called the roll on final passage of engrossed Senate bill No. 158, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams; Mr. President—37.

Absent or not voting were: Senators Bryan, Davis, Huxtable, McGowan, Presby—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 149, entitled "An act authorizing the issuance of bonds for the payment and redemption of all warrants issued for erecting and equipping the Cheney and Whatcom Normal schools, etc.," was read third time.

Senator Cotterill moved to amend the bill by striking the word "seven" in line 6 of section 1 of the printed bill and substituting the word "four" therefor.

The motion was lost.

Senator Stevenson moved to amend by adding a new section to the bill as follows:

"Section 4. *Provided*, That no further amounts shall be appropriated from any fund, for maintenance of more than two (2) normal schools in this state for twenty years from the passage of this bill."

The president ruled the proposed amendment as out of order, as not germane to the subject of the bill.

Senator Cotterill moved that the bill be ordered referred to the Committee on Judiciary.

The motion was lost.

The secretary called the roll on final passage of engrossed Senate bill No. 149, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney—36.

Those voting nay were: Senators Cotterill, Presby, Williams, Mr. President—4.

Absent or not voting were: Senators Graves, McGowan—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 186, entitled "An act providing for the payment to the various counties of this state of moneys collected under the provisions of the direct primary law and making an appropriation therefor," was placed on its third reading.

On motion of Senator Allen, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 186.

The bill was considered in the Committee of the Whole, Senator Smith in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Smith, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the reading of Senate bill No. 186 had in the Committee of the Whole was considered the third reading of the bill, and engrossed Senate bill No. 186 placed on final passage.

The secretary called the roll, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill,

Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—35.

Absent or not voting were: Senators Cox, Davis, Graves, Huxtable, McGowan, Stevenson, Williams—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 38, entitled "An act creating the office of state commissioner of health, etc.," was read third time.

Senator Eastham moved to amend the bill by striking the following: Beginning with the word "He" in line 4 of section 2 of the printed bill, to and including the word "board" in line 6 of section 2 of the printed bill.

The motion was lost.

On motion of Senator Allen, the bill was amended by striking the word "immediately" at the end of section 4 and inserting in lieu thereof the following: "April 1, 1909."

On motion of Senator Allen, the rules were suspended, Senate bill No. 38 was considered engrossed, and placed on final passage.

The secretary called the roll, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—34.

Those voting nay were: Senators Brown, Falconer, Fatland, Fishback, Kline, Stevenson—6.

Absent or not voting were: Senators Graves, Whitney—2.

The emergency clause, as amended, passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosen-

haupt, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—35.

Those voting nay were: Senators Brown, Falconer, Kline—3.

Absent or not voting were: Senators Bassett, Graves, Smithson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 80 was placed on its third reading.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bills Nos. 80 and 81.

The bills were considered in Committee of the Whole, Senator Roberts in the chair, and reported back to the Senate with the recommendation that the further consideration of Senate bills Nos. 80 and 81 by the Committee of the Whole be set for Tuesday, February 23, 1909, at 3:00 o'clock p. m.

On motion of Senator Roberts, the report of the Committee of the Whole was adopted.

On motion of Senator Roberts, the Senate took up at this time the consideration of the House amendments to Senate bill No. 18.

The secretary read the House amendments to Senate bill No. 18.

Senator Bassett moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred in the amendments made by the House to Senate bill No. 18 by the following vote:

Those voting aye were: Senators Allen, Bassett, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—30.

Those absent or not voting were: Senators Anderson, Arrasmith, Blair, Booth, Cotterill, Graves, Huxtable, Knickerbocker, Metcalf, Paulhamus, Piper, Stewart—12.

On motion of Senator Paulhamus, the calendar for today was made the calendar for tomorrow.

On motion of Senator Kline, the consideration of Senate bill No. 36 was made a special order for Wednesday, February 24, 1909, at 2:00 o'clock p. m.

Senator Cameron moved that Charles S. Lyons be elected engrossing clerk to the Senate, vice Fred McCoy, resigned.

Charles S. Lyons was elected engrossing clerk by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—42.

Charles S. Lyons was sworn in as engrossing clerk by the president.

At 3:55 p. m., on motion of Senator Potts, the Senate adjourned until 9:30 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

A. S. RUTH,

President of the Senate.

THIRTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 17, 1909.

The Senate was called to order at 9:30 o'clock by President Ruth.

The secretary called the roll, all members being present.

On motion of Senator Bassett, the reading of yesterday's journal was dispensed with and it was approved.

A communication from A. R. Haynes, relative to the standing of the cadet corps of the Washington State College with respect to the National Guard, was read, and on motion of

Senator McGregor, was ordered referred to the Committee on Military.

A petition from certain residents of Cheney, requesting the enactment of local option legislation, was ordered referred to the Committee on Public Morals.

REPORT OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1909.

MR. PRESIDENT:

We, your Committee on State, Granted, School and Tide Lands, to whom was referred Senate bill No. 216, entitled "An act relating to procedure in condemnation proceedings affecting lands owned by the state or in which it has an interest, and amending section 2 of chapter 219 of the Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman.*

We concur in this report: J. D. Bassett, J. R. Stevenson, P. L. Allen, A. S. Ruth, S. T. Smith, H. S. McGowan.

On motion of Senator Bassett, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on State, Granted, School and Tide Lands, to whom was referred Senate bill No. 220, entitled "An act requiring county officers to transmit estimates of timber on public lands of the state to the commissioner of public lands," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman.*

We concur in this report: J. D. Bassett, J. R. Stevenson, P. L. Allen, S. T. Smith, A. S. Ruth, H. S. McGowan.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Claims and Auditing, to whom was referred Senate bill No. 166, entitled "An act for the relief of the city of Palouse,

Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. C. DAVIS, *Chairman*.

We concur in this report: H. H. Fatland, H. S. McGowan.

On motion of Senator Davis, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 159, entitled "An act to amend section 45, chapter LXXI of the Laws of 1897, entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

PETER MCGREGOR, *Chairman*.

We concur in this report: E. C. Davis, S. J. Cameron, John L. Blair, R. A. Hutchinson, E. M. Williams, Ed Brown.

On motion of Senator McGregor, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred Senate bill No. 181, entitled "An act relating to powers of cities of the first class, and granting to said cities of the first class the power to license, regulate and control employment agencies and emigrant agencies," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: Geo. F. Cotterill, A. B. Eastham, J. W. Bryan, Arvid Rydstrom.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 97, entitled "An act to appropriate one thousand dollars (\$1,000) to carry on the inspection of steam vessels, and vessels or boats operated by machinery, navigating the waters within the juris-

diction of this state, excepting vessels which are subject to inspection under the laws of the United States," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman*.

We concur in this report: S. J. Cameron, A. W. Anderson, Chas. E. Myers, J. R. Stevenson, H. O. Fishback.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1909.

MR. PRESIDENT:

We, your Committee on Fisheries, to whom was referred Senate bill No. 185, entitled "An act to establish a state trout hatchery on the east fork of the Lewis river in Clarke county, Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the Committee on Game Fish.

H. S. MCGOWAN, *Chairman*.
R. L. KLINE.

On motion of Senator McGowan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Printing, to whom was referred House bill No. 112, entitled "An act making an appropriation for the payment of the publication of the notices required by certain sections in the Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. L. ALLEN, *Chairman*.

We concur in this report: W. H. Paulhamus, H. S. McGowan.

On motion of Senator Allen, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred engrossed House bill No. 75, entitled "An act amending sections 715, 716, 717, of Ballinger's Annotated Codes and Statutes of the State of Washington, the same being sections 3384, 3385, and 3386 of Pierce's Code of Washington, etc.," have had the same under consideration, and

we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman.*

We concur in this report: A. B. Eastham, J. W. Bryan, Arvid Rydstrom.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred House bill No. 251, entitled "An act providing for county exhibits and buildings at the Alaska-Yukon-Pacific Exposition, and amending section 1 of chapter 172 of the Session Laws of 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In section 1, line 8 of the printed bill, and line 13 of the original bill, strike the "period" and add a "semicolon" and the following words: "*Provided further*, That the appropriation herein provided for shall be in addition to any appropriation heretofore made for any of the purposes herein named under and by virtue of any former act."

W. G. POTTS, *Chairman.*

We concur in this report: S. J. Cameron, A. W. Anderson, Chas. E. Myers, J. R. Stevenson, H. O. Fishback.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 210, entitled "An act relating to appeals from the superior court to the supreme court, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman.*

We concur in this report: I. B. Knickerbocker, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 252, entitled "An act amending section 2934 of Ballinger's Anno-

tated Codes and Statutes of Washington, relating to the license and sale of intoxicating liquors in cities and towns, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 6, section 1, of the printed bill, after the word "Provided" strike the remainder of the line. In line 7 of said section strike the words "and that."

In line 8, section 1, of the printed bill, strike the word "three" and substitute the word "five" therefor. In line 9 of said section strike the words "or village," after the word "city," and before the word "town" strike the comma and insert the word "or."

In line 10, section 1, of the printed bill, strike the word "hand" and insert the word "cover" therefor.

WILL G. GRAVES, *Chairman*.

We concur in this report: I. B. Knickerbocker, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 41, entitled "An act to provide for the punishment of parents or persons responsible for, or contributing to, the neglect or delinquency of children, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 1, section 1, of the printed bill, after the word "child" and before the word "or" strike the comma; at the end of said line in said section strike the words "or a."

In line 2, section 1, of the printed bill, strike the words "juvenile delinquent or dependent person," and strike the comma after the word "person."

In line 3, section 1, of the printed bill, strike the comma after the word "person" and before the word "responsible."

WILL G. GRAVES, *Chairman*.

We concur in this report: I. B. Knickerbocker, Ralph Metcalf, Harry Rosenhaupt, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 40, entitled "An act in aid of children, providing for the custody,

control, treatment, maintenance and adoption, etc., repealing chapter 18, Laws 1905, and chapter 110, Laws 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 9, section 1, of the printed bill, after the word "occupation" strike the remainder of the line. In line 10 of said section, strike all of the line down to and including the words "lawful authority."

In line 14, section 1, of the printed bill, strike the words "or dependent upon the public for support, or has not proper," and in line 15 of said section strike the words "parental care or guardianship" and substitute therefor the words "and is unable to earn his own living."

In line 14, section 7, of the printed bill, strike the words "a woman" and substitute therefor the words "may appoint an assistant."

At the end of section 7, add the words: "One of said salaried probation officers shall be a woman."

In line 11, section 10, of the printed bill, strike the words "his or her minority" and substitute therefor the words "the age of twenty-one years."

In line 3, section 14, of the printed bill, after the word "any" and before the word "delinquent" insert the words "neglected or."

WILL G. GRAVES, *Chairman.*

We concur in this report: I. B. Knickerbocker, Ralph Metcalf, Harry Rosenhaupt, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 271, by Senator Huxtable, entitled "An act to provide for fire drills in the schools of this state."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Education.

Senate bill No. 272, by Senator McGregor, entitled "An act making an appropriation to aid in the erection of a monument to mark the site of the battle between the Nez Perce Indians and troops under command of Col. E. J. Steptoe."

The bill was read the first time, and on motion of Senator McGregor the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 273, by Senator Paulhamus, entitled "An act relating to the sale of fertilizers, etc."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Agriculture.

Senate bill No. 274, by Senator Myers, entitled "An act amending chapter 141, Session Laws of 1905, entitled 'An act in relation to poisons, etc.'"

The bill was read the first time, and on motion of Senator Myers the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 275, by Senator Cotterill, entitled "An act providing for the amendment of section 26 of article 1 of the Constitution of the State of Washington, relating to the calling of grand juries."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Constitution and Constitutional Revision.

Senate bill No. 276, by Joint Committee on Fisheries, entitled "An act relating to the taking of food fishes, etc."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

On motion of Senator Bassett, the consideration of Senate bill No. 6 was made a special order for Thursday, February 18, 1909, at 8 o'clock p. m.

GENERAL FILE.

Senator Williams moved that Senate bill No. 196 be ordered re-referred to the Committee on Public Revenues and Taxation.

Senator Hutchinson moved as a substitute that Senate bill No. 196 be ordered re-referred to a special committee consisting of the senators from Spokane county.

The substitute motion carried.

On motion of Senator Potts, the consideration of House bill No. 251 was made a special order for 10:30 o'clock tomorrow morning.

The hour of 10:00 o'clock a. m. having arrived, the president announced that the Senate would take up the consideration of

Senate bill No. 28, Senate substitute bill No. 28, Senate bill No. 121, and Senate substitute bill No. 121, together with the committee reports on said bills.

SPECIAL ORDER.

Senator Graves, at the request of the president, took the chair.

The committee reports on Senate bills Nos. 28 and 121 and Senate substitute bills Nos. 28 and 121 were read.

Senator Ruth moved that all the reports on the above bills be received.

The motion carried.

Senate bill No. 28, entitled "An act to provide for the creation by popular vote of anti-saloon territory, etc.," was read third time.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 17, 1909.

MR. PRESIDENT:

The House has passed House bill No. 86, entitled "An act relating to conditional sales and leases of personal property";

House bill No. 67, entitled "An act amending section 5071, repealing section 5073, Ballinger's Annotated Codes of Washington, in relation to new trials";

House bill No. 157, entitled "An act relating to the correction of survey and supplemental plat of tide and shore lands adjacent to Vancouver, Wash.;"

House bill No. 21, entitled "An act relating to the venue of civil actions and amending section 4854, Ballinger's Codes of Washington";

House bill No. 195, entitled "An act relating to rendition of judgments against sureties on cost bonds";

House bill No. 58, "Relating to the keeping and deposit of municipal funds";

House bill No. 155, "Relating to the election of county commissioners";

House bill No. 152, "Relating to materialmen's liens";

House bill No. 61, "Relating to limiting the hours of employment of females in any mechanical or mercantile establishment";

House bill No. 262, "To regulate and limit the hours of employment of females in shell-fish or vegetable canneries";

House bill No. 89, "Relative to the payment of deposits in trust";

House bill No. 128, "Authorizing the state land commissioners to sell certain lands";

House bill No. 81, "Changing the limits of the 53rd and 54th districts";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk*

Senator Presby moved that Senate substitute bill No. 38 be substituted for Senate bill No. 28.

A roll call on the motion was demanded by Senators Paulhamus, Brown, Bryan, Cotterill, Fatland, Myers and Presby.

The secretary called the roll, and Senator Presby's motion was lost by the following vote:

Those voting aye were: Senators Allen, Booth, Eastham, Graves, Knickerbocker, McGowan, Minkler, Piper, Presby, Roberts, Rydstrom—11.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, Metcalf, Myers, Nichols, Paulhamus, Poison, Potts, Rosenhaupt, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Senator Falconer moved that the bill be amended as follows: In line 10, section 6 of the printed bill, strike all of line 6 after the word "district" and insert in lieu thereof the words, "in less than twenty-four months after said vote is cast."

A roll call on the motion was demanded by Senators Nichols, Allen, Piper, Potts, Ruth, Rydstrom, Williams.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill by adding the following to the end of section 14:

"Provided, That nothing in this shall be construed to prohibit any manufacturer of intoxicating liquor in anti-saloon territory from delivering the same outside of such territory where permitted by law."

A roll call on the amendment was demanded by Senators Nichols, Booth, Allen, Knickerbocker, Roberts, McGowan and Whitney.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill by striking the words "in quantity not to exceed five gallons at any one time," in lines 13 and 14 of section 20 of the printed bill.

A roll call on the amendment was demanded by Senators Nichols, Rydstrom, Huxtable, Booth, Cameron, Eastham and Piper.

The secretary called the roll, and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill by inserting after the word "unless" in line 2 of section 18 of the printed bill, the words "such doctor or physician have good reason to believe that."

A roll call on the proposed amendment was demanded by Senators Hutchinson, Piper, Nichols, Presby, Knickerbocker, Williams, Whitney.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fat-

land, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill by striking the word "twenty" in line 3 of section 9 of the printed bill and substituting therefor the word "thirty."

A roll call on the proposed amendment was demanded by Senators Nichols, Booth, Roberts, Mr. President, Piper, Cameron and Williams.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill by substituting the word "thirty" for the word "twenty" in line 3, section 2 of the printed bill.

A roll call on the proposed amendment was demanded by Senators Booth, Nichols, Piper, Presby, Williams, Huxtable and Potts.

The secretary called the roll, and the proposed amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved that the bill be amended by striking

lines 10, 11 and 12 in section 1 of the printed bill and inserting in lieu thereof the words:

"Political subdivision shall mean any county, any municipal corporation, township or voting precinct, or that part thereof which lies outside of a municipal corporation: *Provided*, That any city of the first class shall be deemed a separate unit and shall vote by itself and shall not control or be controlled by the vote of the county in which it is situated, but said proposition may be submitted to the qualified electors of such city in a manner provided for other municipal corporations."

A roll call on the proposed amendment was demanded by Senators Potts, Nichols, Allen, Whitney, Booth, Hutchinson and Minkler.

The secretary called the roll, and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill as follows: Strike in section 1 of the printed bill, lines Nos. 10, 11 and 12, and insert in lieu thereof the following:

"Political subdivisions shall mean any county, any municipal corporation, township or voting precinct or part thereof which lies outside of a municipal corporation: *Provided*, That any city of the first, second or third class shall be deemed a separate unit and shall vote by itself and shall not control or be controlled by the vote of the county in which it is situated, but said proposition may be submitted to the qualified electors of said city in the manner provided for other municipal corporations."

A roll call on the proposed amendment was demanded by Senators Allen, Potts, Nichols, Mr. President, Williams, Whitney and Rydstrom.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fat-

land, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill by striking lines 10, 11 and 12 of section 1 of the printed bill and inserting in lieu thereof the following:

“Political subdivisions shall mean any county, any municipal corporation, township or voting precinct, or part thereof, which lies outside of the municipal corporation: *Provided*, That any city of the first, second, third or fourth class shall be deemed a separate unit and shall vote by itself and shall not control or be controlled by the vote of the county in which it is situated, but said proposition may be submitted to the qualified electors of said city in the manner provided for other municipal corporations.”

A roll call on the proposed amendment was demanded by Senators Nichols, Williams, Potts, Mr. President, Whitney, Booth and Knickerbocker.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill by substituting the word “three” for the word “six” in line 17 of section 4 of the printed bill.

A roll call on the motion to amend was demanded by Senators Allen, Booth, Nichols, Williams, Whitney, Piper and Potts.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend the bill by substituting the word "records" for the word "reports" in line 17 of section 22 of the printed bill.

A roll call on the proposed amendment was demanded by Senators Nichols, Allen, Booth, Smith, Piper, Knickerbocker and Potts.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

At 12 o'clock m., on motion of Senator Ruth, the Senate took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m., Senator Graves in the chair.

The Senate resumed the consideration of Senate bill No. 28.

Senator Falconer moved to amend the bill by striking lines 10, 11 and 12 in section 1 of the printed bill and inserting in lieu thereof the following:

"Political subdivision" shall mean any county, any municipal corporation, township or any voting precinct or that part thereof which lies outside of a municipal corporation: *Provided*, That the qualified electors of any city of the first class located in a county which has become anti-saloon territory under the provisions of this act may petition for and hold a special election as provided in this act, and if a majority of the qualified electors of said city vote for said city not to continue as anti-saloon territory, then licenses may be granted for the

sale of intoxicating liquors within said city in the manner provided by law until said county or city shall again vote to become or continue to be anti-saloon territory."

A roll call on the proposed amendment was demanded by Senators Piper, Williams, Allen, Potts, Hutchinson, Minkler and Whitney.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—20.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Absent or not voting: Senator Cox—1.

Senator Falconer moved to amend Senate bill No. 28 by striking lines 10, 11 and 12 in section 1 of the printed bill and inserting in lieu thereof the words: "Political subdivision shall mean any county or municipal corporation."

A roll call on the proposed amendment was demanded by Senators Nichols, Piper, Smith, Potts, Allen, Williams and Mr. President.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson—20.

Those voting nay were: Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—22.

Senator Falconer moved to amend the bill as follows: Amend section 2 by inserting at the beginning of the section the following words:

"That hereafter it shall be unlawful for the county commissioners or other officials of any county to grant any license for the sale, disposal or distribution of intoxicating liquor outside of any incorporated

city or town in this state," and by striking in line 1 of section 2 the word "that" and inserting in lieu thereof the word "and."

A roll call on the proposed amendment was demanded by Senators Nichols, Allen, Minkler, Piper, Williams, Potts and Smith.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend Senate bill No. 28 by striking lines 10, 11 and 12 in section 1 of the printed bill and inserting in lieu thereof the following:

"'Political subdivision' shall mean any county not containing a city of the first class, any municipal corporation, any township, voting precinct, or that part thereof which lies outside of a municipal corporation and is not a part of a township."

A roll call on the proposed amendment was demanded by Senators Nichols, Knickerbocker, Allen, Smith, Piper, Cameron, Williams and Potts.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson—20.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—22.

Senator Cotterill moved to amend section 16 of the bill by striking, in line 3 of the printed bill, all the words after the period in said line and all of lines 4, 5 and 6.

A roll call on the proposed amendment was demanded by Senators Nichols, Booth, Piper, Allen, Potts, Smith and Williams.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Cotterill moved to amend section 1 by striking the word "township" in line 4 of the printed bill, and all of lines 5 and 6 up to the words "in this state" in said line 6, and by striking all of lines 10, 11 and 12 in section 1 of the printed bill and inserting in lieu thereof the words "political subdivision" shall mean county."

A roll call on the proposed amendment was demanded by Senators Nichols, Piper, Potts, Mr. President, Williams, Allen and Whitney.

The secretary called the roll, and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—21.

Senator Falconer moved to amend section 1 by inserting after word "limits" in line 4 of section 1 of the printed bill, the words "of any county, township, municipal corporation, or any precinct or part thereof which lies outside of municipal corporations and is not a part of a township in this state."

A roll call on the proposed amendment was demanded by Senators Allen, Nichols, Piper, Potts, Williams, Whitney and Knickerbocker.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Metcalf, Myers, Paulhamus, Polson—16.

Those voting nay were: Senators Allen, Bassett, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. Prsident—26.

Senator Falconer moved to amend the bill by striking lines 10, 11 and 12 in section 1 of the printed bill and inserting in lieu therefor the following:

“Political subdivision’ shall mean any county except counties of the first class, any municipal corporation, township or voting precinct or that part thereof which lies outside of a municipal corporation and is not a part of the township: *Provided*, That any municipal corporation lies wholly within any voting precinct or township, then such municipal corporation shall be deemed a part of said voting precinct or township.”

A roll call on the proposed amendment was demanded by Senators Nichols, Williams, Booth, Potts, Minkler, Smith and Mr. President.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Cox, Falconer, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Rosenhaupt, Stevenson—16.

Those voting nay were: Senators Allen, Booth, Bryan, Cameron, Davis, Eastham, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—26.

Senator Booth was called to the chair.

Senator Nichols moved the previous question and was seconded by Senators Roberts, Rydstrom and Piper.

The motion “Shall the previous question be put?” carried.

The secretary called the roll on final passage of Senate bill No. 28, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bas-

sett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Stevenson, Stewart—20.

Those voting nay were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—22.

At 5:15 p. m., on motion of Senator Graves, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

THIRTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Thursday, February 18, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

SPECIAL ORDER.

The Senate resumed the consideration of the Senate bills which were under the special order of yesterday.

The president called Senator Booth to the chair.

Senator Nichols moved that Senate substitute bill No. 121 be substituted for Senate bill No. 121.

Senator Presby moved as a substitute for the above motion that Senate substitute bill No. 28 be substituted for Senate bill No. 121.

The substitute motion of Senator Presby was lost.

The motion of Senator Nichols was carried and Senate substitute bill No. 121 was ordered substituted for Senate bill No. 121.

Senate substitute bill No. 121 was read third time.

On motion of Senator Nichols, the bill was amended as follows:

Amend by striking the present title and insert in lieu thereof the following: "An act relating to the sale of spirituous, malt, fermented and other intoxicating liquors, and providing a penalty for the violation of the provisions hereof."

Strike section 1 of the printed bill.

Change section 2 to section 1, and after the word "state" in line 2 strike the words "outside of cities of the first, second and third class." In line 4 strike the words "of the fourth class."

Make section 3 section 2. At the end of line 1 strike the words "of the fourth." In line 2 strike the word "class." In line 5, after the word "forty" insert the word "five" and change the figures "40" to "45." In line 9, after the word "the" and before the word "town" insert the words "city or." In line 12, before the word "town" insert the word "city." In line 21 insert the word "city," before the word "town."

Change section 4 to section 3, and in line 1 between the words "knowingly" and "wilfully" strike the comma and insert the word "and." At the end of the line strike the word "and." In line 2 strike the word "corruptly."

Change section 5 to section 4.

Change section 6 to section 5.

Change section 7 to section 6. In line 1 insert the word "city" before the word "town" where it first appears in said line. In line 3 strike the words "of the fourth class." In line 5 insert the word "city," before the word "town." In line 6 insert the letter "a" before the word "municipal" and strike the words "of the fourth class."

Change section 8 to section 7.

Change section 9 to section 8.

Change section 10 to section 9.

Change section 11 to section 10.

Change section 12 to section 11.

Strike section 13. Change the number to section 12 and insert the following: "Section 12. No board of county commissioners shall grant a license for the sale of liquors except to a person of good moral character, who shall give surety in the sum of two thousand five hundred dollars for the orderly maintenance of the place where liquors are sold. County commissioners may grant a license when authorized so to do under the provisions of this act for the sale of liquors for any period of months less than one year at the rate of one hundred dollars per month, but no license for the sale of liquors by the year shall be

granted by county commissioners at less than one thousand dollars per annum."

Change section 14 to section 13.

Strike section 15.

Change section 16 to section 14.

Change section 17 to section 15.

Add a new section, to be numbered 16, as follows: "Section 16. That it shall be unlawful for any doctor or physician to issue a prescription for intoxicating liquor, except in writing, or in any case unless the person for whom it is issued is actually sick and such liquor is required as a medicine. Every prescription for intoxicating liquor shall contain the name and quantity of liquor prescribed, the name of the person for whom prescribed, the date on which the prescription is written and direction for the use of the liquor so prescribed.

"And it shall be unlawful for any doctor or physician who has been convicted of issuing verbal prescriptions for intoxicating liquor, or of issuing prescriptions for intoxicating liquor for use as a beverage or of issuing prescriptions that do not in form comply with this act, thereafter to issue any prescription for intoxicating liquor for any purpose for a period of two years from the date of such conviction. Every prescription issued in violation of the provisions hereof shall be held to be a misdemeanor and on conviction therefor the person issuing same shall be punished accordingly."

Add a new section to be numbered section 17, to read as follows: "Section 17. That nothing in this act shall be construed to forbid or prevent the sale within a precinct where the sale of liquor is forbidden by a druggist or pharmacist of liquor for medical or sacramental purposes only or of alcohol for medicinal, chemical or mechanical purposes only, not to be drunk upon the premises under any circumstances, provided the following requirements are fully complied with and such druggist or pharmacist in good faith shall keep a true and exact record in a book, which he shall provide for the purpose, in which shall be entered at the time of every sale of intoxicating liquor made by him or in or about his place of business, to all persons whomsoever, the date of such sale, the name of the purchaser, who shall also sign his name in said book as a part of said entry, and his residence (stating the street and house number if there be such), the kind, quality and price of such liquor, the purpose for which it was sold and when the sale is for medicinal purposes, the book shall also contain the name of the physician issuing the prescription therefor. Such prescription shall be canceled by writing on it the word 'canceled' and the date on which it was presented and filed, and kept on file. No prescription shall be filled a second time. Such book shall be in form substantially as follows:

Date.	Name of Purchaser	Residence.	Kind and Quality.	Price.	Name of Physician.	Signature of Purchaser.

“And the book and all such prescriptions before provided for shall be open to inspection by a prosecuting attorney, justice of the peace having criminal jurisdiction, judge of any court, or any sheriff, constable, marshal or other police officer. Any druggist or pharmacist who shall fail to keep such record, or shall fail or refuse to make any entry therein required by law, or shall destroy or alter or change in any way any such record or any entry therein or any prescription, or permit or procure the same to be destroyed, altered or changed, or refuse inspection thereof on demand or shall fail to cancel any such prescription, or shall refill any prescription or shall sell intoxicating liquor for medicinal purposes except on written prescription, or for sacramental purposes without an order signed by a clergyman, shall for each sale in violation of the provisions of this section be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than fifty dollars (\$50) nor more than three hundred dollars (\$300). Nothing in this section shall be construed to prohibit a sale by such druggist of such liquor as may be needed by or for a sick person in case of extreme illness, where delay may be dangerous to the patient.”

Add a new section, to be numbered section 18, to read as follows: “Section 18. That it shall be unlawful for any person or public or private carrier to accept or receive for shipment, transportation or delivery to any person or place within any precinct where the sale of liquor is forbidden, or to carry, bring into, transfer to any other person, carrier or agent, handle, deliver or distribute in any precinct where the sale of liquor is forbidden, any intoxicating liquor regardless of the name by which it may be called, and whoever shall, by himself or another, either as principal, clerk, agent or servant, knowingly violate any of the provisions of this section shall upon conviction therefor be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and upon conviction of any subsequent violation of this section, in addition to such fine, shall be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months: *Provided*, Nothing in this section shall be construed to apply to individuals who may bring or ship into any precinct where the sale of liquor is forbidden liquor for their private use; nor to physicians or druggists to whom any public carrier may deliver such goods, in unbroken packages at any time; nor to deliveries to churches or the proper officers thereof of wine in unbroken packages for sacramental purposes; nor to deliveries at residences which are not places of business or public resort, by manufacturers or wholesalers by their own conveyances, in unbroken packages, nor to deliveries within any city which is not a precinct where the sale of liquor is forbidden throughout its entire extent; nor to shipments of liquor in continuous transit to a point outside of such precinct where the sale of liquor is forbidden.

“This section shall apply to all packages of intoxicating liquor whether broken or unbroken. Each package of intoxicating liquor, regardless of the name by which it may be called, accepted, received, car-

ried, transferred, handled, delivered or distributed in violation of the provisions of this section shall constitute a separate offense.

"The acceptance, receiving, carrying, transferring, handling, delivery or distribution of intoxicating liquor under false or fictitious names in any precinct where the sale of liquor is forbidden shall work a forfeiture of such liquor.

"It is further expressly provided that no provision of this section is intended or shall be construed to violate or be in conflict with any provision of the constitution and laws of the United States respecting interstate commerce, but this section and all parts of same are intended to prohibit the acceptance, receiving, carrying, transferring, handling, delivery or distribution, as herein provided, of intoxicating liquor to such extent only as the same is not expressly permitted under the constitution and laws of the United States.

"If any provision of this section shall be held to be void or unconstitutional, it is hereby provided that all other portions of same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

"Section 19. That all prosecutions for violation of this act, which are hereby declared to be misdemeanors, may be either upon information, presentment or indictment.

"Section 20. That in all prosecutions under this act by indictment, or otherwise, it shall not be necessary to state the kind of liquor sold; nor to set forth the facts showing that the required electors petitioned for the submission to the electors of said proposition, nor that a majority of the qualified electors voting upon said proposition voted 'Yes,' but it shall be sufficient to state in that regard that the act complained of took place in a precinct where the sale of liquor is forbidden, and that the act was then and there prohibited and unlawful.

"The issuance of an internal revenue special tax stamp or receipt by the United States to any persons as a wholesale or retail dealer in liquors or in malt liquors at any place within territory which, at the time of the issuance thereof, is a precinct where the sale of liquor is forbidden, shall be *prima facie* evidence of the sale of intoxicating liquor by such person at such place, or at any place of business of such person within such territory where such stamp or receipt is posted, and at the time charged in any suit or prosecution under this act: *Provided*, Such time is within the life of such stamp or receipt.

"*Provided*, That a copy of the records of the United States internal revenue office, certified to by any United States internal revenue officer or assistant having charge of such reports and which certified copy shows that the United States special liquor tax has been paid by any person charged with selling, giving away, or disposing of intoxicating liquor in violation of this act in any political subdivisions, which at the time of the issuance of said special liquor tax stamp was a precinct where the sale of liquor is forbidden, shall be competent and *prima facie* evidence that the person whose name appears upon said records as

shown by said certified copy has paid the special liquor tax for the time stated in said certified copy."

Senator Presby moved to amend the bill by inserting after the enacting clause the following:

"Section 1. The sale of spirituous, malt, fermented or other intoxicating liquors in any territory of this state, which is not included within the limits of any incorporated city or town is hereby prohibited and no license for the sale of such intoxicating liquors within such territory shall be granted."

A roll call on the proposed amendment was demanded by Senators Cotterill, Bryan, Fatland, Knickerbocker, Bassett, Polson, Ruth.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fishback, Graves, Hutchinson, McGregor, Metcalf, Myers, Polson, Presby, Rosenhaupt, Stevenson—19.

Those voting nay were: Senators Allen, Booth, Cameron, Davis, Eastham, Fatland, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—23.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

The House has passed House bill No. 18, entitled "An act relating to nurses, the registration thereof and providing penalties for violations," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Nichols, the words "and thereafter" were inserted after figures "1910" in line 2 of section 8 of the amended bill.

Senator McGowan moved to amend by striking the words "one thousand" in the last line of section 12 of the amended bill, and inserting in lieu of the words so stricken the words "six hundred."

A roll call on the proposed amendment was demanded by Senators Presby, Piper, Whitney, Stewart, Cameron, Williams, McGowan.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Graves, Huxtable, McGowan, Piper, Potts, Smith, Whitney, Mr. President—8.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rosenhaupt, Smith, Smithson, Stevenson, Stewart, Williams—34.

Senator Paulhamus moved that Senate substitute bill No. 121 be ordered re-referred to the Committee on Public Morals.

A roll call on the motion was demanded by Senators Graves, Stewart, Paulhamus, Falconer, Stevenson, Knickerbocker, Polson.

The secretary called the roll and the motion to re-refer was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt—18.

Those voting nay were: Senators Allen, Booth, Cameron, Davis, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—24.

Senator Graves moved the previous question and was seconded in his demand by Senators McGowan, Piper and Nichols.

The question "Shall the previous question be put?" carried.

The secretary called the roll on final passage of Senate substitute bill No. 121, entitled "An act to further regulate the sale of spirituous, malt, fermented and other intoxicating liquors, etc.," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Booth, Cameron, Davis, Eastham, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—24.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fishback,

Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, the rules were suspended and Senate substitute bill No. 121 was ordered immediately transmitted to the House.

Senator Ruth moved that House bill No. 29 be ordered withdrawn from the Committee on Public Morals and indefinitely postponed.

A roll call on the motion was demanded by Senators Paulhamus, Falconer, Bryan, Cotterill, Fatland, Metcalf, Rydstrom.

The secretary called the roll and the motion was lost by the following vote:

Those voting aye were: Senators Allen, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Whitney, Williams, Mr. President—20.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Smithson, Stevenson, Stewart—22.

SPECIAL ORDER.

House bill No. 251, which was special order for 10:30 o'clock this morning, was next considered.

Engrossed House bill No. 251, entitled "An act providing for county exhibits and buildings at the Alaska-Yukon-Pacific Exposition, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 251 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—34.

Those voting nay were: Senators Paulhamus, Polson, Rosenhaupt, Stevenson—4.

Absent or not voting were: Senators Anderson, Bassett, Booth, Metcalf—4.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney, Williams, Mr. President—35.

Those voting nay were: Senators Paulhamus, Polson—2.

Those absent or not voting were: Senators Anderson, Arrasmith, Minkler, Smith, Stevenson—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, the rules were suspended and House bill No. 251 ordered immediately transferred to the House.

At 11:45 a. m., on motion of Senator Rosenhaupt, the Senate took a recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:00 o'clock p. m. by President Ruth.

At the request of Senator Nichols, unanimous consent was granted to amend Senate substitute bill No. 121 so that it will conform to the new numbers given the sections in the amended bill.

Communications from the laundry worker's union, of Everett, and the plumbers' union, of Everett, urging the passage of House bill No. 61 limiting the hours of employment of females, were read and on motion of Senator Cotterill ordered referred to the Committee on Labor and Labor Statistics.

The following communication was read and ordered placed on file:

UNITED STATES SENATE,
COMMITTEE ON COAST AND INSULAR SURVEY.
WASHINGTON, D. C., February 11, 1909.

Mr. William T. Laube, Secretary of the Senate, Olympia, Washington:

MY DEAR LAUBE: I duly received Senate joint memorials Nos. 3 and 4, forwarded with your letter of the 25th ultimo, and the same have been having my careful consideration.

Yours very truly,

S. H. FILES.

THE RAILROAD COMMISSION OF WASHINGTON.
OLYMPIA, February 17, 1909.

Mr. Wm. T. Laube, Secretary Senate, Olympia, Washington:

DEAR SIR: In answer to your request that we prepare and furnish a statement for the use of the Senate indicating the effect in each county of the changes in the present laws proposed under Senate bill No. 189, we beg leave to say:

Treating the actual value found by the railroad commission as a basis for the assessed value, the Northern Pacific system is taxed on a mileage basis for \$110,308,450.00 worth of property. Included in this valuation is property in the city of Seattle, which the commission estimates would cost to reproduce \$11,042,659.93 and the joint terminal grounds valued at \$1,995,516.57; in the city of Tacoma, property which the commission estimated it would cost to reproduce the sum of \$7,638,006.00; in the city of Spokane, the sum of \$5,316,465.00, making a total of \$25,982,747.60. The total value of the right-of-way and terminals owned by the Northern Pacific was estimated by the commission to cost \$32,862,872.00. This would leave approximately \$6,880,124.40 the cost of reproducing the right-of-way outside of the three large cities. Unquestionably more than 50% of this remainder would be included within the terminals in the other incorporated towns through which the road runs, making approximately \$29,000,000.00 assessable to the municipalities and leaving approximately \$3,500,000.00 of the right-of-way to be assessed on a trackage or mileage basis, in lieu of the \$32,362,872.00 now so assessed.

The commission estimated that it would cost to reproduce the lands and terminals of the Great Northern railway company in this state \$17,105,692.04. This sum includes \$10,937,543.69, the estimated cost of reproducing the terminals in the city of Seattle; \$1,077,750.00 within the corporate limits of the city of Everett, \$552,610.00 within the corporate limits of the city of Bellingham, and \$1,562,228.33 within the corporate limits of the city of Spokane, making a total sum within the incorporated limits of the incorporated cities above mentioned of \$14,130,132.02, leaving the sum of \$2,975,560.02 to be apportioned upon the trackage or mileage basis, instead of the \$17,105,692.04, as under the

present law. Of this \$2,975,560.02 at least 40% is included within the other incorporated municipalities.

The law, as drafted, does not define what is meant by "terminal grounds." We apprehend, however, that it would include all lands within the corporate limits of cities with the exception of a strip on either side of the center line of the main track to sufficient distance to allow the road to be safely operated, and would therefore exclude a strip from 14 to 15 feet in width, including the main line of the road. It will be exceedingly difficult to figure what this strip would amount to in the principal cities, but it can be done.

To reproduce the different elements considered by the commission in their present depreciated condition, owned by the Northern Pacific, would amount to approximately \$100,000,000.00; owing, however, to the density of traffic along its lines, due largely to the advertisement given by the railroad, facilities owned and enjoyed by the road and its capability of earning money, the commission found its value to be the figures above stated, viz., \$110,308,450.00.

In order to reproduce in their present depreciated condition the different elements considered by the commission in estimating the value of the Great Northern railroad the Commission found that it would cost approximately \$61,674,457.00, but the commission found that the market value of this line was but \$59,577,212.00.

The commission found that in order to reproduce the different elements used by the Bellingham Bay & British Columbia railroad would cost approximately \$2,400,000.00, but because of its inability to earn money, found its value to be \$1,100,000.00. And of this sum, if we would take the finding as it stands alone, it would cost to reproduce the terminal grounds in the city of Bellingham at least half thereof.

These matters are suggested for the purpose of showing the difficulty the undersigned have found in undertaking to indicate what the effect of the proposed change in the law would be. If your honorable body desires that we should furnish this matter in detail, we will strive to furnish the information at the earliest practicable moment. We have our office force engaged in segregating by counties the cost of the department buildings, side tracks and stations, but when these matters are ascertained and laid before you, it does not show all the effect of the proposed law. The plan pursued by the commission in ascertaining the depreciated value of structures was to take the entire cost of reproducing the structures at this time, new, and then applying what might be termed a mortality table by which the average present value was ascertained as distinguished from ascertaining the present value of each individual building. It will entail considerable additional labor in order to ascertain the present value of each individual structure.

Under the item station buildings, engine houses, shops, shop machinery, fuel stations, docks, wharves, inclines, coal bunkers and miscellaneous structures, the cost of reproducing the same on the Northern Pacific would be approximately \$6,500,000.00 and on the Great Northern \$2,500,000.00, making a total of approximately \$9,000,000.00 for these

items for the two roads, and at least 50% of these items on the Northern Pacific would be found in King, Pierce and Spokane counties, and approximately 50% of the Great Northern in the counties of King and Spokane.

To recapitulate: The value of the Northern Pacific and Great Northern railroads is fixed at approximately \$159,885,662.00, of which approximately \$59,000,000.00 consists of right-of-way, terminals and structures thereon, and of this \$59,000,000.00 approximately \$44,500,000.00 is terminals and structures thereon in the large cities. The counties outside of the counties containing the large cities will, under the proposed bill, unquestionably lose their assessable proportion of this \$44,500,000.00 worth of property and the counties containing the large cities will be the gainers thereby.

In view of the innumerable elements that would have to be taken into consideration in order to fully and accurately state the effect of the proposed bill, we feel that we would be unable at this session of the legislature to analyze and give you a conclusion that would correctly indicate all the effects that this sweeping change might accomplish.

Yours most respectfully,

H. A. FAIRCHILD,

J. C. LAWRENCE,

JESSE S. JONES,

Members of Railroad Commission.

T. D. ROCKWELL,

A. E. CAGWIN,

J. E. FROST,

Members of Tax Commission.

Senator Cotterill moved that the communication be ordered referred to the Committee on Public Revenues and Taxation.

Senator Cotterill withdrew his motion.

On motion of Senator Falconer, the communication was placed on file, with the understanding that it be taken up by the Senate for consideration at the same time as Senate bill No. 189 is considered in the Senate.

Resolution by Senator Rosenhaupt:

Resolved, That the sergeant-at-arms be instructed to purchase an additional five dollars' worth of stamps for each of the senators and for the secretary.

Senator Rosenhaupt moved the adoption of the resolution.

Senator Stevenson moved to amend by substituting for "five dollars" the words "three dollars."

Senator Piper moved as a substitute that the amount of stamps to be purchased be "50 cents' worth for each member."

The substitute motion of Senator Piper was lost. The amendment of Senator Stevenson was also lost.

The motion of Senator Rosenhaupt that the resolution be adopted failed to carry.

Senate joint resolution No. 4, by Senator Blair:

In the interest of peace and justice, be it resolved, 1. That general treaties of arbitration should be negotiated by the United States with all nations, granting jurisdiction to the international court at The Hague over as many classes of controversies as the other contracting power in each case can be induced to transfer from the field of battle to the precincts of courts of justice.

2. That the United States should declare in favor of a permanent international congress containing representatives from every nation, to assemble periodically and automatically for the purpose of suggesting such changes in the law of nations and in the methods of its administration as the current of events may make desirable and practicable.

3. That present conditions call for the immediate adoption of a progressive naval program that will give the United States a navy capable of performing its duty, i. e., of protecting our vast sea coast, our great and ever-increasing volume of ocean-going commerce, our growing interests in foreign markets, our distant possessions, and of executing effectively all the just foreign policies of the nation.

4. That it is the sense of this legislative meeting that a fleet be maintained on the Pacific ocean at least equal to that in the Atlantic.

Senator Blair moved that the resolution be adopted.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—36.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Graves, McGowan, Potts, Presby, Williams—5.

On motion of Senator Booth, Senate bill No. 110 and House bill No. 107 were made special order for 11 o'clock Tuesday morning, February 23, 1909.

On motion of Senator Davis, House bill No. 161 was made a special order for 10:15 o'clock tomorrow morning.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 18, entitled "An act amending an act relating to the deposit of public funds in banks by the several county treasurers of this state, etc.," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted, J. W. BRYAN, *Chairman*.
We concur in this report: H. O. Fishback, A. W. Anderson.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred—

Senate bill No. 21, entitled "An act in relation to garnishments in the superior courts of the State of Washington";

Senate bill No. 56, entitled "An act relating to the foreclosure and sale of real property for delinquent taxes, etc.;"

Senate bill No. 100, entitled "An act providing for the payment of wages of public officers and employees, and of employees upon public work, at not exceeding bi-weekly or semi-monthly intervals";

Senate bill No. 198, entitled "An act increasing the number of judges of the supreme court of Washington, etc.;"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted, CHAS. E. MYERS, *Chairman*.
We concur in this report: W. G. Potts, F. L. Stewart.

The president signed Senate bill No. 18 and Senate joint memorial No. 6.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Dairy and Live Stock, to whom was referred Senate bill No. 208, entitled "An act relating to the prevention of disease in sheep, and prescribing penalties for the violation of its provisions," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

S. J. CAMERON, *Chairman*.
We concur in this report: Chas. E. Myers, E. C. Whitney.

On motion of Senator Cameron, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 65, entitled "An act relating to bills of lading," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith transmitted be substituted therefor, that the same be printed and do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: I. B. Knickerbocker, J. W. Bryan.

On motion of Senator Bassett, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on Constitution and Constitutional Revision, to whom was referred House bill No. 59, entitled "An act to amend article 6 of the constitution of the State of Washington, relating to the qualification of voters within the state," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be ordered out on general file.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. F. Cotterill, Will G. Graves, W. B. Presby, E. M. Williams, J. W. Bryan, P. L. Allen.

On motion of Senator Rosenhaupt, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 107, entitled "An act to create police relief, health and insurance fund in cities of the first class," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: Robt. F. Booth, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Special Committee of Spokane Senators, to whom was referred Senate bill No. 196, entitled "An act relating to township or-

ganization and amending an act entitled 'An act to provide for township organization, and prescribing the duties and fixing the compensation of township officers, and providing for the assessment, levy and collection of town taxes, approved March 23, 1895,' by amending sections 11, 17, 48, 79, 80, 81, 82, 93 and 115, and adding sections 117, 118, 119 and 120 to said act, repealing all laws in conflict therewith, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, striking all former amendments, and re-inserting sections 2, 4, 5, 6 and 7, and amending the original bill as follows:

Re-insert sections 2, 4, 5, 6 and 7.

In section 1, line 8 of the original bill, and line 6 of the printed bill, strike the word "take."

In section 3, line 10 of the original bill, and line 7 of the printed bill, strike the brackets and words "including all county and state roads."

In section 5, line 2 of the original bill, and line 2 of the printed bill, strike the word "auditor" and substitute the word "assessor."

In section 5, line 11 of the original bill, and line 8 of the printed bill, beginning with the word "there" strike all of lines 9, 10 and 11 of the printed bill and lines 12, 13, 14, 15 and 16 of the original bill, down to and including the word "instrument."

In section 5, line 17 of the original bill, and line 12 of the printed bill, strike the word "last" and substitute therefor the word "second."

In section 5, line 21 of the original bill, and line 15 of the printed bill, strike the period after the word "duties" and add the following: "and that all township assessors shall perform their duties under the supervision of the county assessor."

In section 6, line 3 of the original bill, and line 2 of the printed bill, strike the words "fourth Monday of June" and insert in lieu thereof "second Monday in May."

In section 7, line 14 of the original bill, and line 10 of the printed bill, strike the period and insert the following: "not later than the 5th day of June."

In section 8, line 9 of the original bill, and line 6 of the printed bill, after the word "overseer" insert a period and strike the words "but not to exceed fifty dollars in any one year."

In section 10, line 2 of the original bill, and line 2 of the printed bill, strike the words and figures "Law (Booth's Manual), section 165."

R. A. HUTCHINSON, *Chairman*.

We concur in this report: Jesse Huxtable, E. C. Whitney, Harry Rosenhaupt.

On motion of Senator Hutchinson, the report of the committee was adopted.

On motion of Senator Hutchinson, the consideration of Sen-

ate bill No. 196 was made a special order for 11 o'clock tomorrow morning.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1909.

MR. PRESIDENT:

We, your Committee on State Library, to whom was referred House bill No. 169, entitled "An act to create a public archives commission and define its duties and powers," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES,
GEORGE U. PIPER.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 106, entitled "An act to empower municipal corporations of other states to acquire title to lands and water rights within the State of Washington by purchase or condemnation for the purpose of securing or protecting their water supply and to prevent the pollution of such water supply and prescribe penalties for the violation of the provisions of this act, and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Piper, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 277, by Senator Bassett, entitled "An act to provide for the certification of teachers in the State of Washington and repealing all acts and parts of acts in conflict herewith."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Education.

Senate bill No. 278, by Senator Cotterill, entitled "An act to provide for the annexation to cities of any city or town of a lower class, or any unincorporated territory surrounded by territory within the corporate limits of such cities."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Cities of the First Class.

Senate bill No. 279, by Senator Ruth, entitled "An act providing for the examination and licensing of all surveyors and civil engineers practicing in the State of Washington, defining their duties, and prescribing penalties for the violation of any of the provisions of this act."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Harbors and Harbor Lines.

Senate bill No. 280, by Senator Myers, entitled "An act to provide for the extermination of coyotes, wolves and other wild animals in the State of Washington, and for the payment of bounties for such extermination, and making an appropriation therefor.

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Game.

Senate bill No. 281, by Senator Paulhamus, entitled "An act to amend section 2 of an act entitled "An act relating to deficiencies in public institutions and departments of this state, and providing a penalty for the violation thereof, and declaring an emergency,' approved March 7, 1895."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 282, by Senator Bassett, entitled "An act to amend chapter 37 of the Session Laws of 1907, being 'An act to provide for the state depositaries and regulate the deposit of funds therein,' and declaring an emergency.

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Banks and Banking.

Senate bill No. 283, by Senator Cameron, entitled "An act requiring insurance companies to pay expenses of examination, prescribing the method of such payment, and of the payment

of all taxes, fees and charges, and of the payment of the traveling expenses of the insurance commissioner, and declaring an emergency."

The bill was read the first time, and on motion of Senator Cameron the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 284, by Senator Allen, entitled "An act granting rights-of-way to electric light, power and street railway companies, associations and individuals over the lands of the State of Washington and providing for the appraisalment and disposition of the lands included within and used for such rights-of-way."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 285, by Senator Rosenhaupt, entitled "An act for the relief of W. A. Ritchie, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 286, by Senator Cox, entitled "An act fixing salary of the warden of the state penitentiary."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Penal and Reformatory Institutions.

Senate bill No. 287, by Senator Bassett, entitled "An act relating to sale and removal of timber upon state's school or granted lands, etc."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Agriculture.

Senate bill No. 288, by Senator Kline, entitled "An act to protect state and county roads from injury by narrow tires, and to prescribe a penalty."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

Senate bill No. 289, by Senator Booth, entitled "An act providing for the appointment of a commission for the purpose of preparing a code of insurance laws of the State of Washington and making appropriations to pay traveling expenses."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Insurance.

Senate bill No. 290, by Senator Booth, entitled "An act regulating the organization of mutual fire insurance companies."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Insurance.

Senate bill No. 291, by Senator Booth, entitled "An act to regulate and control stock fire insurance corporations hereafter organized in this state."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Insurance.

Senate bill No. 292, by Senator Paulhamus, entitled "An act fixing the tuition fees in the institutions of higher education."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

House bill No. 81, entitled "An act changing the limits of the 53rd and 54th representative districts, in Whatcom county, State of Washington."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 89, entitled "An act relative to the payment of deposits in trust."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Banks and Banking.

House bill No. 21, entitled "An act relating to the venue of civil actions and amending section 4854 of Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 128, entitled "An act authorizing and directing the board of state land commissioners to sell the south ten acres of the northeast quarter of the southeast quarter of section 31, township 28 north, range 8 east of the Willamette meridian, and declaring an emergency."

The bill was read the first time, and on motion of Senator Fatland the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Granted School and Tide Lands.

Engrossed House bill No. 86, entitled "An act amending section 2 of an act amending sections 1 and 2 of an act entitled 'An act relating to conditional sales and leases of personal property, approved March 10th, 1893,' approved February 10th, 1903."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 61, entitled "An act amending sections 1 and 2 of an act entitled 'An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel and restaurant; to provide for its enforcement and a penalty for its violation,' approved March 11, 1901."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and referred to the Committee on Labor and Labor Statistics.

House bill No. 58, entitled "An act relating to the keeping

and deposit of municipal funds, and amending section 2 of chapter 22 of the Session Laws of 1907, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Banks and Banking.

House bill No. 67, entitled "An act amending section 5071 and repealing section 5073 of Ballinger's Annotated Codes and Statutes of Washington, in relation to new trials."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 195, entitled "An act relating to the rendition of judgment against sureties on cost bonds filed in any court."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 262, entitled "An act to regulate and limit the hours of employment of females in fruit, fish, shellfish or vegetable canneries and other temporary occupations."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and referred to the Committee on Labor and Labor Statistics.

House bill No. 18, entitled "An act relating to nurses, the registration thereof and providing penalties for violations."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Medicine, Dentistry and Hygiene.

House bill No. 152, entitled "An act relating to materialmen's liens and the enforcement thereof."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 155, entitled "An act relating to the election of county commissioners by districts, providing a forfeiture of office because of absence from or failure to reside in such dis-

tricts, and amending section 326 of Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Elections and Privileges.

House bill No. 157, entitled "An act relating to the correction of the survey and supplemental plat of the tide and shore lands in front of and adjacent to the city of Vancouver, Washington."

The bill was read the first time, and on motion of Senator Eastham the rules were suspended, the bill was read the second time by title, and referred to the Committee on Harbors and Harbor Lines.

GENERAL FILE.

House bill No. 46, entitled "An act authorizing and empowering the board of regents of the State College of Washington to acquire by lease or gift a tract or tracts of land, etc.," was read third time.

On motion of Senator Myers, the bill was amended by substituting the word "are" for the word "is" in line 1 of section 1 of the printed bill.

On motion of Senator Cotterill, the bill was amended by substituting the word "its" for the word "their" in line 3 of section 1 of the printed bill.

On motion of Senator McGregor, the rules were suspended, House bill No. 46 was considered engrossed and placed on final passage.

The secretary called the roll and House bill No. 46 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Cox, Graves, Metcalf, Potts, Presby, Smithson, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed Senate bill No. 227, entitled "An act granting to cities owning their own waterworks, electric light or power plants, a lien for delinquent charges, etc.," was read third time.

The secretary called the roll on final passage of the bill and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Roberts, Rydstrom, Smithson, Stewart, Williams, Mr. President—31.

Those voting nay were: Senators Eastham, Paulhamus, Smith, Stevenson—4.

Those absent or not voting were: Senators Cox, Graves, Myers, Potts, Presby, Rosenhaupt, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Booth gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 227 passed the Senate.

Engrossed Senate bill No. 228, entitled "An act providing that all claims for damages sounding in tort against any city of the first class must set forth a statement of the actual residence of the claimant at the date of presenting such claim, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 228 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Cotterill, Davis, Eastham, Falconer, Fishback, Hutchinson, Kline, McGregor, Metcalf, Minkler, Paulhamus, Piper, Polson, Roberts, Rydstrom, Stewart, Williams—23.

Those voting nay were: Senators Anderson, Bryan, Fatland, Graves, Huxtable, Knickerbocker, McGowan, Myers, Nichols, Smith, Smithson, Stevenson, Mr. President—13.

Those absent or not voting were: Senators Cameron, Cox, Potts, Presby, Rosenhaupt, Whitney—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president called Senator McGowan to take the chair.

Senate bill No. 229, entitled "An act to amend section 16 of an act entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain, etc.," was read third time.

Senator Booth moved to amend the bill by striking lines 26, 27 and 28 of section 1 of the printed bill.

The motion was lost.

The secretary called the roll on final passage of engrossed Senate bill No. 229 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Bryan, Cox, Davis, Falconer, Fatland, Hutchinson, Kline, McGregor, Metcalf, Paulhamus, Piper, Polson, Roberts, Stevenson—18.

Those voting nay were: Senators Blair, Booth, Brown, Cameron, Cotterill, Eastham, Fishback, Graves, Knickerbocker, McGowan, Myers, Minkler, Nichols, Rydstrom, Smith, Smithson, Stewart, Williams—18.

Those absent or not voting were: Senators Huxtable, Potts, Presby, Rosenhaupt, Whitney, Mr. President—6.

Senator Cotterill gave notice of a motion to reconsider the vote by which Senate bill No. 229 failed to pass the Senate.

The president resumed the chair.

Engrossed Senate bill No. 230, entitled "An act to amend section 15 of an act entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 230, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—30.

Those absent or not voting were: Senators Anderson, Cameron, Davis, Hutchinson, Huxtable, Myers, Potts, Presby, Roberts, Rosenhaupt, Stevenson, Whitney—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the consideration of Senate bill No. 231 was laid over for the present, the bill retaining its place on the calendar.

Senate bill No. 232, entitled "An act to amend section 23 of an act entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain, etc.," was read third time.

Senator Booth moved that Senate bill No. 232 be indefinitely postponed.

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 232 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, Metcalf, Minkler, Paulhamus, Polson, Roberts, Smithson, Stevenson, Stewart, Williams, Mr. President—25.

Those voting nay were: Senators Booth, Eastham, Graves, Knickerbocker, Myers, Nichols, Piper, Rydstrom—8.

Those absent or not voting were: Senators Anderson, Huxtable, McGregor, McGowan, Potts, Presby, Rosenhaupt, Smith, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 4:05 p. m., on motion of Senator Allen, the Senate took a recess until 8:00 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8:00 o'clock p. m. by President Ruth.

The president announced that Senate bill No. 6 would be considered at this time, that bill being a special order.

Senate bill No. 6 was placed on its third reading.

Senator Brown was called by the president to take the chair.

Senator Smith raised the point of order that there was not a quorum present.

Senator Bassett moved that the Senate adjourn until 9:30 o'clock tomorrow morning.

Senator Nichols moved as a substitute that the Senate adjourn until 10:00 o'clock tomorrow morning.

The substitute motion carried.

The Senate adjourned at 8:15 p. m.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FORTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 19, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senator Booth, excused.

On motion of Senator Knickerbocker, the reading of yesterday's journal was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 67, entitled "An act providing for the purchase of the highway bridge across the Columbia river, at Wenatchee, Washington, etc., etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended. We further recommend that this bill be re-referred to the Committee on Appropriations for consideration, as it carries an appropriation.

ALEX POLSON, *Chairman.*

We concur in this report: Ralph D. Nichols, Joseph Arrasmith, R. L. Kline, J. H. Smithson.

On motion of Senator Davis, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 250, entitled "An act requiring persons, firms, or corporations, owning or operating irrigation ditches, or canals, and logging railroads, to furnish maps to assessors, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, E. M. Williams, E. C. Davis, J. D. Bassett, D. H. Cox, J. W. Bryan, H. H. Fatland.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 31, entitled "An act re-establishing the special harbor improvement fund, as originally created and established in a certain act entitled 'An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor,' approved March 10th, 1891, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, E. M. Williams, E. C. Davis, J. W. Bryan, H. H. Fatland.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred Senate bill No. 16, entitled "An act providing for the sanitation of bakeries, canneries, packing-houses, slaughter-houses, dairy depots, creameries, cheese factories, confectionaries, restaurants, hotels, groceries, meat markets and all other food-producing and food-distributing establishments, manufactories or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employees, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of dairy and food

commissioner, and providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend the title by inserting between the word "commissioner" and the word "and," in the next to the last line of the title of the printed bill, the words "and the state board of health."

Strike section 8.

Make section 9 read section 8.

Make section 10 read section 9.

Make section 11 read section 10.

Make section 12 read section 11.

Add a new section, to be numbered section 12, to read as follows: "Section 12. It shall be the duty of the state board of health, through its executive officer, to assist the dairy and food commissioner in the enforcement of the provisions of this act, when called upon by said dairy and food commissioner."

A. B. EASTHAM, *Chairman*.

I concur in this report: J. R. Stevenson.

On motion of Senator Eastham, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 223, entitled "An act to amend article VII of the constitution of the State of Washington, relating to the assessment and taxation of property within the state," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, E. M. Williams, E. C. Davis, J. D. Bassett, D. H. Cox, J. W. Bryan, H. H. Fatland.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred Senate bill No. 183, entitled "An act relative to the authority of city marshals in criminal and civil cases in justice's court of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike title and insert in lieu thereof the following title: "An act

relating to the powers of city and town marshals to serve process issued out of courts of justice of peace."

Strike section 1, and insert in lieu thereof the following: Section 1. That every city marshal of a city of the third class, or town marshal of a municipal corporation of the fourth class in this state, shall, for the purpose of serving all legal process issued out of courts of justice of the peace, both criminal and civil, have the same authority and power as is now vested by law in sheriff and constable.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: Jesse Huxtable, Arvid Rydstrom, J. W. Bryan, A. B. Eastham.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 218, entitled "An act to amend chapter 149, Laws of Washington, approved March 12, 1907, entitled 'An act creating a state highway board and the office of the state highway commissioner, fixing his compensation, prescribing their duties, and providing for the survey, establishment, construction, maintenance, and repair of state highways, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In line 6, section 1 of the original bill, and line 4 of the printed bill, strike the figures "3,000" and substitute the figures "2,500."

ALEX POLSON, *Chairman*.

We concur in this report: Joseph Arrasmith, R. L. Kline, J. H. Smithson.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 192, entitled "An act for the relief of the Tieton Water Users' Association for work done and charged to said association on state road No. 5, and providing a method for ascertaining such amount and for the payment thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In line 1, section 1 of both the printed and original bills, strike everything from the comma following the word "commissioner" to the word "shall" in line 3 of the printed bill, and line 5 of the original

bill, and substitute in lieu thereof the following: "the county engineer of Lewis county and the county engineer of Yakima county."

ALEX POLSON, *Chairman*.

We concur in this report: Ralph D. Nichols, Joseph Arrasmith, J. H. Smithson, R. L. Kline.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 44, entitled "An act to create a bureau of inspection and supervision of public officers, and to re-establish a uniform system of public accounting, auditing and reporting under the administration of the state auditor, and repealing all acts or parts of acts in conflict herewith," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

S. T. SMITH, *Chairman*.

We concur in this report: J. D. Bassett, R. L. Kline, H. O. Fishback.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 147, entitled "An act relating to the deposits of public funds in banks by the several county treasurers of the state, and amending section 2 of chapter 51 of the Session Laws of 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

S. T. SMITH, *Chairman*.

We concur in this report: J. D. Bassett, R. L. Kline, H. O. Fishback.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 94, entitled "An act to amend the negotiable instruments law, relative to payment made payable at a bank," have had the same under consideration, and we respectfully report the same back

to the Senate with the recommendation that it be indefinitely postponed.

S. T. SMITH, *Chairman*.

We concur in this report: E. C. Davis, J. D. Bassett, R. L. Kline, H. O. Fishback.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 91, entitled "An act to repeal an act entitled 'An act to provide for the assessment of the property of telegraph companies,' approved March 12, 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, E. M. Williams, E. C. Davis, J. D. Bassett, D. H. Cox, J. W. Bryan, H. H. Fatland.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred House bill No. 100, entitled "An act providing for the survey of certain proposed state roads, and state road extensions, by the state highway commissioner, and a report on the feasibility of the same," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ALEX POLSON, *Chairman*.

We concur in this report: Ralph D. Nichols, Joseph Arrasmith, J. H. Smithson, R. L. Kline.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred engrossed House bill No. 58, entitled "An act relating to the keeping and deposit of municipal funds, and amending section 2 of chapter 22, of the Session Laws of 1907, and declaring an emergency," have had

the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

S. T. SMITH, *Chairman*.

We concur in this report: E. C. Davis, H. O. Fishback, R. L. Kline, J. D. Bassett.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred engrossed House bill No. 89, entitled "An act relative to the payment of deposits in trust," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

S. T. SMITH, *Chairman*.

We concur in this report: E. C. Davis, H. O. Fishback, R. L. Kline, J. D. Bassett.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 120, entitled "An act to amend section 8663 of Pierce's Washington Code, relating to taxes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the following bill herewith transmitted be substituted for Senate bill No. 120, and recommend that it do pass.

J. A. FALCONEB, *Chairman*.

We concur in this report: Geo. F. Cotterill, E. C. Davis, H. H. Fatland, J. D. Bassett, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 293, by Judiciary Committee, entitled "An act relating to proceedings against corporations in criminal actions."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 294, by Committee on Public Revenue and

Taxation, entitled "An act providing for the assessment and collection of taxes upon mineral, coal and oil reservations in land, and other reservations of interests in land and declaring an emergency."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 295, by Senator Myers, entitled "An act to provide for the protection of game fish, limiting the catch, the size taken, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Myers the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Game Fish.

Senate bill No. 296, by Senator Bassett, entitled "An act relating to state lands and amending section 6 of an act entitled 'An act amending sections 2134, 2135, 2146, 2179, of Ballinger's Annotated Codes and Statutes of Washington, and sections 2141, 2142, 2145, 2183 and 2192 of volume 3 (supplement) of Ballinger's Annotated Codes and Statutes of Washington, relating to the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbors, and the confirmation and completion of the several grants to the state by the United States, etc.'"

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted School and Tide Lands.

Senator Knickerbocker moved that the consideration of amended Senate bill No. 6 be made a special order for 8:00 o'clock p. m. Tuesday, February 23, 1909.

Senator Potts moved as a substitute that the bill be made a special order for 8:00 o'clock a. m. of that day.

Senator Potts withdrew his substitute motion.

The motion of Senator Knickerbocker carried and Senate bill No. 6 was made a special order for 8:00 o'clock p. m. Tuesday, February 23, 1909.

SPECIAL ORDER.

The hour of 10:15 a. m. having arrived, the Senate proceeded to consider House bill No. 161, which was a special order for that hour.

Engrossed House bill No. 161 was read third time.

On motion of Senator Cotterill, the bill was amended by substituting the word "Grant" for the words "Big Bend" wherever the said words "Big Bend" appear in the bill or in the title of the bill.

The secretary called the roll on final passage of House bill No. 161, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—38.

Those voting nay were: Senators Metcalf, Rosenhaupt—2.

Those absent or not voting were: Senators Booth, Allen—2.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—38.

Those voting nay were: Senators Graves, Myers—2.

Those absent or not voting were: Senators Allen, Booth—2.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Davis, the rules were suspended, and House bill No. 161 was ordered immediately transmitted to the House.

On motion of Senator Cameron, Senate bill No. 155 was withdrawn from the Committee on Horticulture and Forestry and placed on general file.

SPECIAL ORDER.

The hour of 11 o'clock a. m. having arrived, the Senate proceeded to consider Senate bill No. 196, which was special order for that hour.

Senate bill No. 196 was read third time.

On motion of Senator Hutchinson, the bill was amended by striking the word "county" where it appears the first time in line 11 of section 3 of the printed bill, and substituting for said word the word "township."

On motion of Senator Hutchinson, the bill was amended by striking the figures "165" in line 2, section 10 of the printed bill, and substituting therefor the figures "117."

On motion of Senator Hutchinson, the words "Section 165 of Minn." in line 1, of section 10 of the printed bill were stricken.

On motion of Senator Graves, the word "township" in line 11 of section 3 of the printed bill was stricken, and the word "county" substituted therefor.

The secretary called the roll on final passage of Senate bill No. 196, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney, Williams—32.

Those voting nay were: Senator Stevenson, Mr. President—2.

Those absent or not voting were: Senators Allen, Anderson, Booth, Graves, Metcalf, Polson, Presby, Smith—8.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Whitney, Williams—28.

Those voting nay were: Senators Graves, Stewart, Mr. President—3.

Those absent or not voting were: Senators Allen, Anderson,

Bassett, Booth, Cameron, Fishback, Metcalf, Polson, Presby, Smith, Stevenson—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Hutchinson, the rules were suspended and Senate bill No. 196 was ordered immediately transmitted to the House.

At his request, Senator Smith was by unanimous consent excused from attendance at the sessions until 10 o'clock Tuesday morning, February 23, 1909.

The president called Senator Nichols to the chair.

Senate bill No. 233, entitled "An act requiring bonds from contractors contracting to do public work, etc.," was read third time.

On motion of Senator Bryan, the bill was amended by inserting after the word "bond" in line 4 of section 3 of the printed bill, the words "and to whom such bond shall run."

On motion of Senator Graves, the bill was amended by striking section 4.

The secretary called the roll on final passage of Senate bill No. 233, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Anderson, Bassett, Booth, Huxtable, Metcalf, Presby, Smith, Stevenson—8.

On motion of Senator Graves, the title of the bill was amended by striking the semi-colon after the word "other" in line 2 of the title of the printed bill, inserting in lieu of said semi-colon a period and striking the balance of the title.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 234, entitled "An act to amend sections 2 and 4 of an act entitled 'An act relating to and authorizing the collection of assessments for local improvements, etc.,'" was read third time.

The secretary called the roll on final passage of Senate bill No. 234 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney, Williams, Mr. President—33.

Voting nay: Senator Falconer—1.

Those absent or not voting were: Senators Bassett, Booth, Hutchinson, Huxtable, Paulhamus, Presby, Smith, Stevenson—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the rules were suspended, and Senate bills Nos. 227, 228, 230, 232, 233 and 234 were ordered immediately transmitted to the House.

Senate substitute bill No. 168, entitled "An act granting to municipal corporations the right to cross state waterways with trestles or bridges, etc.," was read third time.

The secretary called the roll on final passage of engrossed Senate substitute bill No. 168, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those voting nay were: Senators Eastham, Paulhamus—2.

Those absent or not voting were: Senators Bassett, Booth, Hutchinson, McGregor, Presby, Smith—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Rosenhaupt, the consideration of Senate bill No. 195, which appeared next on the calendar, was laid over for the present, and it was ordered that the bill retain its place on the calendar.

On motion of Senator Cotterill, the consideration of Senate

bill No. 249, which was next on the calendar, was laid over until next week.

The president resumed the chair.

At the request of Senator Paulhamus, the Senate by unanimous consent returned to the order of business, "Introduction of Bills."

Senate bill No. 297, by Senator Paulhamus, entitled "An act relating to the finances of the State of Washington, providing the time when, and the manner in which moneys shall be paid into the state treasury, and amending chapter 96 of the Session Laws of 1907."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

At 11:45 a. m., on motion of Senator Rosenhaupt, the Senate took a recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:00 o'clock p. m. by President Ruth.

Engrossed Senate bill No. 214, entitled "An act amending section 6 of an act entitled 'An act to provide for the alteration, replat or vacation of any townsite, city plat or plats, etc.,'" was read third time.

The secretary called the roll on final passage of Senate bill No. 214, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Bassett, Booth, Graves, McGowan, Metcalf, Presby, Roberts, Smith—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Falconer, the consideration of Senate bill No. 189 was made a special order for Wednesday, February 24, 1909, at 3:00 o'clock p. m.

On motion of Senator Cox, the secretary of the Senate was instructed to furnish each senator with a mimeographed copy of the amendments to Senate bill No. 189.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 11, relating to an adjournment of the legislature, and the same is herewith transmitted;

Also the speaker has signed Senate bill No. 18, entitled "An act amending 'An act relating to the deposit of public funds in banks by the State of Washington several county treasurers of this state'";

Senate joint memorial No. 6, relating to the sale and disposition of surplus or unallotted land of the Colville Indian reservation in the State of Washington";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 212, entitled "An act to prevent city or town councilmen from taking employment or appearing for gain or hire before municipal courts, boards, departments, officials or employees of a city or town, etc.," was read third time.

Senator Knickerbocker moved to amend section 1, line 3 of the printed bill, by striking therefrom the words "police or municipal court."

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 212 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, McGregor, McGowan, Myers, Paulhamus, Polson, Rydstrom—16.

Those voting nay were: Senators Allen, Anderson, Davis, Eastham, Hutchinson, Kline, Knickerbocker, Minkler, Nichols, Piper, Potts, Rosenhaupt, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—18.

Those absent or not voting were: Senators Bassett, Booth, Graves, Huxtable, Metcalf, Presby, Roberts, Smith—8.

The secretary read House concurrent resolution No. 11:

Be it resolved by the House of Representatives, the Senate concurring, That when the House and Senate adjourns this afternoon, to stand adjourned until 2 o'clock Tuesday morning, February 23, 1909.

Senator Nichols moved to amend the resolution by substituting the word "afternoon" for the word "morning," in the last line of the resolution.

Senator Piper moved as a substitute that the resolution be laid on the table.

The substitute motion carried.

Senate bill No. 14, entitled "An act authorizing and directing the commissioner of public lands to certify certain shore lands to the governor for deed, etc.," was read third time.

Senator Paulhamus moved that the bill be ordered re-referred to the Committee on Harbors and Harbor Lines.

Senator Paulhamus withdrew his motion to re-refer the bill.

The secretary called the roll on final passage of Senate bill No. 14, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—35.

Those absent or not voting were: Senators Bassett, Booth, Metcalf, Presby, Roberts, Rosenhaupt, Smith—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 201, entitled "An act to prohibit persons from stealing or attempting to steal rides on railroad trains, etc.," was read third time.

Senator Falconer moved to amend the bill by striking all the words after the word "process" in line 3 of section 2 of the printed bill, to and including the word "arrest" in line 5 of the printed bill.

The amendment was lost.

Senator Stevenson moved to amend section 1 of the printed bill by striking all of line 3 after the word "ride"; all of line 4 and line 5 to and including the word "character" in said line 5.

The amendment was lost.

The secretary called the roll on final passage of Senate bill No. 201, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Falconer, Fishback, Huxtable, Knickerbocker, McGowan, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Rydstrom, Stevenson, Stewart, Williams, Mr. President—24.

Those voting nay were: Senators Cox, Eastham, Fatland, Hutchinson, Kline, McGregor, Minkler—7.

Those absent or not voting were: Senators Bassett, Booth, Davis, Graves, Metcalf, Presby, Roberts, Rosenhaupt, Smith, Smithson, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Paulhamus, Senate bill No. 253, which was next on the calendar, was laid over, the bill retaining its place on the calendar.

Senate bill No. 254, entitled "An act to regulate the manner in which railroads shall cross highways, etc.," was read third time.

On motion of Senator Graves, the bill was amended by striking section 3.

The secretary called the roll on final passage of Senate bill No. 254, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rydstrom, Smithson, Stewart, Williams, Mr. President—32.

Those absent or not voting were: Senators Anderson, Bassett, Booth, Metcalf, Presby, Roberts, Rosenhaupt, Smith, Stevenson, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Paulhamus, House concurrent resolution No. 11 was taken from the table.

Senator Falconer moved that the resolution be amended to read "2:00 o'clock in the afternoon," in place of "2:00 o'clock in the morning."

Senator Hutchinson moved as a substitute that the resolution be so amended as to read "10:00 o'clock a. m." and that the resolution, as amended, be adopted.

The substitute motion of Senator Hutchinson carried.

The secretary called the roll on adoption of House concurrent resolution No. 11, as amended in the Senate, and it was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen, Blair, Bryan, Cameron, Cox, Eastham, Falconer, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Paulhamus, Polson, Potts, Rydstrom, Smithson, Stevenson, Stewart, Williams, Mr. President—24.

Those voting nay were: Senators Arrasmith, Brown, Cotterill, Davis, Fishback, Hutchinson, Minkler, Piper, Mr. President—9.

Those absent or not voting were: Senators Anderson, Bassett, Booth, Metcalf, Presby, Roberts, Rosenhaupt, Smith, Whitney—9.

On motion of Senator Cameron, the rules were suspended, and House concurrent resolution No. 11 was ordered immediately transmitted to the House.

On motion of Senator Nichols, the Senate resolved itself into a Committee of the Whole to consider Senate bill No. 256.

The bill was considered in the Committee of the Whole, Senator Nichols in the chair, and reported back to the Senate with the recommendation that it be re-referred to the Committee on Appropriations.

On motion of Senator Nichols, the report of the committee was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

The House has concurred in the Senate amendment to House concurrent resolution No. 11;

Also to the Senate amendment to House bill No. 251;

Also the speaker has signed House bill No. 251, entitled "An act providing for county exhibits and buildings at the Alaska-Yukon-Pacific Exposition," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 251.

The secretary read the following resolution:

Resolution, by Senator Piper:

Resolved, That the sergeant-at-arms be instructed to purchase \$4.00 worth of stamps for each member of the Senate and the secretary of the Senate.

A roll call on the adoption of the resolution was demanded by Senators Allen, Brown, Piper, Falconer, Cotterill, Eastham, Fatland.

The secretary called the roll on the adoption of the resolution, with the following result:

Those voting aye were: Senators Allen, Anderson, Bryan, Cameron, Davis, Fatland, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Paulhamus, Piper, Polson, Rosenhaupt, Rydstrom, Stewart, Williams—19.

Those voting nay were: Senators Arrasmith, Blair, Brown, Cotterill, Cox, Eastham, Falconer, Fishback, Knickerbocker, Minkler, Nichols, Potts, Smithson, Mr. President—14.

Those absent or not voting were: Senators Bassett, Booth, Graves, Metcalf, Presby, Roberts, Smith, Stevenson, Whitney—9.

The president declared the resolution lost.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred—Senate substitute bill No. 121, entitled "An act relating to the sale of spirituous, malt, fermented and other intoxicating liquors, etc";

Senate bill No. 33, entitled "An act to amend sections 2 and 3 of 'An act to encourage county agricultural fairs, and to provide funds therefor';

Senate bill No. 38, entitled "An act creating the office of state commissioner of health, etc.;"

Senate bill No. 132, entitled "An act for the protection of minority stockholders, etc.;"

Senate bill No. 149, entitled "An act authorizing the issuance of bonds for the payment and redemption of all warrants issued for erecting and equipping the Cheney and New Whatcom normal schools, etc.";

Senate bill No. 151, entitled "An act for certain deficiencies in maintenance of the State Fair of Washington";

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS E. MYERS, *Chairman.*

We concur in this report: W. G. Potts, H. H. Fatland.

At the request of Senator Kline, the Senate, by unanimous consent, returned to the order of business, "Introduction of Bills."

Senate bill No. 298, by Senator Cameron, entitled "An act to provide for changing the location of certain state institutions and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Cameron the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 299, by Senator Kline, entitled "An act authorizing cities of the first class owning cemeteries to provide, receive and invest funds, the income therefrom to be used in the betterment, care and improvement of such cemeteries."

Th bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Cities of the First Class.

At 4:20 p. m., on motion of Senator Paulhamus, the Senate adjourned until Tuesday, February 23, 1909, at 10 o'clock a. m., in accordance with House concurrent resolution No. 11.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FORTY-FOURTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Tuesday, February 23, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

INTRODUCTION OF BILLS.

Senate bill No. 300, by Committee on Judiciary, entitled "An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 301, by Senator McGowan, entitled "An act making an appropriation for the destruction of seals and sea lions on the Columbia river."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 302, by Senator McGowan, entitled "An act relating to the establishment of fish hatcheries on the Columbia river or its tributaries."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 303, by Senator Stevenson, entitled "An act to divide the militia reserve of the State of Washington into

two classes, and to provide for the enrollment, organization, maintenance and discipline of the First Militia Reserve of the State of Washington."

The bill was read the first time, and on motion of Senator Stevens the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Military.

Senate bill No. 304, by Senator Fatland, entitled "An act to amend sections 1 and 6 of chapter 140, Session Laws of 1907, relating to the fees of corporations."

The bill was read the first time, and on motion of Senator Fatland the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Corporations other than Municipal.

Senate bill No. 305, by Senator Fatland, entitled "An act amending section 5908 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the time in which liens of mechanics and materialmen may be foreclosed."

The bill was read the first time, and on motion of Senator Fatland the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 306, by Senator Paulhamus, entitled "An act for the relief of Pierce county, Washington, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 307, by Senator Piper, entitled "An act relating to the due observance of Sunday, and prohibiting the conducting of certain amusements on Sunday, and providing a punishment for the violation thereof."

The bill was read the first time, and on motion of Senator Piper the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 308, by Senator Paulhamus, entitled "An act

relating to the investment of sinking and other surplus funds by cities and towns."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Municipal Corporations.

Senate bill No. 309, by Senator Paulhamus, entitled "An act relating to the vacation of streets and alleys across tide and shore lands."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 310, by Senator Stewart, entitled "An act to regulate the catching of smelt in the Columbia river and its tributaries within the State of Washington."

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Fisheries.

Senate bill No. 311, by Senator Hutchinson, entitled "An act amending chapter 250 of the Session Laws of 1907, relating to the registration of land titles."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Charitable Institutions.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 196, entitled "An act relating to township organization, etc";

Senate bill No. 233, entitled "An act requiring bonds from contractors contracting to do public work conditioned to pay laborers, mechanics, materialmen and others";

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

We concur in this report: W. G. Potts, Ralph D. Nichols.

REPORT OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred House bill No. 197, entitled "An act requiring street and electric cars to be properly heated for the comfort of passengers and employes, making the violation of same a misdemeanor, and prescribing a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman*.
JESSE HUXTABLE.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Dikes, Drains and Drainage, to whom was referred Senate bill No. 261, entitled "An act to amend sections 5 and 12 of an act entitled "An act to provide for the establishment and creation of a drainage district, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In the first line of the title, and in the word "sections," strike the letter "s," the figure "5" and the word "and."

Strike all of section 1.

Make section 2 read section 1, and in line 32 of the printed bill, after the word "road," strike the words "or railroad" and insert in lieu thereof the words "municipal corporation."

Make "section 3" read "section 2."

B. D. MINKLER, *Chairman*.

We concur in this report: Arvid Rydstrom, Ed Brown.

On motion of Senator Minkler, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 106, entitled "An act to empower municipal corporations of other states to acquire title to lands and water rights within the State of Washington by purchase or condemnation for the purpose of securing

or protecting their water supply and to prevent the pollution of such water supply, and prescribing penalties for the violation of the provisions of this act, and declaring an emergency," have compared the same with the engrossed bill and find it is correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: H. O. Fishback, D. H. Cox.

SENATE CHAMBER,

OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 164, entitled "An act amending chapter 22 of the Session Laws of 1907, being an act relating to the keeping and depositing of municipal funds, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 7 of the printed bill, strike the word "school" and insert in lieu thereof the word "state." In line 7 of the printed bill, after the second word "bonds" insert the following words: "first mortgage railroad bonds listed on the New York stock exchange."

S. T. SMITH, *Chairman.*

We concur in this report: J. D. Bassett, H. O. Fishback, R. L. Kline, F. L. Stewart, J. H. Smithson.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 18, 1909.

MR. PRESIDENT:

We, your Committee on Dikes, Drains, and Drainage, to whom was referred Senate bill No. 257, entitled "An act relating to the assessment of benefits resulting to public or county roads by reason of the construction and maintenance of dikes or drains under the diking and drainage laws of this state, and providing a method of payment of such benefits, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

B. D. MINKLER, *Chairman.*

We concur in this report: Ed Brown, Arvid Rydstrom.

On motion of Senator Minkler, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 245, entitled "An act to provide for the estab-

ishment and creation, and the construction and maintenance of a system of dikes and drainage, including flood and drift barriers, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman*.

We concur in this report: Ralph D. Nichols, W. B. Presby, Jesse Huxtable, Joseph Arrasmith, D. H. Cox, J. A. Falconer, J. H. Smithson, Alex Polson.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 152, entitled "An act relating to materialmen's liens, and the enforcement thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 67, entitled "An act amending section 5071 and repealing section 5073 of Ballinger's Annotated Codes and Statutes of Washington, in relation to new trials," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: J. W. Bryan, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 65, entitled "An act to amend section 3 of an act approved March 8, 1890, entitled 'An act relating to foreign corporations, etc.," have

had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: J. W. Bryan, Harry Rosenhaupt, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 63, entitled "An act to amend section 5 of an act approved March 13, 1895, Laws of Washington, 1895, page 109, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 62, entitled "An act relating to the superior court of Spokane county, the election and appointment of judges therein," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 21, entitled "An act relating to the venue of civil actions and amending section 4854 of Ballinger's Code, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 107, entitled "An act to repeal section 3 of an act entitled 'An act to define the practice of veterinary medicine, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be amended as follows and placed on general file:

In line 1 of the title of the printed bill strike the figure "3" and substitute therefor the figure "4."

In line 1, section 1 of the printed bill, strike the figure "3" and substitute therefor the figure "4." WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 180, entitled "An act authorizing private corporations to issue notes, bonds, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 2 of the title of the printed bill strike the following words: "other than religious corporations."

In lines 4 and 5 of said title strike the following words: "repealing all acts and parts of acts in conflict herewith."

In line 2, section 1 of the printed bill, strike the following words: "other than corporations created for religious purposes."

Strike section 2 of the printed bill.

In line 1, section 3 of the printed bill, strike the words and comma "is hereby declared to exist," and substitute therefor the word "exists."

In lines 1 and 2 of said section strike the words "be in force from and after its passage" and substitute therefor the words "take effect immediately."

Make section 3 of the printed bill section 2.

WILL G. GRAVES, *Chairman*.
I. B. KNICKERBOCKER.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 182, entitled "An act amending section 1 of chapter 17 of the

Session Laws of 1905, relating to bonds of guardians, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In lines 6 and 7, section 1 of the printed bill, strike the words "twice the value of the personal property and twice."

In line 8, section 1 of the printed bill, after the word "wards" insert the following words: "less the estimated expenses and disbursements to be made on account of the ward or wards during such minority from such rents, issues and profits, and in not less than twice the value of the personal property."

In line 22, section 1 of the printed bill, after the word "him" strike the remainder of the section and substitute therefor the following words: "or at any other time when in his opinion the bond theretofore given is inadequate."

WILL G. GRAVES, *Chairman.*

We concur in this report: Harry Rosenhaupt, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 269, entitled "An act relating to grounds for divorce from the bonds of matrimony and amending section 5716 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman.*

We concur in this report: Harry Rosenhaupt, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 179, entitled "An act to amend section 17 of an act approved March 6, 1901, entitled 'An act relating to the taxation of inheritances, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 21, section 1 of the printed bill, after the word "so" insert the words "conveyed or."

In line 23 of said section, after the word "property," insert the words "or any part thereof."

In line 33 of section 1 of the printed bill, strike the words "of said

county," and after the word "the" and before the word "auditor" insert the word "county."

WILL G. GRAVES, *Chairman*.
J. W. BRYAN.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, a majority of your Committee on Judiciary, to whom was referred Senate bill No. 243, entitled "An act requiring judges of the supreme court and superior courts to wear gowns, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 1 of the title of the printed bill, after the word "gowns" insert the words "and wigs."

In line 2, section 1 of the printed bill, after the word "gowns" insert the words "and wigs."

In line 3 of said section strike the word "black" and substitute therefor the word "lavender."

WILL G. GRAVES, *Chairman*.
J. W. BRYAN.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

I, a minority of your Committee on Judiciary, to whom was referred Senate bill No. 243, entitled "An act requiring judges of the supreme court and superior courts to wear gowns, etc.," have had the same under consideration, and respectfully report to the Senate that the majority report is foolishness.

I. B. KNICKERBOCKER.

Senator Graves moved the adoption of the majority report.

Senator Brown moved as a substitute that Senate bill No. 243 be indefinitely postponed.

A roll call on the motion to indefinitely postpone was demanded by Senators Cox, Paulhamus, Williams, Knickerbocker, McGregor, Polson, Metcalf.

The secretary called the roll and the motion to indefinitely postpone failed to carry by the following vote:

Those voting aye were: Senators Bassett, Blair, Brown, Fishback, Nichols, Polson, Presby, Rydstrom, Smithson, Mr. President—10.

Those voting nay were: Senators Allen, Bryan, Cameron,

Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Potts, Roberts, Smith, Stevenson, Stewart, Williams—26.

Absent or not voting were: Senators Anderson, Arrasmith, Booth, Piper, Rosenhaupt, Whitney—6.

The motion of Senator Graves was put and carried, the majority report of the committee on Senate bill No. 243 being adopted.

On motion of Senator Williams, Senate bill No. 243 was made a special order for 10:00 o'clock tomorrow morning.

SENATE CHAMBER,
OLYMPIA, WASH., February 19, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 239, entitled "An act for the regulation of public warehouses, relating to the shipping, grading, inspection and weighing of grain and hay, defining the duties of railroads, warehousemen and millers in relation thereto, providing penalties for the violation of this act, and repealing chapter CIX of Session Laws of 1895," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In line 2, section 1 of the printed bill, strike out the words "the grain and hay interests of the state."

In line 2, section 3 of the printed bill, after the word "grain" insert the words "and hay."

In line 1, section 4 of the printed bill, after the word "weighers" insert the words "and all warehouses."

In line 3 of said section, after the word "inspector" strike out the word "or," substitute a comma therefor, and after the word "weigher" insert the words "or warehouseman."

In line 7, section 9 of the printed bill, after the word "unjust" follow with "but in all cases the charge for handling grain or hay shall be the same at all public warehouses in the State of Washington under similar conditions."

In line 3 of section 15 of the printed bill, after the word "grain" insert "or hay."

In line 11 of said section, after the word "grain" insert the words "or hay."

In line 12 of said section, after the word "grain" insert the words "or hay."

In line 13, section 17 of the printed bill, after the word "railway" strike out the period, substitute a colon therefor, and add the following: "Provided, That if in any mill or terminal warehouse in inspec-

tion cities there are provided proper scales and weighing facilities, the chief inspector or his deputies may weigh the grain upon the scales so furnished."

In line 6 of section 21 of the printed bill, after the word "hay" strike out the words "or as he may demand."

In line 6 of said section, after the word "thereof" strike out the period, substitute a colon therefor, and add the following: "*Provided*, That upon request, grain or hay may be put in a special pile or bin without grading, and if grain or hay has been wet or damaged it may be received and piled in a special pile marked with a distinguishing mark, which shall be shown on the receipt for the same given for the number of sacks or bales only."

In line 4 of section 22 of the printed bill, after the word "provided" strike out the period and add the words "by such owner."

Strike out section 23 of the printed bill and substitute therefor the following: "On June 30th of each year every public warehouseman shall make report under oath to the railroad commission on blanks or forms prepared by it, showing the total number of sacks of each kind of grain or bales of hay received and shipped from each warehouse licensed under this act, and also the amount of outstanding storage receipts on said date, and a statement of the amount of grain or hay on hand to cover the same. Every person, firm, corporation or association of persons operating any public warehouse subject to the provisions of this act shall on or before the first day of August of each year give a bond with good and sufficient surety to the State of Washington in such sum as the railroad commission may require, to be approved by such commission and the attorney general, conditioned upon the faithful performance of the acts and duties enjoined upon them by law."

In line 2 of section 24 of the printed bill, after the word "loading" insert the word "bulk."

In line 1 of section 25 of the printed bill, after the word "grain" insert the words "or hay."

In line 3 of section 28 of the printed bill, after the word "warehouse" strike the comma and insert the words "at an inspection point."

In line 4 of section 29 of the printed bill, after the word "sealed" insert the words "at point of shipment."

In line 5 of said section, after the word "cases" strike out the period and insert the words "giving seal and plug numbers."

W. H. PAULHAMUS, *Chairman*.

We concur in this report: J. D. Bassett, Will G. Graves, Joseph Arrasmith, D. H. Cox, J. H. Smithson, Alex Polson.

On motion of Senator Paulhamus, the report of the committee was adopted.

On motion of Senator Paulhamus, the secretary of the Senate was instructed to prepare and have placed on each senator's desk a copy of the committee amendments to Senate bill No. 239.

On motion of Senator Rosenhaupt, the rules were suspended and House bill No. 59 was taken up out of order.

House bill No. 59, entitled "An act to amend article VI of the constitution of the State of Washington, relating to the qualifications of voters within the state," was read third time.

The secretary called the roll on final passage and House bill No. 59 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Stevenson, Stewart—30.

Those voting nay were: Senators Cameron, McGregor, Nichols, Potts, Rydstrom, Smith, Smithson, Williams, Mr. President—9.

Absent or not voting were: Senators Anderson, Graves, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

By unanimous consent, at the request of Senator Rosenhaupt, the Senate returned to the order of business, "Introduction of Bills."

Senate bill No. 312, by Senator Cotterill, entitled "An act to prohibit the sale of intoxicating liquors to Indians, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 313, by Senator Cotterill, entitled "An act to provide for an advisory referendum vote by the people of the State of Washington on the prohibition of the manufacture and sale of intoxicating liquors in this state."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 314, by Senator Cotterill, entitled "An act to

provide for the prohibition of the manufacture and sale of intoxicating liquors in the State of Washington."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 315, by Senator Cotterill, entitled "An act authorizing cities of the first class to construct auxilliary water systems for fire protection purposes, and to assess property benefited thereby to pay for the same."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Cities of the First Class.

Senate bill No. 316, by Senator Rosenhaupt, entitled "An act relating to the county board of equalization, and amending section 1714 of Ballinger's Annotated Codes and Statutes of the State of Washington."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 317, by Senator Metcalf, entitled "An act in relation to the fees of state and county officers, witnesses and jurors, and amending section 1 of chapter 56 of the Session Laws of 1907."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 318, by Senator Myers, entitled "An act to license osteopathic and neuropathic physicians, to create a state board of osteopathic registration, to regulate the practice of osteopathy in the State of Washington, prescribing a penalty for the violation of this act."

The bill was read the first time, and on motion of Senator Myers the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Medicine, Dentistry, Surgery and Hygiene.

Senate bill No. 319, by Senator Rosenhaupt, entitled "An act relating to the compensation of judges of the supreme court."

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 320, by Senator Brown, entitled "An act to regulate billiard and pool rooms, prohibiting minors from playing or congregating therein, and providing a penalty for the violation of the provisions thereof."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 321, by Senator Allen, entitled "An act relating to civil service employes in cities of the first class."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Cities of the First Class.

Senate bill No. 322, by Senator McGowan, entitled "An act granting to the town of Ilwaco, and to P. J. McGowan & Sons, a corporation, the right to use for certain purposes a portion of the Holman waterway, as shown by the plat of tide lands in front of said town, and declaring an emergency."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 323, by Senator Myers, entitled "An act to amend section 1 of chapter 144, Session Laws of 1891, entitled 'An act to provide for annexing certain county territory of a neighboring county to which it is contiguous,' approved March 9, 1891."

The bill was read the first time, and on motion of Senator Myers the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Counties and County Boundaries.

Senate bill No. 324, by Committee on Appropriations, entitled "An act relating to the government and control of public in-

stitutions of the State of Washington, and amending chapter 166 of the Session Laws of 1907.”

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate concurrent resolution No. 22, by Senator Hutchinson:

WHEREAS, Certain state officials have been charged with incompetence and graft, and

WHEREAS, There is no duly authorized body to investigate such charges; therefore be it

Resolved, That the governor of the state shall be and he is hereby authorized and directed to appoint three members of the Senate and three members of the House, who shall constitute a commission to investigate the various state institutions and state departments in the State of Washington. Said commission shall investigate at their earliest convenience at least once before January 1, 1910, each and every state institution and state department in this state, and shall report the results of such investigation to the governor of this state and the next session of the legislature, which convenes in 1911, together with such suggestions, data and conditions demanding changes as the commission shall deem proper and for the best interests of the State of Washington.

Said commission is vested with power to regulate the mode and manner of all investigation; to require state officials to appear before it at hearings, to issue subpoenas for the appearance of witnesses, and the production of papers, files, books, documents, accounts and testimony relating to or in any way concerning any state institution, department or official: *Provided*, That the fees and mileage provided by law shall have been paid to the witness whose testimony is desired.

Said commission shall elect one of its members chairman. The commission shall hold such meetings as it may desire and at such times and places as it may determine. The commission shall complete its work on or before January 1, 1911, and shall submit its report to the next succeeding legislature in 1911, and to the governor of this state.

No member of this commission shall be entitled to any compensation for his services as a member thereof, but the actual traveling expenses of the commission shall be paid by the State of Washington, and any and all necessary expenses incurred by the commission in the collection and collation of data and information as the commission may need in the proper prosecution of its work shall also be paid by the State of Washington, and the state auditor shall draw warrants on the state treasurer for all expenses herein provided for upon presentation of vouchers as provided by law.

Senator Hutchinson moved the adoption of the resolution.

Senator Booth moved as a substitute that the resolution be ordered referred to the Committee on Judiciary.

The president put the substitute motion and declared it carried.

Senator Hutchinson appealed to the Senate from the decision of the chair and was supported by Senators Falconer, Paulhamus, Rosenhaupt.

The president was sustained by the Senate in his ruling that the motion to refer the resolution to the Judiciary Committee had carried.

SPECIAL ORDER.

The hour of 11:00 o'clock a. m. having arrived, the Senate took up the consideration of Senate substitute bill No. 110, which was special order for that hour.

Senate substitute bill No. 110, entitled "An act to create a firemen's relief and pension fund, etc.," was read third time.

Senator Graves moved to amend the bill by striking the words and figures "the sum of one (\$1.00) dollar per month" in line 2 of section 16 of the printed bill and inserting in lieu thereof the words "a sum equal to two per centum of the monthly compensation paid each such member."

Senator Nichols moved as a substitute that the proposed amendment be changed to read "a sum equal to one per centum of the monthly compensation paid each such member."

The substitute motion was lost.

Senator Fishback moved as a substitute for the amendment proposed by Senator Graves that the amendment proposed be changed to read "a sum equal to one and one-half per centum of the monthly compensation paid each such member."

The substitute motion of Senator Fishback carried.

Senator Paulhamus moved to amend the bill by striking the words and figures "fifty-five (55)" in line 6 of section 4 of the printed bill and substituting therefor the word and figures "sixty (60)."

The amendment failed to carry.

Senator Rosenhaupt moved to amend the bill by striking the word "mother" in line 9 of section 8 and insert in lieu thereof the word "parents" and by striking the words "or if there be no mother or unmarried sister or sisters" in lines 9 and 10 of section 8 of the printed bill.

Senator Graves moved as a substitute for the above amendment that the comma be stricken after the word "sisters" in line 9 of section 8 of the printed bill and a period substituted therefor, and that the word "mother" in line 9 of section 8 of the printed bill be stricken and the word "parents" substituted therefor.

The amendment was accepted by Senator Rosenhaupt.

On motion of Senator Graves, the bill was amended by striking the word "mother" in line 9 of section 8 of the printed bill and substituting therefor the word "parents" and by striking the words "or if there be no mother or unmarried sister or sisters, then to those immediately" in lines 9 and 10 of section 8 of the printed bill, and by inserting the words "or minor brother or brothers" after the word "sisters" in line 10 of section 8 of the printed bill.

On motion of Senator Bryan, section 1 of the bill was amended by adding the following at the end of the section:

"Provided, This act shall not apply to any city or town where no paid fire department is maintained."

The secretary called the roll on final passage of Senate substitute bill No. 110, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—37.

Voting nay: Senator Anderson—1.

Those absent or not voting were: Senators McGregor, Presby, Smithson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Booth, the rules were suspended and Senate substitute bill No. 110 was ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 52, entitled "An act to amend section 1330 of Ballinger's Code of State of Washington, relating to the meeting of presidential electors";

Senate bill No. 77, "An act making appropriation for payment of sundry expenses in the office of the superintendent of public instruction";

Senate bill No. 99, "An act appropriating money to defray expenses in department of railroad commission of Washington, fiscal year ending, March 31, 1909";

House bill No. 26, "An act requiring all transcontinental, interstate, interurban or electric passenger cars operating in the State of Washington to be provided with properly equipped toilet rooms and heat";

House bill No. 42, "An act to provide for the establishment and creation of diking districts, the construction and maintenance of a system of dikes, and to provide means of payment therefor";

Engrossed House bill No. 53, "An act regulating marriages and issuance of marriage licenses, prohibiting marriage in certain cases, and providing penalties for the violation";

Engrossed House bill No. 66, "An act amending section 1025 of Ballinger's Annotated Codes and Statutes of the State of Washington";

Engrossed House bill No. 87, "An act amending section 402 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to cancellation of county warrants";

Engrossed House bill No. 113, "An act to encourage the exhibiting of poultry, livestock or agricultural products and to provide funds therefor";

Engrossed House bill No. 116, "An act regulating the business of fire insurance and providing a penalty for violation thereof";

Engrossed House bill No. 140, "Amending section 1274 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to correction of defects in city and town plats; emergency";

Engrossed House bill No. 146, "An act amending section 254 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to certificate as to official character of notaries public";

Engrossed House bill No. 162, "An act amending section 45, chapter LXXI, Laws 1897, to provide for the assessment and collection of taxes in the State of Washington, approved March 15, 1897";

Engrossed House bill No. 221, "An act relating to revenue and taxation, making county assessors *ex-officio* clerks of county boards of equalization, prescribing methods of certifying state, county, municipal and other tax levies, and providing for the computation and extension of same on assessment and tax rolls";

House bill No. 241, "An act relating to cities of the second class,

providing for the government of such cities, and repealing certain sections";

And the same are herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

House bill No. 107, entitled "An act to create a police relief, health and insurance fund in incorporated cities and towns, etc.," was read third time.

Senator Kline moved that the bill be ordered re-referred to the Committee on Judiciary.

The motion was lost.

On motion of Senator Cotterill, the word "two" in line 16 of section 3 of the printed bill was stricken and the words "one and one-half" substituted therefor.

On motion of Senator Falconer, the bill was amended by striking the words "less than one-fourth nor more than one-half" in line 8 of section 3 of the printed bill and substituting therefor the words "not more than ten per cent."

On motion of Senator Rosenhaupt, the word "shall" in line 5 of section 4 of the printed bill was stricken and the word "may" substituted therefor.

Senator Hutchinson moved to strike the word "quarterly" in line 1 of section 15 of the printed bill, and substitute the word "monthly" therefor.

The motion was lost.

On motion of Senator Rosenhaupt, the bill was amended by striking all of section 8 after the word "children" in line 3 of the printed bill and inserting in lieu thereof the words "then his parents or unmarried sisters, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand dollars from such fund."

The secretary called the roll on final passage of House bill No. 107, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—37.

Voting nay: Senator Anderson—1.

Those absent or not voting were: Senators Graves, McGregor, Stevenson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 12:15 p. m., on motion of Senator Booth, the Senate took a recess until 1:45 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:45 p. m. by President Ruth.

On motion of Senator Paulhamus, the report of the Committee on Railroads and Transportation on Senate bill No. 239 was adopted.

Senator Cotterill moved that the vote by which Senate bill No. 229 failed to pass the Senate be now reconsidered and the bill ordered placed on general file.

The motion carried and Senate bill No. 229 was ordered placed on general file.

On motion of Senator Booth, the vote by which Senate bill No. 227 passed the Senate was reconsidered and the bill was ordered placed on general file.

House bill No. 102, entitled "An act to amend section 2 of an act of the legislature of the State of Washington, entitled 'An act providing for the establishment, construction and maintenance of state roads, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 102 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Allen, Bassett, Bryan, Fatland, Graves, Metcalf, Myers, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Cotterill moved that the vote by which Senate substitute bill No. 168 passed the Senate be now reconsidered.

Senator Booth raised the point of order that no notice of motion to reconsider had been given.

The president held the point of order raised was not well taken and overruled same.

The motion of Senator Cotterill carried.

Senator Cotterill moved to amend Senate substitute bill No. 168 by adding to the end of the title the words "and declaring an emergency" and by adding to the end of the bill the following:

"Sec. 3. An emergency exists and this act shall take effect immediately."

The amendments carried.

The secretary called the roll on final passage of Senate substitute bill No. 168, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Williams, Mr. President—36.

Voting nay: Senator Paulhamus—1.

Those absent or not voting were: Senators Metcalf, Piper, Presby, Smith, Whitney—5.

The emergency clause passed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Myers, Minkler, Nichols, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Williams, Mr. President—35.

Voting nay: Senator Paulhamus—1.

Those absent or not voting were: Senators Graves, McGowan, Metcalf, Piper, Smith, Whitney—6.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Rosenhaupt, the vote by which Senate bill No. 212 failed to pass the Senate was reconsidered and the bill ordered placed on general file.

Senate bill No. 26, entitled "An act relating to game, water fowl, and prohibiting the formation of feeding grounds for hunting purposes, etc.," was read third time.

Senator Brown moved to amend the bill in section 1, line 1 of the printed bill, by inserting after the word "to" the words "hunt, or pursue, catch or kill, any water fowl within one-half mile of any place where grain, cereal or other substance has been placed to entice any of the water fowl of this state," and striking all of section 1 following the proposed amendment.

Senator Falconer moved to amend the amendment by striking the words "one-half" in the proposed amendment and inserting in lieu thereof the word "ten."

Senator Falconer's motion carried.

On motion of Senator Booth, Senate bill No. 26 was indefinitely postponed.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 106, entitled "An act to empower municipal corporations of other states to acquire title to lands and water rights within the State of Washington by purchase or condemnation for the purpose of securing or protecting their water supply, and to prevent the pollution of such water supply, and prescribing penalties for the violation of the provisions of this act, and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 99, entitled "An act relating to justices of the peace and constables in cities having a population of 200,000, etc.," was read third time.

Senator Cox moved to amend the bill by striking the word "six" in line 2 of section 1 of the printed bill and substituting the word "four" therefor.

Senator Booth moved as a substitute that the word "six" in line 2 of section 1 of the printed bill be stricken and the word "five" substituted therefor.

On motion of Senator Rosenhaupt, House bill No. 99 was ordered referred to a special committee consisting of the senators from King county.

House bill No. 12, entitled "An act amending section 1 of an act entitled 'An act to provide for the payment of bailiffs of the superior courts, etc.,'" was read third time.

Senator Paulhamus moved that House bill No. 12 be indefinitely postponed.

Senator Allen moved to amend the bill by striking the words "one hundred" in line 4 of section 1 of the printed bill and inserting in lieu thereof the word "ninety."

The amendment was lost.

The following senators demanded a roll call on the motion to indefinitely postpone the bill: Senators Falconer, Booth, Minkler, Nichols, Potts, Knickerbocker, Allen, Cotterill.

The secretary called the roll and the bill was indefinitely postponed by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fishback, Kline, Knickerbocker, McGregor, Myers, Paulhamus, Polson, Potts, Presby, Rydstrom, Smith, Smithson, Stevenson, Mr. President—25.

Those voting nay were: Senators Allen, Booth, Cotterill, Graves, Hutchinson, Huxtable, McGowan, Minkler, Nichols, Piper, Roberts, Rosenhaupt, Stewart, Williams—14.

Those absent or not voting were: Senators Fatland, Metcalf, Whitney—3.

Senate bill No. 111, entitled "An act amending section 2 of an act entitled 'An act to regulate the purchase, sale, transfer and incumbrance of stocks of goods, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 111 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Williams, Mr. President—33.

Those absent or not voting were: Senators Anderson, Arra-

smith, Fatland, Hutchinson, Metcalf, Piper, Presby, Stewart, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

By unanimous consent, Senator Booth was granted leave to introduce a resolution out of order.

Senate concurrent resolution No. 23, by Senator Booth:

WHEREAS, It is semi-officially reported that Honorable Richard A. Ballinger, a distinguished citizen of the State of Washington, has been tendered a position as a member of the cabinet of President-elect William H. Taft, and

WHEREAS, Such an honor has never been extended to a citizen of this commonwealth; therefore be it

Resolved by the Senate of the State of Washington, the House of Representatives concurring, That the legislature of the State of Washington hereby expresses its appreciation, on behalf of the whole people of this state, regardless of political belief, of the great honor that has come to it through the recognition of the Honorable Richard A. Ballinger;

Resolved, That we commend Mr. Ballinger as a man entirely worthy of any honor which the president-elect may bestow upon him, knowing that the confidence reposed in him by the president is entirely justified;

Resolved, That the president of the Senate and the speaker of the House be authorized and directed to transmit a copy of this resolution to the Honorable William H. Taft, and that an engrossed copy be forwarded to the Honorable Richard A. Ballinger.

Senator Booth moved the adoption of the resolution.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Mr. President—34.

Those absent or not voting were: Senators Anderson, Fatland, Hutchinson, Huxtable, Metcalf, Stewart, Whitney, Williams—8.

On motion of Senator Booth, the rules were suspended and Senate concurrent resolution No. 23 was ordered immediately transmitted to the House.

SPECIAL ORDER.

The hour of 3:00 o'clock having arrived, the Senate proceeded to consider Senate bills Nos. 80 and 81, which were special order for this time.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bills Nos. 80 and 81.

The bills were considered in the Committee of the Whole, Senator Potts in the chair, and reported back to the Senate with the following recommendations:

Senate bill No. 80, that it do pass; and Senate bill No. 81, that it do pass with the following amendments: Add to the end of section 3 the following: "*And provided further*, That in expending the appropriation authorized by this act, so much thereof as arises from the sale of shore lands on Lake Washington shall be applied to such work as will tend to secure increased drainage from Lake Washington into Lake Union and so much of said appropriation as arises from the sale of shore lands on Lake Union, shall be applied to such work between Lake Union and Salmon Bay as will provide adequate flowage facilities for the drainage from Lake Washington and will provide navigation facilities from tide water into Lake Union, all of said expenditure to be in accordance with plans to be approved by the United States government engineer and by the commissioner of public lands of the State of Washington," and by striking the word "construction" in line 9 of section 3 of the printed bill and substituting therefor the word "excavation" and amending line 12 of section 3 of the printed bill by inserting after the word "Union" the following words and parentheses: "(if any such shore lands adjoin the place of such excavation)."

On motion of Senator Potts, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the reading had in the Committee of the Whole was considered the third reading of Senate bills Nos. 80 and 81, the bills were considered engrossed and placed on final passage.

The secretary called the roll on final passage of Senate bill No. 80 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Falconer, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Smith, Smithson, Stewart, Whitney, Williams—29.

Those voting nay were: Senators Eastham, Fatland, Fish-

back, Graves, Hutchinson, Paulhamus, Rydstrom, Stevenson, Mr. President—9.

Those absent or not voting were: Senators Cox, Davis, Huxtable, Metcalf—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The secretary called the roll on final passage of Senate bill No. 81, entitled "An act creating the state shore land improvement fund, etc.," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Falconer, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Smith, Smithson, Stewart, Whitney, Williams—29.

Those voting nay were: Senators Cox, Eastham, Fatland, Fishback, Graves, Paulhamus, Hutchinson, Rydstrom, Stevenson, Mr. President—10.

Those absent or not voting were: Senators Davis, Huxtable, Metcalf—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred—

Senate bill No. 201, entitled "An act to prohibit persons from stealing or attempting to steal rides on railroad trains, etc.,";

Senate bill No. 14, entitled "An act authorizing and directing the commissioner of public lands to certify certain shore lands to the governor for deed, etc.,";

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman*.

We concur in this report: F. L. Stewart, H. H. Fatland.

Resolution by Senator Knickerbocker:

Resolved, That hereafter it require the consent of two-thirds of the members to introduce bills in the Senate.

On motion of Senator Falconer, the resolution was ordered laid on the table.

Resolution by Senator Piper:

Resolved, That each member of the Senate and the secretary of the Senate be given \$3.00 in stamps.

Senator Piper moved the adoption of the resolution.

The following senators demanded a roll call on the motion: Senators Nichols, Smith, Piper, Whitney, Potts, Kline.

The secretary called the roll and the resolution was lost by the following vote:

Those voting aye were: Senators Allen, Blair, Booth, Bryan, Cameron, Fatland, Kline, McGregor, McGowan, Paulhamus, Piper, Rosenhaupt, Whitney—13.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Brown, Cotterill, Cox, Eastham, Falconer, Fishback, Graves, Hutchinson, Knickerbocker, Myers, Minkler, Nichols, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Williams, Mr. President—25.

Those absent or not voting were: Senators Davis, Huxtable, Metcalf, Stewart—4.

On motion of Senator McGowan, Senate bill No. 276 was made a special order for 10:30 tomorrow morning.

At the request of Senator Falconer, the Senate by unanimous consent returned to the order of business, "Introduction of Bills."

Senate bill No. 325, by Joint Committee on Railroads and Transportation, entitled "An act repealing chapter 1 of the Session Laws of 1893, entitled 'An act regulating and fixing railroad freight rates in the State of Washington, etc.'"

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 326, by Committee on Judiciary, entitled "An act to prohibit the sale or disposal of intoxicating drinks to Indians or mixed bloods and providing a penalty for the violation thereof, and repealing section 7316, Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator

Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 327, by certain members of the Committee on Appropriations, entitled "An act for the collection, by the state dairy and food commissioner, of certain inspection fees as set forth herein, providing for its enforcement and fixing a penalty for violation thereof."

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Commerce and Manufactures.

Senate bill No. 328, by Senator Falconer, entitled "An act to amend section 3 of chapter CLXXVIII, Session 1901, relating to revenue and taxation."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 329, by Senator Falconer, entitled "An act to amend section 2841, Ballinger's Code, relative to publication of statement of insurance companies."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Insurance.

Senate bill No. 330, by Senator Smithson, entitled "An act to regulate trout fishing in Chelan river and in Lake Chelan, repealing all conflicting acts and parts of acts, and declaring an emergency."

The bill was read the first time, and on motion of Senator Smithson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Game Fish.

Senate bill No. 331, by Senator Allen, entitled "An act requiring every city of the first class to include in its annual tax levy an amount sufficient to pay all unpaid assessments with all interest, penalties and charges thereon, levied upon lands belonging to such city."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 332, by Senator Potts, entitled "An act providing for the extermination of wild animals, the payment of bounties therefor, and amending section 1 of chapter 63 of the Session Laws of 1905."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 333, by Senator Potts, entitled "An act for the protection of deer in the State of Washington and amending section 2 of chapter 222 of the Session Laws of 1907."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Game.

Senate bill No. 334, by Committee on Roads and Bridges, entitled "An act requiring finger or guide boards to be placed at the crossings or intersections of all public highways, giving directions, distances, etc., and providing that the same be maintained by the board of county commissioners in each county of the state."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 335, by Committee on Game, entitled "An act for the protection of game animals and birds of the State of Washington, defining violations thereof, providing punishments for the same and amending sections 1, 3, 4, 5, 6, 7 and 10 of chapter 71 of the Session Laws of 1903; section 1 of chapter 147 of the Session Laws of 1905; sections 6 and 11 of chapter 172 of the Session Laws of 1905, and section 2 of chapter 222 of the Session Laws of 1907, and repealing section 8 of chapter 71 of the Session Laws of 1903, section 10 of chapter 172 of the Session Laws of 1905 and sections 1 and 3 of chapter 222 of the Session Laws of 1907."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 336, by Senator Whitney, entitled "An act relating to township organization and amending section 19 of an act entitled 'An act to provide for township organization and prescribing the duties and fixing the compensation of township officers and providing for the assessment, levy and collection of town taxes,' approved March 23, 1895."

The bill was read the first time, and on motion of Senator Whitney the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 337, by Senator Falconer, entitled "An act requiring wrappers, packages or boxes of high explosives, containing nitro-glycerine, to be marked in a certain manner; prohibiting the sale or use thereof unless so marked, and prescribing penalties for violation of the provisions of this act."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 338, by Senator Allen, entitled "An act to provide for the assessment of state lands for local improvements, repealing all acts in conflict therewith, and providing an emergency."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 339, by Senator Booth, entitled "An act to regulate the business of life insurance, the issuing of policies of endowment or of annuity, and the organization and operations of companies formed to transact such business."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Insurance.

Senate bill No. 340, by Senator Allen, entitled "An act to amend section 1 of an act, entitled 'An act to provide for the payment of bailiffs of the superior courts,' approved February 16, 1891."

The bill was read the first time, and on motion of Senator

Allen the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

Engrossed House bill No. 144, entitled, "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of Washington, and for the appointment of a board of medical examiners, in the matter of said regulation, and declaring an emergency."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, and referred to the Committee on Medicine, Dentistry, Surgery and Hygiene.

Engrossed House bill No. 116, entitled "An act regulating the business of fire insurance and providing a penalty for violation thereof."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Insurance.

Engrossed House bill No. 140, entitled "An act amending section 1274 of Ballinger's Annotated Codes and Statutes of Washington, relating to the correction of defects in city and town plats, and declaring an emergency."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

Engrossed House bill No. 113, entitled "An act to encourage the exhibiting of poultry, livestock or agricultural products, and to provide funds therefor."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Agriculture.

Engrossed House bill No. 87, entitled "An act amending section 402a of Ballinger's Annotated Codes and Statutes of Washington, relating to the cancellation of county warrants."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

Engrossed House bill No. 66, entitled "An act to amend section 1025 of Ballinger's Annotated Codes and Statutes of Washington, the same being section 3534 of Pierce's Code, re-

lating to the duties of the mayor of fourth class towns, and adding a section thereto."

The bill was read the first time, and on motion of Senator Williams the rules were suspended, the bill was read the second time by title, and referred to the Committee on Municipal Corporations.

Engrossed House bill No. 53, entitled "An act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act, and repealing all acts or parts of acts in conflict herewith."

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Penal and Reformatory Institutions.

House bill No. 42, entitled "An act amending section 41 (Pierce's Code, Sec. 4522) of an act, entitled 'An act to provide for the establishment and creation of diking districts, and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency,' approved March 20, 1895."

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Dikes, Drains and Drainage.

Engrossed House bill No. 26, entitled "An act requiring all transcontinental, interstate, interurban or electric passenger cars operating in the State of Washington to be provided with properly equipped toilet rooms and heat."

The bill was read the first time, and on motion of Senator Eastham the rules were suspended, the bill was read the second time by title, and referred to the Committee on Railroads and Transportation.

Engrossed House bill No. 146, entitled "An act to amend section 254 of Ballinger's Annotated Codes and Statutes of Washington, the same being section 6807 of Pierce's Washington Code, relating to certificate as to official character of notaries public."

The bill was read the first time, and on motion of Senator

Hutchinson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

Engrossed House bill No. 162, entitled "An act to amend section 45, chapter LXXXI of the Laws of 1897, entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, and declaring an emergency."

The bill was read the first time, and on motion of Senator Minkler the rules were suspended, the bill was read the second time by title, and referred to the Committee on Revenue and Taxation.

Engrossed House bill No. 221, entitled "An act relating to revenue and taxation, making county assessors *ex-officio* clerks of county boards of equalization, prescribing the method of certifying state, county, municipal and other tax levies, and providing for the computation and extension of the same upon assessment and tax rolls."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Revenue and Taxation.

House bill No. 241, entitled "An act to amend sections 42, 43 and 47 of an act, entitled 'An act relating to cities of the second class and providing for the government of such cities, and repealing sections 24 to 91, inclusive, of an act, entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' approved March 27, 1890, and declaring an emergency,' approved March 18, 1907, and declaring an emergency."

The bill was read the first time, and on motion of Senator Fatland the rules were suspended, the bill was read the second time by title, and referred to the Committee on Municipal Corporations.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

The House has passed House bill No. 144, entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State

of Washington, and for the appointment of a board of medical examiners, in the matter of said regulation, and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 8, entitled "An act to amend sections 3, 5, 6, 8, 14, 15, 20, 32, 34, 36 and 44 of an act entitled 'An act to provide for the formation of banking corporations, and to regulate the business of banking and securing state supervision thereof, for the appointment of a state examiner, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the title, after the word "amend," strike the words "sections 3, 5, 6, 8, 14, 15, 20, 32, 34, 36 and 44 of."

Make section 1 to be section 2.

Strike out the first seven lines of new section 2 and insert in lieu thereof the following: "That section 3 of said act be and the same is amended to read as follows:"

Insert the following as section 1: "Section 1. That section 1 of an act entitled 'An act to provide for the formation of banking corporations, and to regulate the business of banking and securing state supervision thereof, for the appointment of a state examiner, defining his duties, fixing his compensation and making an appropriation therefor, and prohibiting the use of the words 'bank,' 'trust,' and 'savings' in advertising business by persons, firms and associations not hereby brought under state supervision, and fixing a penalty for its violation, approved March 16, 1907,' be and the same is hereby amended to read as follows: 'Section 1. The governor shall appoint, by and with the advice of the Senate, a state examiner for the State of Washington, whose term of office shall be four years, unless sooner removed, and until his successor is appointed and qualified. No person shall be appointed to such office who shall not be at the time of his appointment, and for at least two years previous thereto, a citizen of the State of Washington, and who has not had at least four years' experience in the banking business; nor shall any person be eligible for such office who shall be at the time interested in any bank as owner, officer, or stockholder."

Change numbers of sections 2, 3, 4, 5, 6 and 7 to sections 3, 4, 5, 6, 7 and 8, respectively.

Strike out section 8.

In section 9, line 4 of the printed bill, after the word "sum" strike the words "of nine thousand one hundred dollars a year, or so much thereof" to the word "as" in line 5.

In section 7, line 8, strike out the words "entered in its accounts nor."

Insert the following as new section 11: "Sec. 11. That section 40 of said act be and the same is hereby amended to read as follows: 'Sec. 40. The state examiner shall collect from each bank for each complete examination of its condition, twenty-five dollars (\$25.00) for each examination, and in addition thereto, one two-hundredths per cent (1-200 %) on all deposits, including those of banks and certificates of deposits at the time of the examination of the bank, but in no case shall the charge be more than two hundred dollars. All money collected under the provision of this section shall be paid into the general fund of the state: *Provided, however,* That no bank shall be required to pay for more than one examination in any one year.'"

S. T. SMITH, *Chairman.*

We concur in this report: H. O. Fishback, R. L. Kline, J. H. Smithson, F. L. Stewart.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 68, entitled "An act relating to the taking and filing of official oaths," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with House amendments.

WILL G. GRAVES, *Chairman.*

We concur in this report: I. B. Knickerbocker, Harry Rosenhaupt, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

At 4:35 p. m., on motion of Senator Paulhamus, the Senate took a recess until 8:00 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8:00 o'clock p. m. by President Ruth.

SPECIAL ORDER.

Amended Senate bill No. 6, which was special order for this hour, was read third time.

Senator Potts moved to amend the bill by striking words

“college rank” in line 28 of section 5, page 5 of the amended printed bill and substituting therefor the words “higher learning.”

The amendment carried.

On motion of Senator Potts, the bill was amended by inserting after word “them” in line 31 of section 5, page 5 of the printed bill, the words “which requirements must include the completion of a high school course or its equivalent.”

On motion of Senator Polson, rule No. 64 was suspended.

Senator Williams was called to the chair.

Senator Ruth moved to strike section 20, page 11 of the amended printed bill.

The motion was lost.

Senator Ruth moved to strike section 22, page 12 of the amended printed bill.

Senator Ruth withdrew his motion to strike.

On motion of Senator Rosenhaupt, the bill was amended by adding to end of section 22, page 12 of the amended printed bill the following words: “and as the same has been appropriated.”

Senator Rosenhaupt moved to amend by striking section 5, page 13 of the printed bill.

Senator Rosenhaupt withdrew his motion.

Senator Fatland moved to amend section 3, line 12, on page 14, of the amended printed bill by striking the words “three years” and substituting therefor the words “eighteen months.”

The motion was lost.

Senator Eastham moved to amend on page 16, section 3, line 2, of the amended printed bill, between words “are” and “deaf,” by inserting the following words: “too deaf or too blind to be taught by ordinary methods in other public schools” and by striking words “deaf and blind, or either deaf or blind” in said line.

The amendment was lost.

Senator Allen moved to amend section 22, page 12, of the amended printed bill, line 4, by striking all of the section after the word “institution” and substituting therefor the following: “and any proper indebtedness has been incurred, the state auditor upon receipt of properly audited vouchers shall, and it is hereby made his duty to draw his warrants for the payment

thereof upon the state treasurer against the specific fund belonging to said institution in such sum, not exceeding the amount on hand in such specific fund at such time, provided proper appropriations have been made therefor."

The motion carried.

On motion of Senator Cotterill, the bill was amended by adding at the end of section 8, page 7, of the amended printed bill, three sections, said added sections to be numbered 9, 10 and 11, respectively, and to be indetical except for said numbers with sections 20, 21 and 22 on pages 11 and 12 of the amended printed bill.

Senator Eastham moved to amend the bill by striking the words "during vacation" in line 4, section 9, page 16, of the printed bill.

The motion was lost.

Senator Knickerbocker moved to amend the bill by striking the words "or to maintain them at said school during vacation" in line 4, section 9, page 16, of the amended printed bill.

The amendment was lost.

On motion of Senator Allen, the word "mute" in line 2 of section 7, page 16, of the amended printed bill was stricken.

On motion of Senator Rosenhaupt, the bill was amended by inserting the words "pulmonary tuberculosis" after the word "diphtheria" in line 2, section 5, page 18, of the amended printed bill.

On motion of Senator Graves, the words "five acres" were substituted for the words "one acre" and the words "ten acres" were substituted for the words "five acres" in line 2, section 4, page 20, of the amended printed bill.

On motion of Senator Rosenhaupt, chapter 4, section 1, line 8, page 28, of the amended printed bill, was amended by inserting after the word "superintendent" the words "with the approval of the board of county commissioners."

On motion of Senator Rosenhaupt, the bill was amended by striking the word "one" and substituting therefor the word "two" on page 28, of chapter 4, in section 2, line 2, of the amended printed bill.

On motion of Senator Falconer, the bill was amended by substituting the word "years" for the word "year" and by insert-

ing after the word "months" the word "each," in line 3 of section 2, page 29, of the amended printed bill.

Senator Graves moved to amend the bill by inserting after the word "maintained" in line 16 of section 16, article 5, page 36, of the amended printed bill, the following words "such length of time to give a consecutive vacation of not less than three months between June first of any year and September fifteenth of the same year."

Senator Knickerbocker moved as a substitute that the bill be amended by inserting after the word "months" in line 16 of section 16, page 36, the words "but not to exceed nine months."

The substitute motion was lost.

The motion of Senator Graves carried.

On motion of Senator Falconer, the bill was amended by adding the following after the word "granted" on page 59, title III, chapter 12, article 1, section 1, line 4, of the amended printed bill:

"And provided further, That the superintendent of public instruction shall issue a first grade permit certificate to any person who at the time of the adoption of this act is the holder of a first grade certificate or a first grade primary certificate, or to any person now holding a second grade certificate, who shall secure a five-year certificate during the life of such second grade certificate."

On motion of Senator Fishback, the bill was amended by substituting the word "four" for the word "six" in line 6, section 10, on page 47, of the amended printed bill.

Senator Williams moved to amend the bill by striking the words "twenty-five" and substituting the word "thirty" on page 76, in line 2 of section 3, of the amended printed bill.

The amendment was lost.

On motion of Senator Falconer, the bill was amended by substituting the word "one" for the word "three" in line 1 of section 1, on page 63, of the amended printed bill.

On motion of Senator Rosenhaupt, the bill was amended by inserting the word "shall" after the word "and" on page 35, in section 10, line 2, of the amended printed bill, and by substituting the word "open" for the word "ready" in line 3 of section 2, page 35.

On motion of Senator Bassett, the bill was amended by adding the following at the end of the amended printed bill:

"TITLE IV.—CHAPTER 1. DESIGNATION AND INTENT OF ACT AND REPEALING CLAUSE.

"SECTION 1. This act shall be known and cited as the Code of Public Instruction of the State of Washington.

"SEC. 2. This act is intended to be and is amendatory of, and a recodification, as amended, of all laws relating to the public school system of the State of Washington.

"SEC. 3. All acts and parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed."

On motion of Senator Bassett, the bill was ordered amended by renumbering the chapters, titles, and sections of the amended bill so as to conform to the amendments made.

Senator Graves moved that the further consideration of amended Senate bill No. 6 be made a special order for 10:00 o'clock tomorrow morning.

Senator Graves withdrew his motion.

Senator Cotterill moved to amend line 18, section 1, page 78, of the amended printed bill by substituting the word "majority" for the words "two-thirds."

The motion was lost.

On motion of Senator Graves, further consideration of amended Senate bill No. 6 was made a special order for 10:15 o'clock tomorrow morning.

At 10:30 p. m., on motion of Senator Stevenson, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

 FORTY-FIFTH DAY.

 MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Wednesday, February 24, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. C. E. Todd offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Kline, the reading of yesterday's journal was dispensed with and it was approved.

A communication from certain citizens of Georgetown protesting against the passage of Senate bill No. 278 was, on motion of Senator Nichols, ordered referred to the Committee on Cities of the First Class.

A petition from certain citizens of Walla Walla protesting against the passage of House bill No. 178 was read and, on motion of Senator Cox, ordered referred to the Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Game Fish, to whom was referred Senate bill No. 295, entitled "An act to provide for the protection of game fish, limiting the catch, the size taken, and providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Amend the title by adding thereto the words "and declaring an emergency."

Amend section 3 by striking out the last two words.

Amend by adding thereto section 7, to read as follows: "Sec. 7. An emergency exists and this act shall take effect immediately."

 A. W. ANDERSON, *Chairman*.

We concur in this report: H. O. Fishback, Chas. E. Myers.

On motion of Senator Brown, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 213, entitled "An act relating to the adulteration of foods, drinks and drugs, and amending chapter 211 of the Session Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Add the following to line 37, after the word "whatsoever": "*Provided*, That this act shall not take effect until Oct. 1, 1909."

J. R. STEVENSON, *Chairman*.

We concur in this report: Alex Polson, Peter McGregor, J. H. Smithson, John L. Roberts.

On motion of Senator Stevenson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 297, entitled "An act relating to the finances of the State of Washington, providing the time when and the manner in which moneys shall be paid into the state treasury, and amending chapter 96 of the Session Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: J. D. Bassett, E. C. Davis, D. H. Cox, H. H. Fatland, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 283, entitled "An act requiring insurance companies to pay expenses of examination, prescribing the method of such payment, and of the payment of all taxes, fees and charges, and of the payment of the traveling expenses of the insurance commissioner, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. D. Bassett, E. C. Davis, D. H. Cox, H. H. Fatland.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 222, entitled "An act to validate deeds, authorized by county commissioners, of real property acquired by the county through tax sales," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended and be re-referred to Judiciary Committee.

Before the word "that" in line 1, section 1, of the original bill, insert the word and figure "Section 1."

Strike the brackets before and after section 1 of the printed bill.

J. A. FALCONER, *Chairman*.

We concur in this report: E. M. Williams, E. C. Davis, J. D. Bassett, D. H. Cox, H. H. Fatland, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred Senate bill No. 184, entitled "An act to prevent hunting and fishing on private lands without the written consent of the owner, and providing a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1 of the printed bill, in line 4, after the word "written" and before the word "consent," insert the words "or verbal." In line 8, after the word "streams," add the words "navigable waters."

Section 2. In line 3, after the word "written," add the words "or verbal."

ED BROWN, *Chairman*.

We concur in this report: John L. Blair, Arvid Rydstrom, Chas. E. Myers,

On motion of Senator Brown, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred Senate bill No. 280, entitled "An act to provide for the extermination of coyotes, wolves and other wild animals in the State of Washington, and for the payment of bounties for such extermination, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section 1, line 1 of the printed bill, after the word "coyote" and before the word "wolf," insert the word "timber." In line 3 of the same section, after the word "coyote," strike out the words "or wolf killed." In line 4 of the same section, after the words "cat killed," strike out the word "and," and after the words "cougar killed" in the same line, insert "and for each timber wolf killed the sum of \$15.00."

ED BROWN, *Chairman*.

We concur in this report: John L. Blair, Arvid Rydstrom, Chas. E. Myers.

On motion of Senator Brown, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred Senate bill No. 45, entitled "An act for the protection of deer and caribou in the State of Washington, providing penalties for the violation thereof and amending chapter 71 of the Session Laws of 1903," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED BROWN, *Chairman*.

We concur in this report: John L. Blair, Arvid Rydstrom, Chas. E. Myers.

On motion of Senator Brown, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 288, entitled "An act to protect state and county roads from injury by narrow tires, and to prescribe a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ALEX POLSON, *Chairman*.

We concur in this report: Arvid Rydstrom, R. L. Kline.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 240, entitled "An act creating a state road in Cowlitz, Skamania and Yakima counties and making an appropriation therefor," have had the same under consideration, and we respectfully report the

same back to the Senate with the recommendation that it do pass and be re-referred to the Appropriations Committee.

ALEX POLSON, *Chairman*.

We concur in this report: Arvid Rydstrom, Joseph Arrasmith, J. H. Smithson.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Banks and Banking, to whom was referred Senate bill No. 282, entitled "An act to amend chapter 37 of the Session Laws of 1907, being 'An act to provide for the state depositories and regulate the deposit of funds therein,' and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

S. T. SMITH, *Chairman*.

J. D. BASSETT.

On motion of Senator Smith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Elections and Privileges, to whom was referred Senate bill No. 118, entitled "An act to amend an act entitled 'An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency,' approved March 15th, 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Strike the title and insert in lieu thereof, "An act relating to the nomination of candidates for public office, and amending section 2 of chapter 209 of the Session Laws of 1907, and declaring an emergency."

In section 2 of the printed bill, line 1, after the word "emergency," strike the words, "is hereby declared to exist," and insert in lieu thereof the word "exists," and after the word "effect," in the same line, strike the balance of the section, and insert in lieu thereof the word "immediately."

W. B. PRESBY, *Chairman*.

We concur in this report: J. W. Bryan, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Elections and Privileges, to whom was referred Senate bill No. 209, entitled "An act relating to, regulating, and providing for the nomination of candidates for municipal offices in incorporated cities of the first, second and third classes in the State of Washington, providing penalties for the violation thereof, repealing acts and parts of acts inconsistent therewith and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. B. PRESBY, *Chairman.*

We concur in this report: J. W. Bryan, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Elections and Privileges, to whom was referred House bill No. 155, entitled "An act relating to the election of county commissioners by districts, providing a forfeiture of office because of absence from or failure to reside in such districts, and amending section 326 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. B. PRESBY, *Chairman.*

We concur in this report: J. W. Bryan, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred House bill No. 186, entitled "An act providing for the establishment of certain state roads," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ALEX POLSON, *Chairman.*

We concur in this report: Arvid Rydstrom, Joseph Arrasmith, J. H. Smithson.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Harbor and Harbor Lines, to whom was referred House bill No. 157, entitled "An act relating to the correction of the survey and supplemental plat of the tide and shore lands in front of and adjacent to the city of Vancouver, Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

By adding after the word "Washington" in the third line of the title of the original bill, and after the word "Washington" in the second line of the title of the printed bill a comma and the words "and declaring an emergency."

By adding after the word "Washington" in the fifth line of section 1 of the original bill, and after the word "Washington" in the third line of section 1 of the printed bill, a comma and the words "so that the shore line of said plat shall correspond with the meander line established by the United States government survey."

Also by adding the following: "Section 2. An emergency exists and this act shall take effect immediately."

GEO. F. COTTERILL, *Chairman.*

We concur in this report: J. W. Bryan, Arvid Rydstrom, John L. Roberts.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred Senate bill No. 193, entitled "An act authorizing cities of the second, third and fourth classes to create an accident fund from which to pay judgments for personal injuries, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman.*

We concur in this report: Harry Rosenhaupt, J. W. Bryan, A. B. Eastham.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Insurance, to whom was referred Senate bill No. 162, entitled "An act to organize and regulate the business of life insurance," have had the same under consideration, and we re-

spectfully report the same back to the Senate with the recommendation that the proposed bill herewith presented be substituted therefor, ordered printed and placed on general file.

ROBT. F. BOOTH, *Chairman*.

We concur in this report: J. D. Bassett, R. L. Kline, F. L. Stewart.

On motion of Senator Booth, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Agriculture, to whom was referred Senate bill No. 273, entitled "An act relating to the sale of fertilizers, and fixing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOSEPH ARRASMITH, *Chairman*.

We concur in this report: Ed Brown, John L. Blair, H. O. Fishback.

On motion of Senator Arrasmith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Agriculture, to whom was referred Senate bill No. 255, entitled "An act relating to the sale of and fixing the standard of purity of seeds, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOSEPH ARRASMITH, *Chairman*.

We concur in this report: Ed Brown, John L. Blair, H. O. Fishback.

On motion of Senator Arrasmith, the report of the committee was adopted.

The president announced the appointment of Senator Smith as a member of the Committee on Rules and Joint Rules.

SPECIAL ORDER.

The hour of 10:00 o'clock a. m. having arrived, the Senate proceeded to consider Senate bill No. 243, which was a special order for this time.

Senate bill No. 243, entitled "An act requiring judges of the supreme court and of the superior courts to wear gowns and wigs while sitting in the hearing of causes," was read third time.

On motion of Senator Williams, Senate bill No. 243, as

printed, was substituted for the bill as amended by the committee.

Senator Rosenhaupt moved to amend the bill by striking the words "and the judges of the superior courts" in line 1 of section 1 of the printed bill.

The amendment was lost.

The secretary called the roll on final passage of Senate bill No. 243 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Cameron, Cotterill, Cox, Davis, Falconer, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Potts, Presby, Roberts, Smithson, Stewart, Whitney, Williams, Mr. President—29.

Those voting nay were: Senators Arrasmith, Brown, Bryan, Eastham, Fatland, Graves, Nichols, Polson, Rosenhaupt, Rydstrom, Smith, Stevenson—12.

Absent or not voting were: Senator Huxtable—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER.

The hour of 10:15 a. m. having arrived, the Senate proceeded to consider amended Senate bill No. 6, which was a special order for this time.

Senator Fatland moved to amend the bill, on page 36 of the amended printed bill, by inserting after the word "same," in line 33 of section 16, the following:

Provided, however, That a pupil showing a certificate by a reputable physician that the condition of such child or pupil is such that it would be injurious to its health and possibly dangerous to its life: *And, provided, further,* That a child or pupil showing a similar certificate by a reputable physician to the effect that vaccination has failed to take effect, such child or pupil shall have access to the school and vaccination shall not be a condition of school membership to such child or pupil.

The amendment carried.

Senator Nichols moved to amend by striking the words "University of Washington," on page 4 of the amended printed bill, in line 2 of section 5.

The motion was lost.

Senator Allen moved to amend by striking lines 2 and 2½ from section 5 of page 4 of the amended printed bill.

Senator Cotterill moved as an amendment to the amendment that the words "University of Washington, the State College of Washington, and the" in lines 2 and 2½ of section 5, page 4 of the printed bill be stricken.

The amendment was accepted by Senator Allen.

The proposed amendment of Senator Cotterill failed to carry.

Senator Nichols moved to amend line 15, section 2, page 6 of the amended printed bill, by striking the words "or accredited by the state board of education."

The motion was lost.

Senator Nichols moved to amend by substituting the word "and" for the word "or" in line 15, section 2, page 6 of the amended printed bill.

The motion was lost.

Senator Nichols moved to amend the bill by inserting after the word "conventions" on page 2, line 23, section 3, the words "within this state or contiguous states."

Senator Stevenson moved as a substitute that in line 23, section 3, page 2 of the amended printed bill, after the word "travel" the following words be inserted: "within the confines of the United States."

The motions of Senators Stevenson and Nichols were lost.

Senator Nichols moved to amend by striking the words and figures "ten (10) cents per mile, provided that no constructive mileage shall be charged," on page 31, section 8, lines 3 and 4, and insert in lieu thereof the words "actual traveling expenses."

The amendment carried.

On motion of Senator Bassett, the bill was amended by substituting the word "and" for the word "or" in line 15, section 1, page 6, of the amended printed bill.

On motion of Senator Bassett, the bill was amended by substituting the word "and" for the word "or," in line 11, section 1, page 8, of the amended printed bill.

On motion of Senator Cotterill, the bill was amended by striking the words "each mile actually and necessarily traveled," in line 1, section 8, page 31, of the amended printed bill, and in-

serting in lieu thereof the words "all actual and necessary travel."

Senator Graves moved to amend the amended printed bill as follows: On page 3, line 72 of the amended printed bill, add to the end of the line the following:

Said manual to contain a history of the state; an outline of the constitution of the state; excerpts from the school code; the courses of study and rules for the general government of the common schools; a map of the state, and such other matter as the state superintendent or the state board of education from time to time shall determine.

The motion was lost.

On motion of Senator Graves, the word "one" was substituted for the word "two" and the word "superintendent" was substituted for the word "superintendents," in lines 1 and 2 of section 4, page 3 of the amended printed bill.

Senator Hutchinson moved to amend the bill by striking section 1, on page 45 of the amended printed bill, and inserting in lieu therefor the following:

Section 1. That there shall be in each county in this state a county board of education, which shall be composed of five persons, including the county superintendent of common schools, who shall be *ex-officio* president of the board, four lawfully qualified teachers, which last mentioned four members of the county board of education shall take an oath to faithfully and honestly discharge the duties of office. The term of office of the members of the county board of education shall be four years, and they shall hold their offices until their successors are appointed and qualified. The board of county commissioners in each county shall, in the month of March, 1910, and in the month of March every four years thereafter, appoint the county board of education for their respective counties, and they shall have power and it shall be their duty to fill all vacancies that may occur in said board.

The motion was lost.

Senator Hutchinson moved to amend the bill by striking all of section 5, on page 48 of the amended printed bill, and inserting in lieu thereof the following:

Each county superintendent shall, at the annual directors' meeting for his county, determine upon a time for holding the teachers' institute, which shall, as nearly as may then be determined, be during the week next preceding the beginning of the fall term of school: *Provided*, That should any district employ a teacher during the then current school year who had attended the institute, such teacher shall be

paid and the district shall be credited with attendance in the same manner as provided for in the next section.

The motion was lost.

Senator Fatland moved to amend the bill by inserting after the word "superintendent" in line 3 of section 6, page 48 of the amended printed bill, the words:

And be it further provided, That the amount of two dollars per day and ten cents per mile for the actual number of miles necessary to travel to cover expenses of teacher while in actual attendance upon said institute, excepting teachers residing in towns or cities, where said institute is held, shall be paid to the teacher by the school district in which said teacher is employed, the said district to be reimbursed for such outlay of money out of the general school fund upon certificate by county superintendent giving name and number of days attended.

The amendment failed to carry.

On motion of Senator Falconer, the bill was amended as follows: On page 59, section 1, line 4, of the amended printed bill, after the word "granted" strike the period and insert a colon and add the following:

Provided, That any third grade certificate, second grade certificate, first grade primary certificate, or first grade certificate, or any renewal, or any permanent certificate, in full force and effect at the time of the taking effect of this act shall, for the purpose of renewal, or for securing a certificate of higher grade, or for securing a permanent certificate, or for any other purpose whatsoever, be of the same force and effect, and shall entitle the holder thereof to the same rights and privileges as he would be entitled to were he the holder of a certificate of like designation authorized by this act.

On motion of Senator Cotterill, the bill was amended by substituting the words "three-fifths" for the word "two-thirds" in line 5, section 1, page 78 of the amended printed bill.

The secretary called the roll on final passage of amended Senate bill No. 6 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—38.

Voting nay: Senator Whitney—1.

Absent or not voting were: Senators Allen, Myers, Presby—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER.

The Senate took up the consideration of Senate bill No. 276, which was special order for this hour.

The president called Senator Falconer to the chair.

Senate bill No. 276, entitled "An act relating to the taking of food fishes, providing a penalty for the violation thereof, etc.," was read third time.

On motion of Senator McGowan, the bill was amended by substituting the figures "25th" for "15th" in line 4 of section 1 of the printed bill.

On motion of Senator McGowan, the bill was further amended by inserting the words "and in the mouths thereof" between the word "river" and the word "and" in line 39 of section 1 of the printed bill.

On motion of Senator McGowan, the bill was amended by substituting the word "below" for the word "of" in line 39 of section 1 of the printed bill.

The secretary called the roll on final passage of Senate bill No. 276 as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—37.

Absent or not voting were: Senators Booth, Blair, Cox, Huxtable, Whitney—5.

The secretary called the roll on passage of the emergency clause and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers,

Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—36.

Absent or not voting were: Senators Booth, Cox, Huxtable, Piper, Stevenson, Whitney—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator McGowan, the rules were suspended and Senate bill No. 276 was ordered immediately transmitted to the House.

The president resumed the chair.

GENERAL FILE.

House bill No. 37, entitled "An act dedicating to the city of Seattle all the right, title and interest of the State of Washington in and to certain lands in the city of Seattle, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 37 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rydstrom, Smith, Smithson, Williams, Mr. President—32.

Those voting nay were: Senators Cameron, Graves, Paulhamus, Rosenhaupt—4.

Absent or not voting were: Senators Booth, Huxtable, Roberts, Stevenson, Stewart, Whitney—6.

The secretary called the roll on passage of the emergency clause and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rydstrom, Smith, Smithson, Williams, Mr. President—31.

Those voting nay were: Senators Graves, Metcalf, Paulhamus, Rosenhaupt—4.

Absent or not voting were: Senators Blair, Booth, Cox, Roberts; Stevenson, Stewart, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bassett, the rules were suspended and amended Senate bill No. 6 was ordered immediately transmitted to the House.

House bill No. 112, entitled "An act making an appropriation for the payment of the publication of the notices required to be given by section 2 of chapter 67, section 2 of chapter 69, and section 24 of chapter 209 of the Laws of 1907," was placed on its third reading.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 112.

The bill was considered in the Committee of the Whole, Senator Cotterill in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Cotterill, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended and the reading of the bill had in the Committee of the Whole considered the third reading of the bill.

The secretary called the roll on final passage of House bill No. 112 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rydstrom, Smith, Smithson, Stewart, Mr. President—34.

Absent or not voting were: Senators Booth, Graves, Hutchinson, Roberts, Rosenhaupt, Stevenson, Whitney, Williams—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 75, entitled "An act amending sections 715, 716 and 717 of Ballinger's Annotated Codes and Statutes of the States of Washington, relating to classification of cities and towns," was read third time.

Senator Falconer moved to amend the bill by substituting

the words "fifteen hundred" for the words "one thousand" in line 13 of section 1 of the printed bill.

Senator Falconer withdrew his motion to amend.

On motion of Senator Nichols, House bill No. 75 was indefinitely postponed.

At 12:05 p. m., on motion of Senator Falconer, the Senate took a recess until 1:30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 p. m. by President Ruth.

House bill No. 169, entitled "An act to create a public archives commission and to define its duties and powers," was read third time.

The secretary called the roll on final passage of House bill No. 169 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Williams, Mr. President—29.

Absent or not voting were: Senators Booth, Davis, Falconer, Fatland, Graves, Huxtable, Metcalf, Myers, Piper, Rosenhaupt, Smithson, Stevenson, Whitney—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 89, entitled "An act relative to the payment of deposits in trust," was read third time.

The secretary called the roll on final passage of House bill No. 89 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Fatland, Fishback, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—31.

Those voting nay were: Senators Hutchinson, Presby—2.

Absent or not voting were: Senators Davis, Falconer, Graves, Huxtable, McGregor, Metcalf, Rosenhaupt, Stevenson, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 58, entitled "An act relating to the keeping and deposit of municipal funds, etc.," was read third time.

On motion of Senator Nichols, the bill was amended by inserting the words "not less than" after the word "pay" in line 16, section 1 of the printed bill.

The secretary called the roll on final passage of House bill No. 58 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Fatland, Fishback, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—33.

Those voting nay were: Senators Hutchinson, Smithson—2.

Absent or not voting were: Senators Cox, Falconer, Graves, Huxtable, McGregor, Metcalf, Whitney—7.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGowan, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—33.

Absent or not voting were: Senators Booth, Cox, Graves, Hutchinson, McGregor, Metcalf, Minkler, Whitney, Williams—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Cotterill gave notice that at the proper time he would move to reconsider the vote by which House bill No. 89 passed the Senate.

On motion of Senator Stewart, the rules were suspended and

House bill No. 112 was ordered immediately transmitted to the House.

On motion of Senator Piper, the rules were suspended, and all bills passed by the Senate were ordered immediately transferred to the House, except House bill No. 89.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 196, entitled "An act relating to township organization and fixing compensation of township officers" (with amendments);

Also Senate bill No. 83, "Relating to the safety of employes on railroads";

Also Senate bill No. 126, "Relating to the establishment of harbor lines, survey, platting and appraisal of shore lands of the first class of Lakes Washington and Union in King county";

Also Senate joint resolution No. 2, "Relating to payment of traveling expenses of joint committee to confer with secretary of the interior in reference to forest reserve";

Also Senate joint resolution No. 1, "Relating to traveling expenses of commission appointed to confer with like commission from Oregon legislature" (with amendment);

Also Senate bill No. 172, "Relating to hotels, inns and public lodging houses; creating the office of state hotel inspector" (with amendments);

Also the speaker has signed Senate joint memorial No. 7, "Relating to floods in the valleys of the White, Stuck and Puyallup rivers."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 100, entitled "An act providing for a new survey of certain proposed state roads, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 100 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—35.

Absent or not voting were: Senators Arrasmith, Cameron, Davis, Graves, Huxtable, McGregor, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER.

The hour of 2:00 o'clock p. m. having arrived, the Senate proceeded to consider Senate bill No. 36 which was special order for this time.

The president called Senator Bassett to the chair.

Senate bill No. 36, entitled "An act relating to the public highway fund, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 36 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those voting nay were: Senators Bassett, Blair, Hutchinson, Myers—4.

Absent or not voting were: Senators Graves, Knickerbocker, McGregor, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Polson, the rules were suspended and Senate bill No. 36 ordered immediately transmitted to the House.

GENERAL FILE.

House bill No. 21, entitled "An act relating to the venue of civil actions, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 21 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Knickerbocker, McGowan, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Mr. President—34.

Those voting nay were: Senators Metcalf, Nichols, Williams—3.

Absent or not voting were: Senators Davis, Kline, McGregor, Smithson, Whitney—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president resumed the chair.

House bill No. 65, entitled "An act to amend section 3 of an act approved March 28, 1890, entitled 'An act relating to foreign corporations, etc.,'" was read third time.

The secretary called the roll on final passage of House bill No. 65 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Mr. President—35.

Absent or not voting were: Senators Bassett, Cox, Davis, McGregor, Stevenson, Whitney, Williams—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 152, entitled "An act requiring materialmen or persons furnishing materials or supplies to any contractor or other person to furnish to the owner or his agent duplicate statements of all materials or supplies furnished, etc.," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 152 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rosenhaupt, Smith, Smithson, Stewart, Whitney, Mr. President—32.

Those voting nay were: Senators Eastham, Fatland, Polson, Rydstrom, Stevenson, Williams—6.

Absent or not voting were: Senators Bassett, Davis, McGregor, Metcalf—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 29, entitled "An act relating to the collection of assessments for local improvements and amending section 1 of chapter 70 of the Session Laws of 1907" (with certain amendments);

Also the speaker has signed House bill No. 161, entitled "An act to create the county of Grant, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties, and declaring an emergency";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Engrossed House bill No. 67, entitled "An act amending section 5071 and repealing section 5073 of Ballinger's Annotated Codes and Statutes of Washington, in relation to new trials," was read third time.

Senator Cotterill moved to amend the bill by inserting the words, "*Provided*, That no trial court shall directly or indirectly increase or diminish the amount of such recovery," after the word "prejudice" in line 16 of section 1 of the printed bill.

The proposed amendment failed to carry.

The secretary called the roll on final passage of engrossed House bill No. 67 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Williams, Mr. President—35.

Absent or not voting were: Senators Anderson, Davis, Fatland, McGregor, Metcalf, Smith, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Brown, the Senate at this time took up the consideration of the House amendments to Senate bill No. 29.

The secretary read the House amendments to Senate bill No. 29.

Senator Brown moved that the Senate concur in the House amendments to Senate bill No. 29.

The secretary called the roll and the Senate concurred in the House amendments to the bill by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—36.

Absent or not voting were: Senators Cox, Huxtable, Knickerbocker, McGregor, Stevenson, Whitney—6.

The secretary called the roll on final passage of the emergency clause added by the House amendment, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—33.

Absent or not voting were: Senators Cox, Davis, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Stevenson, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Resolution by Senator Piper:

Resolved, That the sergeant-at-arms be instructed to purchase for each senator and the secretary of the Senate 30 cents' worth of postage stamps.

On motion of Senator Piper, the resolution was ordered laid on the table.

On motion of Senator Potts, the Senate took up the consideration of the House amendments to Senate bill No. 172.

The secretary read the House amendments to Senate bill No. 172.

Senator Potts moved that the Senate concur in the House amendments to Senate bill No. 172.

The secretary called the roll and the Senate concurred in the House amendments to the bill by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Kline, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—33.

Voting nay: Senator Cotterill—1.

Absent or not voting were: Senators Fatland, Huxtable, Knickerbocker, McGregor, McGowan, Presby, Whitney, Williams—8.

SPECIAL ORDER.

The hour of 3:00 o'clock p. m. having arrived, the Senate proceeded to consider Senate bill No. 189, which was a special order for this time.

Senate bill No. 189, entitled "An act to amend section 11, chapter 78 of the Session Laws of 1907, entitled 'An act to provide for the assessment of the operating property of railroads, etc.," was read third time.

Senator Falconer moved to amend the bill by striking the words "terminal grounds, side tracks, second tracks, turnouts," in lines 16 and 17 of section 1 of the printed bill.

Senator Metcalf moved as an amendment to the amendment that the words "terminal grounds" in lines 16 and 17 of section 1 of the printed bill be stricken.

Senator Cotterill proposed the following amendment, which was accepted by Senator Metcalf:

Strike in line 17, section 1 of the printed bill, the words "side tracks, second tracks, turnout," and insert in lieu therefor the words "and railroad yards outside the limits of the ordinary right-of-way, and of all."

A roll call on the amendment proposed by Senators Cotterill and Metcalf was demanded by Senators Falconer, Booth, Brown, Cameron, Cox, Davis, Eastham.

The secretary called the roll and the amendment carried by the following vote:

Those voting aye were: Senators Allen, Blair, Booth, Bryan, Cotterill, Davis, Eastham, Fatland, Huxtable, Kline, Knickerbocker, Metcalf, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Williams, Mr. President—21.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Brown, Cameron, Cox, Falconer, Fishback, Hutchinson, McGregor, McGowan, Myers, Minkler, Presby, Rosenhaupt, Smith, Smithson, Stevenson, Stewart—19.

Those absent or not voting were: Senators Graves, Whitney—2.

On motion of Senator Bryan, the reading of the communication from the railroad and tax commissions of the State of Washington, relative to Senate bill No. 189, was dispensed with.

The secretary called the roll on final passage of Senate bill No. 189 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Bryan, Cotterill, Davis, Eastham, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, Metcalf, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Williams, Mr. President—23.

Those voting nay were: Senators Anderson, Arrasmith, Brown, Cameron, Cox, Falconer, Fishback, Graves, McGregor, McGowan, Myers, Minkler, Presby, Rosenhaupt, Smith, Smithson, Stevenson, Stewart—18.

Absent or not voting: Senator Whitney—1.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

The House has passed House bill No. 310, entitled "An act relating to the sale of lands granted for public buildings at the state capital, providing for the payment of all claims against the capitol building fund and for the erection and completion of a capitol building and making an appropriation for the carrying out of the provisions of this act and declaring an emergency";

Also House concurrent resolution No. 9, "Relating to the statue of George Washington by the Daughters of the American Revolution";

Also House bill No. 208, "Empowering cities of the second and third class to fill low lands within their borders, etc.";

Also House bill No. 33, "Relating to the construction of an armory for the use of the National Guard of Washington at Bellingham";

Also Senate concurrent resolution No. 23, "Relating to the appointment of Hon. R. A. Ballinger, secretary of the interior";

Also House bill No. 38, "Fixing the time in which certain game birds can be killed";

Also House bill No. 84, "Relating to the levy of annual tax for advertising counties of the state";

Also House bill No. 97, "Relating to amending section 1, chapter 44, Ballinger's Annotated Codes, relating to filing of plats and payment of taxes on same";

Also House bill No. 179, "Relating to the relief of Kittitas county in securing extradition from Illinois of Paolo Nigro";

Also House bill No. 196, "Relating to the protection of crabs in the waters of the State of Washington";

Also House bill No. 214, "Relating to a bureau of inspection and supervision of public offices";

Also House bill No. 230, "Relating to the conveyance by boards of county commissioners of rights-of-way over county roads for state road purposes";

Also House bill No. 239, "Relating to persons working in coal mines";

Also House bill No. 245, "Relating to the board of regents of the University of Washington confirming right-of-way of railroads on university property";

Also House bill No. 247, "Relating to the maintenance and sundry expenses of the state normal schools";

Also House bill No. 257, "Relating to counties of the State of Washington joining with any city of the first, second or third class to pay for the construction of any bridge or trestle within the county";

Also House bill No. 296, "Relating to the relief of posts of the Grand Army of the Republic";

Also House bill No. 263, "Relating to the rate of interest to be paid on bonds of Jefferson county";

And the same are herewith transmitted.

Also the House has refused to concur in Senate amendments to House bill No. 46, and the same is herewith re-transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senators Hutchinson and Knickerbocker gave notice that at the proper time they would move to reconsider the vote by which Senate bill No. 189 passed the Senate.

On motion of Senator Cotterill, the title of the bill was amended by striking therefrom the words "and declaring an emergency," and section 2 was stricken from the bill.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senator Rosenhaupt gave notice that at the proper time he would move to reconsider the vote by which House bill No. 102 passed the Senate.

Senator Falconer moved that House bill No. 197 be indefinitely postponed.

A roll call on the motion to indefinitely postpone the bill was demanded by Senators Falconer, Graves, Smith, Booth, Stevenson, Paulhamus, Bryan.

The secretary called the roll and the motion to indefinitely postpone carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Booth, Brown, Cameron, Cox, Davis, Falconer, Graves, Hutchinson, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Rydstrom, Smith, Smithson, Stewart, Williams—24.

Those voting nay were: Senators Arrasmith, Bassett, Blair, Bryan, Cotterill, Eastham, Fatland, Fishback, McGregor, Metcalf, Paulhamus, Presby, Roberts, Rosenhaupt, Stevenson, Mr. President—16.

Absent or not voting were: Senators Huxtable, Whitney—2.

On motion of Senator Graves, the consideration of engrossed House bill No. 62, which appeared next on the calendar, was made a special order for 10:00 o'clock a. m., Friday, February 26, 1909.

Engrossed House bill No. 63, entitled "An act to amend section 5 of an act approved March 13, 1895, entitled 'An act defining a homestead and providing for the manner of the selection of the same,'" was read third time.

The secretary called the roll on final passage of engrossed House bill No. 63 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Mr. President—34.

Those absent or not voting were: Senators Cox, Huxtable, Nichols, Smith, Stevenson, Stewart, Whitney, Williams—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, the Senate took up the consideration of the Senate amendments to House bill No. 46, in which the House had refused to concur.

Senator Metcalf moved that the Senate recede from the Senate amendments to House bill No. 46.

The secretary called the roll and the Senate refused to recede from its amendments to House bill No. 46 by the following vote:

Those voting aye were: Senators Arrasmith, Cox, Falconer, Fishback, Graves, Hutchinson, Huxtable, McGregor, Metcalf, Myers, Paulhamus, Stewart—12.

Those voting nay were: Senators Allen, Anderson, Bassett, Blair, Brown, Cameron, Cotterill, Eastham, Fatland, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Mr. President—25.

Absent or not voting were: Senators Booth, Bryan, Davis, Whitney, Williams—5.

Senator Bassett moved that the House be notified that the Senate refuses to recede from its amendments to House bill No. 46.

The motion carried.

By unanimous consent, the Senate returned to the order of business, "Introduction of Bills."

Senate bill No. 341, by Senator Blair, entitled "An act to amend section 15 of an act entitled 'An act providing for the levy, collection and manner of payment of road, bridge, poll and property taxes, and the manner of the expenditure thereof, and providing for the division of the counties into road districts and the appointment of supervisors thereof, and repealing all acts in conflict herewith,' approved March 16, 1903, being chapter 119 of the Laws of 1903."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

Senate bill No. 342, by Judiciary Committee, entitled "An act relating to the change of venue of actions in the superior court, disqualification of judges of such courts, and the change of venue or change of judges on account thereof."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 343, by Senator Paulhamus, entitled "An act providing for the establishment of certain state roads."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Roads and Bridges.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred—

Senate bill No. 81, entitled "An act creating the state shore land improvement fund, etc.";

Senate bill No. 11, entitled "An act amending section 2 of an act entitled 'An act to regulate the purchase, sale, transfer and encumbrance of stocks of goods, etc.'";

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

We concur in this report: F. L. Stewart, H. H. Fatland.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 52, entitled "An act to amend section 1330 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the meeting of presidential electors," have compared the same with the engrossed bill and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: H. O. Fishback, D. H. Cox.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred House bill No. 18, entitled "An act relating to

nurses, the registration thereof and providing penalties for violations," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

A. B. EASTHAM, *Chairman*.

We concur in this report: Robt. F. Booth, J. R. Stevenson.

On motion of Senator Eastham, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Insurance, to whom was referred House bill No. 116, entitled "An act regulating the business of fire insurance, and providing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ROBT. F. BOOTH, *Chairman*.

We concur in this report: P. L. Allen, F. L. Stewart, J. D. Bassett, R. L. Kline, J. R. Stevenson.

On motion of Senator Kline, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Insurance, to whom was referred Senate bill No. 291, entitled "An act to regulate and control stock fire insurance corporations hereafter organized in this state," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

Amend by inserting clause between the title and section 1, in original bill: "Be it enacted by the Legislature of the State of Washington:"

ROBT. F. BOOTH, *Chairman*.

We concur in this report: R. L. Kline, J. R. Stevenson, P. L. Allen, J. D. Bassett, F. L. Stewart.

On motion of Senator Kline, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Insurance, to whom was referred Senate bill No. 290, entitled "An act regulating the organization of mutual fire insurance companies," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ROBT. F. BOOTH, *Chairman*.

We concur in this report: J. R. Stevenson, P. L. Allen, J. D. Bassett, F. L. Stewart, R. L. Kline.

On motion of Senator Kline, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Insurance, to whom was referred Senate bill No. 289, entitled "An act providing for the appointment of a commission for the purpose of preparing a code of insurance laws of the State of Washington, and making appropriation to pay traveling expenses," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ROBT. F. BOOTH, *Chairman*.

We concur in this report: J. R. Stevenson, P. L. Allen, J. D. Bassett, F. L. Stewart, R. L. Kline.

On motion of Senator Kline, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred Senate bill No. 130, entitled "An act to protect the public from imposters and regulate the practice of drugless healers in the State of Washington; to devise a plan of registration, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

A. B. EASTHAM, *Chairman*.

We concur in this report: Robt. F. Booth, J. R. Stevenson.

On motion of Senator Eastham, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred Senate bill No. 89, entitled "An act to regulate the practice of embalming and licensing of persons to carry on such practice, to regulate the transportation of bodies of deceased human beings and providing punishment for violations," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the Judiciary Committee.

A. B. EASTHAM, *Chairman*.

We concur in this report: Robt. F. Booth, J. R. Stevenson.

On motion of Senator Eastham, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred Senate bill No. 247, entitled "An act to regulate

the practice of optometry and for the appointment of a board of examiners, providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

A. B. EASTHAM, *Chairman*.

We concur in this report: Robt. F. Booth, J. R. Stevenson.

On motion of Senator Falconer, Senate bill No. 247 was ordered re-referred to the Committee on Judiciary.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 263, entitled "An act relating to the purchase, sale, and disposition of intoxicating liquors and providing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, D. H. Cox, Chas. E. Myers, J. A. Falconer.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on State Penal and Reformatory Institutions, to whom was referred Senate bill No. 286, entitled "An act fixing salary of the warden of the state penitentiary," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line two of the printed bill, after the word "of," strike the words "three thousand dollars," and insert in lieu thereof the following words: "twenty-four hundred dollars."

D. H. Cox, *Chairman*.

We concur in this report: A. B. Eastham, Ralph D. Nichols, John L. Roberts, H. O. Fishback.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred Senate bill No. 224, entitled "An act authorizing cities of the third class to provide for the drainage and sewerage of such cities and provide for the payment of the cost and maintenance thereof," have

had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 4, section 2 of printed bill, after the word "city," insert the word "council."

In line 45, section 3 of printed bill, strike the word "to."

In line 4, section 5 of printed bill, strike the word "and" and insert in lieu thereof the word "any."

Strike section 8 and insert in lieu thereof the following: "Section 8. An emergency exists, and this act shall take effect immediately."

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: Harry Rosenhaupt, J. W. Bryan, A. B. Eastham.

On motion of Senator Knickrebocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 117, entitled "An act relating to fees of attorneys in actions for personal injuries, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the following amendments be made and that it be placed on general file:

Strike section 1 of the printed bill and substitute therefor the following: "Section 1. That hereafter it shall be unlawful for any attorney at law or any other person to charge directly or indirectly, or to enter into any contract or agreement directly or indirectly, for any share or percentage of the amount to be recovered in any action or claim for damages for personal injury as fee or compensation, contingent upon the recovery of the judgment or upon the settlement of any claim for personal injuries or for the wrongful death of another in excess of, first, thirty-three and one-third (33 1/3) per cent. of the amount awarded in a judgment or the amount of settlement made or to be made after actual trial of the case; and second, in excess of twenty-five per cent. of the amount to be realized in the settlement of any claim or cause of action before the actual trial of the case for such personal injury."

In lines 2 and 3, section 2 of the printed bill, strike the words "dismiss such action at plaintiff's cost," and substitute therefor the following words: "by order disallow any fee or compensation whatever to the attorney or other person making the same."

Strike section 3 of the printed bill and substitute the following: "Section 3. In case of settlement of a claim or cause, after suit is commenced, by the defendant with the plaintiff, without consent of plaintiff's attorney, the defendant shall be liable to the plaintiff's attorney for such amount as the attorney would have lawfully obtained

had no settlement with the plaintiff been made. The cause shall proceed to trial for the purpose only of assessing the amount of damages plaintiff has suffered, and, that amount being found, the court shall enter judgment against defendant for one-third of such amount."

Strike all of section 4 of the printed bill.

Make section 5 of the printed bill section 4.

WILL G. GRAVES, *Chairman.*

On motion of Senator Graves, the report of the committee was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 77, entitled "An act making an appropriation for the payment of sundry expenses in the office of the superintendent of public instruction";

Also Senate bill No. 99, entitled "An act for the appropriation of money to defray the expenses of the department of the railroad commission of the State of Washington for the fiscal year ending March 31, 1909";

—have compared the same with the engrossed bills and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: H. O. Fishback, D. H. Cox.

Resolution by Senator Piper:

Resolved, That the sergeant-at-arms be instructed to purchase and supply each senator and the secretary of the Senate with \$3.50 worth of postage stamps.

The president ruled the resolution out of order, as a like resolution, by Senator Piper, was now on the table.

Senator Bryan moved that the Senate adjourn, when it does adjourn, until 10:00 o'clock tomorrow morning.

The motion carried.

The Senate adjourned at 4:30 p. m., on motion of Senator Graves.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

· FORTY-SIXTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Thursday, February 25, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

A communication from the secretary of state, Hon. Sam. H. Nichols, transmitting a copy of a resolution adopted by the State of South Dakota, was read by the secretary, and on motion of Senator Blair ordered referred to the Committee on Memorials.

The secretary read the following telegram, addressed to Senator Minkler, and it was ordered placed on file:

WASHINGTON, D. C., Feb. 24, 1909.

B. D. Minkler, Olympia, Washington:

Have introduced amendment for additional appropriation Battery Point lighthouse, and will do my best to secure its incorporation in bill.

S. H. PILES.

The following communication was read, and on motion of Senator McGowan was ordered placed on file:

SOUTH BEND, WASHINGTON, Feb. 22, 1909.

Senator McGowan, Olympia, Washington:

DEAR SIR: I enclose herewith copy of resolution passed by our city council at their regular session held on February 15, 1909.

Yours respectfully,

CHAS. H. MILLS, *City Clerk.*

RESOLUTION.

In the interest of peace and justice, be it resolved, 1. That general treaties of arbitration should be negotiated by the United States with all nations, granting jurisdiction to the international court at The Hague over as many classes of controversies as the other contracting

power in each case can be induced to transfer from the field of battle to the precincts of courts of justice.

2. That the United States should declare in favor of a permanent international congress containing representatives from every nation, to assemble periodically and autonomically for the purpose of suggesting such changes in the law of nations and in the method of its administration as the current of events may make desirable and practicable.

3. That present conditions call for the immediate adoption of a progressive naval program that will give the United States a navy capable of performing its duty, i. e., of protecting our vast sea coast, our great and ever-increasing volume of ocean-going commerce, and of executing effectively all the just foreign policies of the nation.

4. That it is the sense of this meeting that a fleet be maintained on the Pacific ocean at least equal to that in the Atlantic.

5. That this resolution be communicated to each of our representatives at Olympia, urging its adoption by the present legislature.

6. That this resolution be placed on file and adopted by the council as read.

Attest:

CHAS. H. MILLS, *City Clerk.*

W. P. CRESSY, *Mayor.*

H. L. GERWIG, *Chairman.*

L. L. DARLING.

T. H. BELL.

D. J. OLDS.

GEO. R. CARTIER.

HENRY ROHBECK,

Councilmen.

A communication from certain female cannery employees, protesting against the passage of House bill No. 61, was read, and on motion of Senator Kline ordered referred to the Committee on Labor and Labor Statistics.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Irrigation and Arid Lands, to whom was referred Senate bill No. 265, entitled "An act repealing sections 4128 and 4157 of Ballinger's Annotated Code and sections 5843 and 5872 of Pierce's Washington Code, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. H. SMITHSON, *Chairman.*

We concur in this report: E. C. Davis, B. D. Minkler, S. J. Cameron.

On motion of Senator Smithson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Horticulture and Forestry, to whom was referred Senate bill No. 268, entitled "An act regulating the selling of goods, wares and merchandise on commission, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. C. WHITNEY, *Chairman*.

We concur in this report: Ed Brown, Joseph Arrasmith, E. M. Williams.

On motion of Senator Whitney, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 281, entitled "An act to amend section 2 of an act entitled 'An act relating to deficiencies in public institutions and departments of this state, and providing a penalty for the violation thereof, and declaring an emergency,' approved March 7, 1895," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: H. O. Fishback, Harry Rosenhaupt, F. L. Stewart, J. R. Stevenson, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 272, entitled "An act making an appropriation to aid in the erection of a monument to mark the site of the battle between the Nez Perce Indians and troops under command of Col. E. J. Steptoe," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: H. O. Fishback, Harry Rosenhaupt, J. R. Stevenson, Chas. E. Myers, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 244, entitled "An act appropriating the sum of thirty thousand

(\$30,000) dollars to the National Irrigation Congress meeting at Spokane," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: H. O. Fishback, Harry Rosenhaupt, F. L. Stewart, J. R. Stevenson, Chas. E. Myers, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 292, entitled "An act fixing the tuition fees in the institutions of higher education," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: H. O. Fishback, Harry Rosenhaupt, F. L. Stewart, J. R. Stevenson, Chas. E. Myers, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 61, entitled "An act to create a state fish hatchery on the Bryant spring in Walla Walla county, State of Washington, for the propagation and distribution of trout and other game fish in the State of Washington, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: H. O. Fishback, Harry Rosenhaupt, J. R. Stevenson, F. L. Stewart, Chas. E. Myers, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 248, entitled "An act making an appropriation and creating a commission, to be known as the Columbia river improvement commission, for the purpose of the improvement of the Columbia river between Bridgeport and Kettle Falls," have had the same under con-

sideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: H. O. Fishback, Harry Rosenhaupt, J. R. Stevenson, F. L. Stewart, Chas. E. Myers, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 146, entitled "An act authorizing and directing the state auditor to audit, and the state treasurer to pay bills or expenses which hereafter may be incurred by the bureau of plant industry of the department of agriculture of the United States in investigation of and experimentation with the various methods of clearing logged-off and timbered lands in this state, to an amount in the aggregate equal to the sum hereafter to be expended by said bureau, from its congressional appropriation for such purposes within this state, not exceeding five thousand (\$5,000.00) dollars, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: H. O. Fishback, Harry Rosenhaupt, F. L. Stewart, J. R. Stevenson, Chas. E. Myers, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 238, entitled "An act to provide for the making of topographic maps within the State of Washington, and the investigation of its water resources in co-operation with the United States government; also for geologic investigations within the State of Washington, and appropriating moneys therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: H. O. Fishback, Harry Rosenhaupt, F. L. Stewart, J. R. Stevenson, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Education, to whom was referred Senate bill No. 12, entitled "An act relating to instruction in military tactics in the public schools," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. D. BASSETT, *Chairman.*

We concur in this report: J. R. Stevenson, Harry Rosenhaupt, I. B. Knickerbocker, Chas. E. Myers.

On motion of Senator Myers, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 133, entitled "An act providing for the purchase of two statues and appropriating funds therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike all of section 3.

W. H. PAULHAMUS, *Acting Chairman.*

We concur in this report: H. O. Fishback, Harry Rosenhaupt, J. R. Stevenson, Chas. E. Myers, Peter McGregor.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 67, entitled "An act providing for the purchase of the highway bridge across the Columbia river, at Wenatchee, Washington, by the State of Washington, from the Washington Bridge Company, providing means, method and time of payment therefor and the manner of future maintenance and supervision thereof, and making an appropriation for said purchase," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments, recommended by the Committee on Roads and Bridges:

In section 6, beginning in line 1, strike out the following: "by and with the consent of the boards of county commissioners of Chelan and Douglas counties, jointly are," and in lieu thereof insert the word "is."

In section 6, beginning in line 13, at and including the word "general," strike out the remainder of the section, and in lieu thereof insert the following: "public highway fund of the state."

In section 7, line 5, strike out the words "beyond \$30,000." Same section, line 6, strike out "\$160,000" and in lieu thereof insert "\$190,000." Same section, line 7, strike out the word "ten" at end of line and in lieu thereof insert the word "twelve." Same section, line 9, after the word "annually" insert the following: "beginning with the biennial term of the year 1911." Same section, line 19, strike out the words, "such bonds shall be redeemed in numerical order," and insert in lieu thereof the following: "such bonds shall be a valid and binding indebtedness against the state, and shall be redeemed in numerical order; and any such bonds outstanding and not redeemed at the expiration of twelve years from the date thereof shall be paid out of the state general fund."

W. H. PAULHAMUS, *Acting Chairman.*

We concur in this report: Harry Rosenhaupt, F. L. Stewart, J. R. Stevenson, Chas. E. Myers, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Agriculture, to whom was referred Senate bill No. 287, entitled "An act relating to the sale and removal of timber upon state's school or granted lands, and providing for its withdrawal from sale and reforestation of lands not adapted to agriculture," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOSEPH ARRASMITH, *Chairman.*

We concur in this report: Ed Brown, John L. Blair, H. O. Fishback, J. H. Smithson.

On motion of Senator Arrasmith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 206, entitled "An act relating to the introduction and use of medical expert testimony in civil actions and proceedings," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be amended as follows and placed on general file:

In line 6, section 1 of the printed bill, strike the comma after the word "observation"; strike the words "not only," and after the word "but" insert the word "not."

WILL. G. GRAVES, *Chairman.*

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 68, entitled "An act to amend sections 6490, 6491, and 6493 of Ballinger's Annotated Codes and Statutes of Washington, relating to habitual drunkards," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

WILL G. GRAVES, *Chairman*.
I. B. KNICKERBOCKER.

On motion of Senator Stevenson, Senate bill No. 68 and the report of the committee were ordered placed on general file.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 108, entitled "An act amending an act entitled 'An act amending an act entitled 'An act amending section 3 of chapter 83, Laws of 1907, relating to revenue and taxation, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

WILL G. GRAVES, *Chairman*.
I. B. KNICKERBOCKER.

On motion of Senator Graves, Senate bill No. 108, together with the report of the committee, were ordered placed on general file.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred engrossed House bill No. 125, entitled "An act to enable counties, cities and towns to validate certain warrants and other obligations and evidence of indebtedness on the part of such counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: A. B. Eastham, Geo. F. Cotterill, Harry Rosenhaupt, J. W. Bryan.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 129, entitled "An act amending section 8068 of Pierce's Washington Code, entitled 'An act giving honorably discharged Union soldiers and sailors a preference to public employment, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be amended as follows and placed on general file:

In line 1 of the title of the printed bill, strike the words and figures "8068 of Pierce's Washington Code" and substitute therefor the words and figure "1 of an act."

In line 1, section 1 of the printed bill, strike the words and figures "8068 of Pierce's Washington Code" and substitute therefor the words and figures "1, chapter 84 of the Laws of 1895." In line 2 of said section, strike the figures "8068" and substitute therefor the figure "1."

WILL G. GRAVES, *Chairman*.

On motion of Senator Graves, the report of the committee was adopted.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON,
EXECUTIVE DEPARTMENT,
OLYMPIA.

To the Honorable the Senate of the State of Washington:

GENTLEMEN:—I have the honor to submit herewith a list of executive appointments, subject to your confirmation, made since the adjournment of the legislative session of 1907:

BOARD OF CONTROL.

H. T. Jones, of Spokane, appointed June 29, 1907, for term ending June 11, 1909.

Eugene Lorton, of Walla Walla, appointed January 11, 1909, for term ending June 11, 1911, succeeding J. H. Davis, resigned.

H. E. Gilham, of Seattle, appointed January 27, 1909, for term ending June 11, 1913, succeeding Matt L. Piles, resigned.

REGENTS OF THE UNIVERSITY OF WASHINGTON.

A. P. Sawyer, of Seattle, appointed February 15, 1908, for the term ending the second Monday in March, 1914, succeeding himself, term expired.

J. T. Ronald, of Seattle, appointed February 15, 1908, for the term ending the second Monday in March, 1914, succeeding himself.

F. A. Hazletine, of South Bend, appointed November 16, 1908, for the term ending the second Monday in March, 1911, succeeding S. G. Cosgrove, resigned.

REGENTS STATE COLLEGE.

Lee A. Johnson, of Sunnyside, appointed March 8, 1907, for the term ending March 9, 1913, succeeding U. L. Ettinger, term expired.

Peter McGregor, of Hooper, appointed April 1, 1907, for the term ending March 9, 1913, succeeding himself.

STATE BOARD OF EDUCATION.

P. A. Williams, of Aberdeen, appointed March 11, 1907, for the term ending the first Monday in March, 1909, succeeding himself.

J. A. Torney, of Spokane, appointed March 11, 1907, for the term ending the first Monday in March, 1909, succeeding himself.

Thomas A. Stiger, of Everett, appointed March 11, 1907, for the term ending the first Monday in March, 1909, succeeding himself.

J. W. Shepherd, of Walla Walla, appointed March 11, 1907, for the term ending the first Monday in March, 1909, succeeding himself.

STATE EXAMINER.

J. L. Mohundro, of Seattle, appointed February 1, 1909, for the term ending June 11, 1911, succeeding A. W. Engle.

STATE BOARD OF HEALTH AND BUREAU OF VITAL STATISTICS.

E. L. Kimball, of Spokane, appointed December 21, 1907, effective December 31, 1907, for the term ending December 30, 1912, succeeding Dr. J. M. Semple, term expired.

P. Frank, of North Yakima, appointed October 13, 1908, effective December 30, 1908, for term ending December 30, 1913, succeeding himself, term expired.

BOARD OF MANAGERS WASHINGTON STATE REFORMATORY.

Corwin S. Shank, of Seattle, appointed July 8, 1907, for the term ending July 7, 1911.

Frank C. Jackson, of Seattle, appointed July 8, 1907, for the term ending July 7, 1912.

Fred Reeves, of Wenatchee, appointed July 18, 1907, for the term ending July 17, 1909.

John Hansen, of Everett, appointed April 16, 1908, for the term ending July 7, 1910, succeeding W. P. Bell, resigned.

Maurice A. Langhorne, of Tacoma, appointed July 25, 1907, for the term ending July 24, 1908; reappointed October 13, 1908, for term ending July 7, 1913.

STATE OIL INSPECTOR.

F. A. Clark, of Everett, appointed June 12, 1907, for the term ending June 11, 1911.

CHAPLAIN OF STATE PENITENTIARY.

Rev. John LeCornu, of Walla Walla, appointed June 29, 1907, for the term ending June 7, 1909, succeeding himself, term expired.

BOARD OF FOREST COMMISSIONERS.

Frank H. Lamb, of Hoquiam, appointed July 9, 1907, for the term ending June 7, 1911, succeeding himself, term expired.

R. W. Condon, of Port Gamble, appointed July 9, 1907, for term ending June 7, 1911, succeeding himself, term expired.

STATE TAX COMMISSION.

A. E. Cagwin, of Kelso, appointed January 28, 1909, for term ending June 11, 1911, succeeding J. H. Easterday, resigned.

BOARD OF TRUSTEES STATE NORMAL SCHOOL AT ELLENSBURG.

J. A. Mahan, of Ellensburg, appointed July 6, 1908, for the term ending June 26, 1914, succeeding himself, term expired.

BOARD OF TRUSTEES STATE NORMAL SCHOOL AT CHENEY.

R. L. Rutter, of Spokane, appointed September 21, 1908, for the term ending July 29, 1914, succeeding Charles P. Lund, term expired.

BOARD OF TRUSTEES STATE NORMAL SCHOOL AT BELLINGHAM.

J. J. Edens, of Bellingham, appointed May 8, 1907, appointment effective June 13, 1907, for term ending June 12, 1913, succeeding himself.

STATE DAIRY AND FOOD COMMISSIONER.

L. Davies, of Davenport, appointed June 12, 1907, for term ending first Monday in April, 1910.

STATE COMMISSIONER OF HORTICULTURE.

F. A. Huntley, of North Yakima, appointed June 12, 1907, for the term ending March 31, 1909.

STATE RAILROAD COMMISSION.

Jesse S. Jones, of Tacoma, appointed March 15, 1907, for the term ending June 16, 1909, succeeding John S. McMillin, resigned.

John C. Lawrence, of Garfield, appointed June 27, 1907, for the term ending June 16, 1913, succeeding himself, term expired.

STATE FAIR COMMISSION.

Julius C. Hubbell, of Ellensburg, appointed March 11, 1907, effective March 28, 1907, for the term ending March 27, 1911, succeeding W. H. Talbot, term expired.

Edward Remy, of North Yakima, appointed May 3, 1907, for the term ending March 27, 1911, succeeding Z. Y. Coleman, term expired.

Samuel J. Cameron, of North Yakima, appointed May 3, 1907, for the term ending March 27, 1911, succeeding himself, term expired.

G. W. Dickinson, of Seattle, appointed February 26, 1908, for the term ending March 22, 1911, succeeding G. J. Hill, resigned.

Respectfully submitted,

M. E. HAY,

Lieutenant Governor and Acting Governor.

On motion of Senator Stevenson, the foregoing message from the governor was ordered printed and each senator supplied with a copy of same.

Senator Stevenson moved that the confirmation of the appointments listed by the governor in his message be made a special order for 10:15 o'clock a. m. tomorrow.

Senator Williams moved as a substitute that the message be made a special order for 11:00 o'clock a. m., Monday, March 1, 1909.

The substitute motion carried.

On motion of Senator Smithson, Senate bill No. 67 was made a special order for 2:00 o'clock this afternoon.

INTRODUCTION OF BILLS.

Senate bill No. 344, by Senator Smith, entitled "An act disclaiming title and interest in certain land in Snohomish county."

The bill was read the first time, and on motion of Senator Smith the rules were suspended, the bill was read the second time by title and placed on general file.

Senate bill No. 345, by Senator Paulhamus, entitled "An act requiring the state board of tax commissioners to take charge of and superintend the enforcement of an act relating to the sale of intoxicating liquors, fixing the state license fee, and providing a punishment for the violation thereof; approved March 15, 1907."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 346, by Senator Knickerbocker, entitled "An act providing for the appraisalment, sale and disposition of lands belonging to the State of Washington, containing deposits of coal."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 347, by Senator Knickerbocker, entitled "An act relating to furnishing of supplies or materials for public use."

The bill was read the first time, and on motion of Senator Knickerbocker the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 348, by Judiciary Committee, entitled "An act to amend section 4683 of Ballinger's Annotated Codes and Statutes of Washington, relating to the jurisdiction of justices of the peace in criminal cases."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 349, by Judiciary Committee, entitled "An act authorizing prosecuting attorneys to issue warrants."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 350, by Judiciary Committee, entitled "An act to amend section 6802 of Ballinger's Annotated Codes and Statutes of Washington, relating to the prosecution of crimes by information."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 351, by Senator Allen, entitled "An act prohibiting the making, uttering, circulating, selling or offering for sale any certificate of any warehouse, distillery or depository for intoxicating liquors unless the indential liquors referred to therein have been fully paid for and the owner and holder of such certificate may obtain the same without the payment of any further sum except government tax and the taxes of the state, county and city where such warehouse, distillery or depository may be located, and providing penalty for violation thereof."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 352, by Senator Cotterill, entitled "An act relating to horticulture and prescribing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Horticulture and Forestry.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 198, entitled "An act increasing the number of judges of the supreme court of the State of Washington";

Senate bill No. 27, "Providing for the purchase of land for state fish hatchery purposes," with certain amendment;

Senate bill No. 157, "Relating to the adulteration of foods, drinks and drugs";

Senate joint memorial No. 5, "Relating to the creation of a new division of the railway mail service";

Senate bill No. 88, "Providing for and regulating the assignment of wages to be earned in the future";

Senate bill No. 127, "Authorizing the board of regents of University of Washington to apply for participation in the Carnegie fund";

Senate bill No. 48, "Relating to actions brought to recover possession of real property and amending section 5518 of Ballinger's Codes";

Senate concurrent resolution No. 17, "Relating to polygamy";

Senate concurrent resolution No. 20, "Relating to insurance on state buildings, etc.";

Senate bill No. 102, "Relating to the placing of bottles, glass, tacks and nails in any road or highway in the State of Washington";

Senate bill No. 276, "Relating to the taking of food fishes";

Senate bill No. 96, "Relating to dividing of counties into districts for judicial purposes and for holding sessions of superior court";

Senate bill No. 93, "Relating to retaliation and reciprocation between this state and the states of the United States regarding insurance companies";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 310, by Committee on State Capitol and Grounds, entitled "An act relating to the sale of lands granted for public buildings at the state capital, providing for the payment of all the claims against the capitol building fund and for the erection and completion of a capitol building, and making an appropriation for the carrying out of the provisions of this act and declaring an emergency."

The bill was read the first time, and on motion of Senator

Williams the rules were suspended, the bill was read the second time by title, and referred to the Committee on Public Buildings and Grounds.

House bill No. 208, entitled "An act empowering cities of the second and third class to fill low lands within their borders and for that purpose to exercise the right of eminent domain for the taking and damaging of property and providing a method for levying and collection of special assessments on the property benefited and declaring an emergency."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Harbor and Harbor Lines.

House bill No. 33, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Bellingham, appropriating money from the military fund therefor, creating a board to superintend the construction thereof."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, and referred to the Committee on Appropriations.

House bill No. 38, entitled "An act fixing the time in which certain game birds can be killed, and providing a penalty."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, and referred to the Committee on Game.

House bill No. 84, entitled "An act relating to the levy of an annual tax for the purpose of advertising the advantages of the counties of the State of Washington, as a place for residence, or as a place for business purposes."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Appropriations.

House bill No. 214, entitled "An act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting under the administration of the state auditor."

The bill was read the first time, and on motion of Senator

Bassett the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 196, entitled "An act for the protection of crabs in the waters of the State of Washington, and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and referred to the Committee on Fisheries.

House bill No. 179, entitled "An act for the relief of Kit-titas county, Washington, for money advanced in securing the extradition from the State of Illinois of Paolo Nigro, accused of a felony, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Appropriations.

House bill No. 97, entitled "An act to amend section 1, chapter 44, of an act of the legislature of the State of Washington, approved Feb. 26, 1907, entitled 'An act to amend section 1263 of Ballinger's Annotated Codes and Statutes of Washington, relating to filing of plats and payment, assessment and collection of taxes upon the same,' and declaring an emergency."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 263, entitled "An act providing the rate of interest to be paid on bonds of Jefferson county and owned by the State of Washington, and declaring an emergency."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and referred to the Committee on Public Revenue and Taxation.

House bill No. 296, entitled "An act relating to the relief of the posts of the Grand Army of the Republic."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and referred to the Committee on Military.

House bill No. 257, entitled "An act to amend 'An act authorizing any county in the State of Washington to join with any city of the first, second or third class in such county in pay-

ing for the construction of any bridge, trestle or any structure which crosses any stream or body of water, in constructing roads, streets, avenues or public highways which cross any stream or body of water when such stream or body of water is within or partly within such city, and such highway extends beyond such city limits,' approved March 13, 1901, extending the provisions of said act to towns."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Roads and Bridges.

House bill No. 247, by Committee on Appropriations, entitled "An act making appropriations for the maintenance and sundry expenses of the state normal schools for the fiscal term beginning April 1, 1907, and ending March 31, 1909."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Appropriations.

House bill No. 245, entitled "An act authorizing the board of regents of the University of Washington to confirm a right-of-way in any railroad company now having in operation a line of railroad, or branches, or sidings, or spurs thereof, or to grant an easement for a right-of-way to any railroad company or street car company hereafter desiring to construct a railroad or line, with branches, sidings, or spurs, all upon any property in use by said university for university purposes, or as a part of the ground set aside or devoted to university purposes, and providing for the manner in which said right-of-way shall be ascertained and patented, and the terms upon which the same shall be granted and held."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Granted, School and Tide Lands.

House bill No. 239, entitled "An act to amend section 5 of an act entitled 'An act for the protection of persons working in coal mines,' approved March 6, 1897."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the sec-

ond time by title, and referred to the Committee on Mines and Mining.

House bill No. 230, entitled "An act providing for the conveyance by boards of county commissioners of rights-of-way over country roads for state road purposes."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Roads and Bridges.

GENERAL FILE.

House bill No. 68, entitled "An act providing for the taking and filing of official oaths," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 68 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Mr. President—33.

Absent or not voting were: Senators Cameron, Cotterill, Falconer, Graves, Presby, Smithson, Stewart, Whitney, Williams—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 32, entitled "An act authorizing and directing a numerical index of the records of county auditors," was placed on its third reading.

Senator Booth moved that the bill be indefinitely postponed.

A roll call on the motion to indefinitely postpone was demanded by Senators Falconer, Nichols, Knickerbocker, Potts, Roberts, Hutchinson, Rosenhaupt.

The secretary called the roll and the bill was indefinitely postponed by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Cotterill, Davis, Eastham, Falconer, Fishback, Graves, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Potts, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—26.

Those voting nay were: Senators Brown, Bryan, Cox, Fatland, Hutchinson, Huxtable, Kline, McGregor, Paulhamus, Polson, Rosenhaupt, Whitney—12.

Those absent or not voting were: Senators Anderson, Cameron, Piper, Smithson—4.

Senate bill No. 253, entitled "An act relating to railroads, express, telephone and telegraph companies, and providing for the regulation thereof, etc.," was read third time.

The president called Senator Booth to the chair.

On motion of Senator Paulhamus, the bill was amended as follows:

Amend the title by adding after the word "rates" in the last line of page 1 of the printed bill, being line 17 of page 2 of the original bill, the following: "between telephone companies and between telegraph companies."

Amend section 3 by adding after the word "trackage" in line 4, page 4 of the printed bill, being line 23, page 6 of the original bill, the words "industrial and commercial spurs."

Further amend section 3 as follows: "In line 6, page 4 of the printed bill, being line 26, page 6 of the original bill, after the word "property" add the following words: "the quantity and character of baggage to be carried by each passenger."

Further amend section 3 by adding after the word "efficient," found in lines 17 and 18 of page 4 of the printed bill, being line 8, page 7 of the original bill, the following: "*Provided, however,* That nothing in this act contained shall authorize the establishing of any joint rate or rule respecting any telephone or telegraph service as to any business originating in any city or town in which each company to be affected by such joint rate or rule has transmitting offices."

Further amend said section 3 by striking out the words "of such," in line 24 of page 4 of the printed bill, being line 20, page 7 of the original bill, and adding after the word "lines" the following: "of railroads, two or more telephone lines or two or more telegraph lines."

Further amend said section by striking out the words "connections between telephone lines," in lines 26 and 27 of page 4 of the printed bill, being line 25, page 7 of the original bill.

Amend said section 3 by adding the word after "trackage," in line 26, page 4 of the printed bill, being line 24, page 7 of the original bill, the words "industrial and commercial spurs."

Further amend said section by adding after the word "baggage," in line 28, page 4 of the printed bill, being line 27, page 7 of the original bill, the following: "or any rule or regulation concerning the quantity or character of baggage to be carried for each passenger."

Amend said section 3 by adding after the word "trackage" in line

34, page 4 of the printed bill, being line 5, page 8 of the original bill, the words "industrial and commercial spurs."

Further amend said section by striking out of lines 35, 36 and 37 of page 4 of the printed bill, being lines 7, 8, 9 and part of 10 of page 8 of the original bill, the following words: "that proper physical connections be made between two or more telephone companies having offices in the same city or town and specifying the rate to be charged for messages or conversations passing over each of said lines."

Further amend said section by adding after the word "parties," in line 64, page 5 of the printed bill, being line 20, page 9 of the original bill, the word "and."

Further amend said section by striking out the word "complaint," being the last word in line 73 of page 5 of the printed bill, being line 2, page 10 of the original bill, and substituting therefor the word "complainant."

Amend section 4 by striking out the word "appointment" in line 4, page 6 of the printed bill, being lines 11 and 12, page 11 of the original bill, and inserting in lieu thereof the word "apportionment."

Amend section 6 by adding after the word "trackage" in line 8, page 7 of the printed bill, being line 16, page 12 of the original bill, the words "industrial and commercial spurs."

Amend section 6 by striking out the following words: "telephone connection between telephone companies," found in line 9, page 7 of the printed bill, being line 17, page 12 of the original bill.

Amend section 6 by striking out the word "such" preceding the word "service" in line 14, page 7 of the printed bill, being line 25, page 12 of the original bill, and further amend said section by inserting after the word "not" and before the word "promptly" the word "being."

Further amend section 6 by adding after the word "trackage" in line 17 of page 7 of the printed bill, being line 29, page 12 of the original bill, the words "industrial and commercial spurs."

Amend section 6 by striking out the word "the," being the last word in line 101, page 9 of the printed bill, being line 21, page 16 of the original bill, and inserting in lieu thereof the word "a."

Amend section 11 by adding at the end of said section after the word "imprisonment" in line 20, page 11 of the printed bill, being line 11, page 20 of the original bill, the following: "*Provided*, That nothing in this act contained shall apply to the production or inspection of the contents of any telephone or telegraph message."

Amend section 13 by inserting after the word "or" in line 20, page 14 of the printed bill, being line 19, page 26 of the original bill, the words "upon proper demand."

Amend section 15 by striking the words "delay or" in line 22, page 16 of the printed bill, being line 2, page 30 of the original bill, and inserting after the word "discrimination" the words "or unnecessary delay."

And further amend said section by striking the words "delay or" in line 25, page 16 of the printed bill, being line 7, page 30 of the orig-

inal bill, and inserting after the word "discrimination" the words "or unnecessary delay."

Amend section 15 as follows: "After the word "railroads" in line 48, page 17 of the printed bill, being line 11, page 31 of the original bill, add the words "telephone and telegraph companies."

Further amend said section by adding after the word "transportation" in line 48, page 17 of the printed bill, being line 11, page 31 of the original bill, the following words: "message or conversation."

Further amend said section by striking the word "railroad" in line 49, page 17 of the printed bill, being line 12, page 31 of the original bill, and inserting in lieu thereof the words "any of its" and add the letter "s" to the word "officer."

Further amend said section by striking out the word "railroad" in line 51 of page 17 of the printed bill, being line 15, page 31 of the original bill.

Amend section 17 by adding at the end of said section the following: "*Provided, however,* That nothing in this act contained shall prevent a special contract providing for the mutual exchange of service from being entered into between any railroad company and any telegraph company where the telegraph line is along the railroad right-of-way and used by both such companies."

Amend section 22 to read as follows: "That section 27 of the said act be and the same is hereby repealed."

Amend section 23 by inserting after the word "foot-boards" in line 14, page 19 of the printed bill, being line 11, page 36 of the original bill, the following: "excepting in cases of emergency, and then only by consent of the railroad commission first had and obtained."

Amend section 24 by striking therefrom lines 21 to 32 inclusive of page 37 in the original bill, being lines 17 to 24 inclusive, page 19 of the printed bill, and insert in lieu thereof the following: "All locomotives used in moving passenger trains excepting those assigned strictly to daylight runs shall be equipped with an electric headlight of approved design and capacity, and it shall be unlawful to operate any locomotive on a passenger train (excepting a helper attached to the rear of the train, or a locomotive assigned to a daylight run, or in case of emergency occurring by reason of accident to the regular passenger locomotive) not so equipped after September 1st, 1909, or any locomotive used in main line road service not so equipped after February 1, 1911, except as permitted by the railroad commission of Washington so to do; all frogs, switches and guard rails on all railroads shall be so adjusted, filled, blocked and securely guarded as to protect and prevent the feet of persons being caught therein."

Senator Fatland moved to amend the bill as follows:

On page 2 of the printed bill, section 1, line 26, strike all of the line after the word "be" and line 27 to and including the word "appointed" and insert in lieu therefor the words "to be elected at the next general election."

A roll call on the proposed amendment was demanded by Senators Davis, Piper, Hutchinson, Fatland, Cox, McGregor, Ruth.

The secretary called the roll on the proposed amendment and it failed to carry by the following vote:

Senator Booth moved that the bill be indefinitely postponed.

Those voting aye were: Senators Fatland, Hutchinson, Whitney—3.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—36.

Absent or not voting were: Senators Bryan, Metcalf, Stevenson—3.

Senator Fatland moved to amend on page 9 of the printed bill, section 8, line 4, by inserting after the word "telegraph" the words "street railway companies inside of cities of the first class."

The motion was lost.

The previous question was demanded by Senator Williams, seconded by Senators Knickerbocker, Falconer and Paulhamus.

The motion for the previous question carried.

The secretary called the roll on final passage of Senate bill No. 253 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—35.

Voting nay: Senator Hutchinson—1.

Absent or not voting were: Senators Bryan, Cox, McGregor, Metcalf, Stevenson, Whitney—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 112, entitled "An act making an appropriation for the payment of the publication of the notices required to be given by chapter 67, etc.";

House bill No. 37, entitled "An act dedicating to the city of Seattle all the right, title and interest of the State of Washington in and to certain lands in the city of Seattle";

House bill No. 59, entitled "An act to amend article 6 of the constitution of the State of Washington";

House bill No. 169, entitled "An act to create a public archives commission and to define its duties and powers";

House bill No. 107, entitled "An act to create a police relief, health and insurance fund in incorporated cities of the first class, etc.";

House bill No. 58, entitled "An act relating to the keeping and deposit of municipal funds";

House bill No. 102, entitled "An act to amend section 2 of an act of the legislature of the State of Washington providing for the establishment, construction and maintenance of state roads, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

By unanimous consent, the Senate returned to the order of business "Reports of Standing Committees."

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Horticulture and Forestry, to whom was referred Senate bill No. 155, entitled "An act relating to horticulture and prescribing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. C. WHITNEY, *Chairman.*

We concur in this report: W. B. Presby, E. M. Williams.

The president ruled that the report was out of order.

The president signed House bills Nos. 59, 112, 37, 169, 107, 58 and 102.

Senate bill No. 155, entitled "An act relating to horticulture and prescribing penalties for the violation thereof," was placed on its third reading.

At 12:00 o'clock m., on motion of Senator Williams, the Senate took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 276, entitled "An act relating to the taking of food fishes, providing a penalty for the violation thereof, etc.," have compared the same with the engrossed bill and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: H. O. Fishback, D. H. Cox.

The president signed Senate bills Nos. 52, 77, 99 and 276.

The Senate resumed the consideration of Senate bill No. 155, which was read third time.

Senator Rosenhaupt was called to the chair.

SPECIAL ORDER.

The hour of 2:00 o'clock p. m. having arrived, the Senate proceeded to consider Senate bill No. 67, which was special order for this time.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 67, entitled "An act providing for the purchase of the highway bridge across the Columbia river, at Wenatchee, Washington, etc."

The bill was considered in the Committee of the Whole, Senator Roberts in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Roberts, the report of the Committee of the Whole was adopted.

On motion of Senator Graves, the reading of the bill had in the Committee of the Whole was considered the third reading of the bill and the bill placed on final passage, the rules being suspended.

Senator Hutchinson moved to amend the bill by substituting

the words "three and three-quarters" for the word "five" in line 7, section 7 of the printed bill.

Senator Falconer moved as a substitute that the word "five" be stricken and the word "four" be substituted therefor in line 7 of section 7 of the printed bill.

The substitute motion carried.

The president resumed the chair.

The secretary called the roll on final passage of Senate bill No. 67 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—39.

Those voting nay were: Senators Eastham, Fishback, Paulhamus—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Rosenhaupt, the rules were suspended and Senate bill No. 67 ordered immediately transmitted to the House.

The president announced the appointment of Senators Booth, Bassett and Stewart as a committee under Senate concurrent resolution No. 20.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 99, entitled "An act for the appropriation of money to defray the expenses of the department of the railroad commission of the State of Washington for the fiscal year ending March 31, 1909";

Senate bill No. 77, "Relating to appropriation for the payment of sundry expenses in office of superintendent of public instruction";

Senate bill No. 52, "Relating to section 1330, Ballinger's Annotated Codes and Statutes of Washington";

Senate bill No. 276, "Relating to the taking of food fishes";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

SPECIAL ORDER.

The hour of 2:30 p. m. having arrived, the Senate took up the matter of confirming the appointment by the president of Senator Smith as a member of the Committee on Rules and Joint Rules.

Senator Falconer moved that the appointment of Senator Smith as a member of the Committee on Rules and Joint Rules be confirmed by the Senate.

The secretary called the roll and the appointment was confirmed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cötterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Stevenson, Stewart, Whitney, Williams—35.

Absent or not voting were: Senators Booth, Graves, Huxtable, McGregor, Smith, Smithson, Mr. President—7.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 126, entitled "An act to amend section 3 of an act entitled 'An act to provide for the establishment of harbor lines, survey, platting, and appraisal,' etc," have compared the same with the engrossed bill and find it correctly enrolled. Respectfully submitted,

J. W. BRYAN, *Chairman*.

We concur in this report: H. O. Fishback, D. H. Cox, A. W. Anderson.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 83, entitled "An act to promote the safety of employes on railroads by requiring and compelling railroads operating in this state to use suitable and proper caboose cars, etc.," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted, J. W. BRYAN, *Chairman*.

We concur in this report: H. O. Fishback, D. H. Cox, A. W. Anderson.

GENERAL FILE.

The president signed Senate bills Nos. 126 and 83.

The Senate resumed the consideration of Senate bill No. 155.

On motion of Senator Whitney, the bill was amended as follows:

(All the following amendments are of the printed bill.)

Strike the sub-title heading each section.

In section 2, line 1, insert a period after the word "horticulturist" and strike the balance of the line, and all of line 2 down to and including the word "Washington." At the end of the section add the following: "He shall be a citizen of the United States and a resident of this state not less than three years prior to the date of his appointment."

Senator Metcalf moved to amend the bill by substituting the word "Tacoma" for the word "Kennewick" in section 4, line 1, of the printed bill.

Senator Falconer moved to substitute the word "Everett" for the word "Tacoma."

Senator Falconer's motion was lost.

Senator Potts moved as a substitute that the word "Olympia" be inserted in lieu of the word "Kennewick."

Senator Rosenhaupt moved as an amendment to the substitute that the word "Spokane" be inserted in lieu of the word "Kennewick."

The motion of Senator Rosenhaupt was lost.

The motion of Senator Potts failed to carry.

The motion of Senator Metcalf was lost.

Senator Williams moved to amend the bill as follows:

In section 5, line 1, strike the word "hold" at the end of the line and insert in lieu thereof the following: "have the same qualification as the commissioner."

Senator Cotterill moved as an amendment to the amendment to insert between the words "shall" and "hold" in line 1 of section 5 of the printed bill the following: "have the same qualifications as the commissioner and shall."

The motion of Senator Cotterill was carried.

On motion of Senator Cameron, the bill was amended as follows:

In section 8, line 7, insert between the words "examination" and "upon," the following: "before the commissioner of horticulture."

On motion of Senator Presby, the bill was amended as follows:

In line 8, strike the words "the faculty of the state college" and insert in lieu thereof the words "by the commissioner of horticulture."

On motion of Senator Cameron, the bill was amended as follows:

In section 9, line 2, strike the figures "\$3,000.00" and insert in lieu thereof the figures "\$2,000.00." In line 7, at the end of the line, strike the word "as." Strike line 8 and in lieu thereof insert the following: "or fail to keep his bond in effect as herein provided."

On motion of Senator Hutchinson, the bill was amended as follows:

In section 14, line 18, strike the words "King county" and insert in lieu thereof the words "Spokane county."

On motion of Senator Cameron, the bill was amended as follows:

In section 16, line 3, strike the figures "\$2.00" and insert in lieu thereof the figures "\$1.00."

On motion of Senator Whitney, the bill was amended as follows:

In section 17, line 3, strike the words and figures "five thousand dollars (\$5,000.00)" and insert in lieu thereof the words and figures "one thousand dollars (\$1,000.00)."

On motion of Senator Cameron, the bill was amended as follows:

In section 19, line 1, strike the word "state" as it appears between the words "any" and "horticulture" and insert in lieu thereof the word "district."

In section 20, line 5, strike the words and comma "who took the order for the same,".

On motion of Senator Williams, the bill was amended as follows:

In section 25, line 5, strike the word "fruit."

In section 34, line 20, add the following words: "*And provided further*, That any nurseryman or tree dealer within the state may demand the services of an inspector during shipping season by paying \$4.00 per day for his services as long as the shipments continue at the rate of a carload or its equivalent every four days."

On motion of Senator Whitney, the bill was amended as follows:

In section 35, line 6, after the word "charge," add the following: "but in the event of any stock suffering damage by such second inspection or exposure, the owner thereof may have recourse against the bond of said inspector, if shipments shall have been accompanied by a copy of former inspector's certificate, unless it is proven that the shipment contains stock not previously inspected."

On motion of Senator Cameron, the bill was amended as follows:

In section 36, line 12, strike the word "district" and insert the word "state."

On motion of Senator Williams, the bill was amended as follows:

In section 38, line 4, between the words "disinfect" and "such" insert the following: "or cause to be disinfected."

Strike all of section 45 and insert in lieu thereof a new section, as follows: "Sec. 45. Every candidate for appointment to any position in the service of the department of the commissioner of horticulture, unless he be a graduate of an agricultural college or similar institution in a department of agriculture and horticulture, shall be required to pass an examination satisfactory to the commissioner of horticulture."

On motion of Senator Williams, the bill was amended as follows:

In section 47, at the end of the section, add the following: "Provided they are diseased."

On motion of Senator Williams, the bill was amended as follows:

- Strike all of section 49.
- Change section 50 to section 49.
- Change section 51 to section 50.
- Change section 52 to section 51.
- Change section 53 to section 52.
- Change section 54 to section 53.
- Change section 55 to section 54.
- Change section 56 to section 55.
- Change section 57 to section 56.
- Change section 58 to section 57.
- Change section 59 to section 58.
- Change section 60 to section 59.
- Change section 61 to section 60.

Change section 62 to section 61.

Change section 63 to section 62.

Change section 64 to section 63.

On motion of Senator Williams, the bill was amended as follows:

Change section 66 to section 65.

Change section 67 to section 66.

Change section 68 to section 67.

On motion of Senator Bassett, the bill was amended by striking line 24 in section 14 of the printed bill, and adding to the end of line 16 the words "and Adams and Whitman counties."

On motion of Senator Davis, the bill was amended by striking all after the word "Chelan," in line 10, section 14 of the printed bill, and substituting "and Douglas counties" and by striking the word "Douglas" in line 14 and substituting therefor the word "Grant," and by striking the words "east of the east line of range 23, east of Willamette meridian, and," in line 15, and by striking figures "21" in line 16 and substituting the figures "18."

On motion of Senator Kline, the bill was amended by striking line 3 of section 14 of the printed bill and adding the words "Whatcom county" to the end of line 6, and by substituting a comma for the period after the word "county" at the end of line 6.

On motion of Senator Bryan, the bill was amended by striking all of line 17, section 14 of the printed bill, and adding to the end of line 23 the words "Kitsap county and Thurston county."

On motion of Senator Cotterill, the bill was amended by striking all of line 7, section 20 of the printed bill after the word "name," substitute a colon for the comma after the word "name" and striking all of line 8 to and including the word "properly."

On motion of Senator Cotterill, the bill was amended by striking the words "during good behavior" and inserting in lieu thereof the words "for a term of four years."

Senator Nichols moved to amend the bill by adding at the end of line 4, section 10 of the printed bill the following:

Provided, That said list be submitted to the board of county commissioners of the county wherein they are employed."

The amendment failed to carry.

Senator Presby moved to amend the bill by striking the words "a salary of fifteen hundred dollars per annum," in line 1 of section 11 of the printed bill, and insert in lieu thereof the following: "five dollars per day for every day actually employed in the discharge of his duties as such officer."

The motion was lost.

On motion of Senator Falconer, the bill was amended by striking the figures "2,000" in line 2, section 6 of the printed bill, and substituting therefor the figures "1,500."

Senator Falconer moved to amend the bill by striking the figures "2,500" in line 1, section 6 of the printed bill and substituting therefor the figures "2,000."

The motion carried.

On motion on Senator Paulhamus, the bill was amended by striking the figures "2,500" in line 3 of section 6 of the printed bill and substituting therefor the figures "2,000."

Senator Paulhamus moved to amend the bill by striking the figures "1,000" in line 5, section 6 of the printed bill and substituting therefor the figures "500."

Senator Cameron moved as a substitute that the figures "750" be inserted in lieu of the figures "1,000."

The substitute motion was lost.

The motion of Senator Paulhamus carried.

On motion of Senator Cameron, the bill was amended by striking the figure "5" in line 9, section 17 of the printed bill and substituting therefor the figure "2."

On motion of Senator Cameron, the bill was amended by striking the word "five" in line 7, section 20 of the printed bill and substituting therefor the word "two."

On motion of Senator Myers, the bill was amended by striking the word "is" in line 3, section 27 of the printed bill and substituting therefor the word "are."

Senator Kline moved that Senate bill No. 155 be ordered referred to the Committee on Horticulture and Forestry.

The motion was lost.

The president resumed the chair.

The secretary called the roll on final passage of Senate bill No. 155 as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, McGregor, Myers, Minkler, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Whitney, Williams, Mr. President—29.

Those voting nay were: Senators Anderson, Booth, Eastham, Kline, McGowan, Nichols, Piper, Smith—8.

Absent or not voting were: Senators Graves, Knickerbocker, Metcalf, Presby, Stewart—5.

The secretary called the roll on passage of the emergency clause and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Allen, Booth, Eastham, Nichols, Piper—5.

Absent or not voting were: Senators Graves, Knickerbocker, Metcalf, Presby, Stewart—5.

On motion of Senator Myers, the title of Senate bill No. 155 was amended by adding to the end of the title the words "and declaring an emergency."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senator Cameron moved that the rules be suspended and Senate bill No. 155 ordered immediately transmitted to the House.

Senator Cameron withdrew his motion.

On motion of Senator Cotterill, Senate bill No. 249 was ordered withdrawn from general file and referred to the Committee on Cities of the First Class.

On motion of Senator Piper, Senate bill No. 155 was ordered printed as amended by the Senate.

By unanimous consent, the Senate returned to the order of business, "Reports of Committees."

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 67, entitled "An act providing for the purchase of the highway bridge across the Columbia river at Wenatchee, etc.," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman*.

We concur in this report: W. G. Potts, H. H. Fatland.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on State Charitable Institutions, to whom was referred Senate bill No. 311, entitled "An act amending chapter 250 of the Session Laws of 1907, relating to the registration of land titles," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

R. A. HUTCHINSON, *Chairman*.

We concur in this report: E. C. Whitney, A. B. Eastham, E. M. Williams.

On motion of Senator Hutchinson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred House bill No. 26, entitled "An act requiring all transcontinental, interstate, interurban or electric passenger cars operating in the State of Washington to be provided with properly equipped toilet rooms and heat," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman*.

We concur in this report: Jesse Huxtable, W. B. Presby, Alex Polson, J. H. Smithson, D. H. Cox.

On motion of Senator Bassett, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Agriculture, to whom was referred engrossed House bill No. 113, entitled "An act to encourage the exhibiting of poul-

try, livestock or agricultural products, and to provide funds therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOSEPH ARRASMITH, *Chairman*.

We concur in this report: J. R. Stevenson, E. C. Whitney, J. H. Smithson.

On motion of Senator Arrasmith, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred Senate bill No. 296, entitled "An act relating to state lands, and amending section 6 of an act entitled 'An act amending sections 2134, 2135, 2146, 2179 of Ballinger's Annotated Codes and Statutes of Washington, and sections 2141, 2142, 2145, 2183 and 2192 of volume three," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, J. D. Bassett, J. R. Stevenson, S. T. Smith.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred Senate bill No. 284, entitled "An act granting rights-of-way to electric light, power and street railway companies, associations and individuals over the lands of the State of Washington, and providing for the appraisalment and disposition of the lands included within and used for such rights-of-way," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In section 2, line 8 of the original bill, and line 6 of the printed bill, after the word "lands," and before the word "used," insert the following: "and improvements, if any."

In section 3, line 3 of the original bill, and line 2 of the printed bill, after the word "land" and before the word "to," insert the following: "and improvements, if any."

In section 4, after the last word of the section, insert: "Provided, however, That should the company, association or individual securing

said easement ever abandon same for the purposes contemplated in this act, the said right-of-way shall revert to the state."

H. H. FATLAND, *Chairman.*

We concur in this report: P. L. Allen, J. D. Bassett, J. R. Stevenson, S. T. Smith, Alex Polson.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 5, entitled "An act appropriating fifteen hundred (\$1,500.00) dollars as compensation for the services and reimbursement for expenses of E. C. McDonald, assistant attorney for the State of Washington, in certain litigation involving the interests of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file with the following amendments, recommended by the Joint Committee on Fisheries:

Amend the title by striking out the words "fifteen hundred" and insert the words "twenty-five hundred."

Amend the title by inserting in line 1 of the printed bill and line 2 of the original bill, after the word "of," the words "George Turner."

Amend by striking out all that portion containing the resolutions.

Amend section 1, line 2 of the printed bill, and line 3 of the original bill, by striking the words "fifteen hundred" and insert in lieu thereof the words "twenty-five hundred."

Amend section 1, line 3 of the printed bill, and line 4 of the original bill, by inserting before the words "E. C. McDonald" the words "George Turner."

W. H. PAULHAMUS, *Acting Chairman.*

We concur in this report: Harry Rosenhaupt, Chas. E. Myers, S. J. Cameron, F. L. Stewart, H. O. Fishback, Peter McGregor.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Cities of the First Class, to whom was referred Senate bill No. 299, entitled "An act authorizing cities of the first class owning cemeteries to provide, receive and invest funds, the income therefrom to be used in the betterment, care and improvement of such cemeteries," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

Amend the title by striking the words "of the first class owning

cemeteries," and insert in lieu thereof, "to acquire, hold and improve land for cemetery purposes, to sell lots therein and."

Amend section 1, line 2, printed bill, by striking the words "all cities of the first class owning cemeteries" and insert in lieu thereof, "any city may acquire, hold and improve land for cemetery purposes, and may sell lots therein and."

RALPH METCALF, *Chairman.*

We concur in this report: Jesse Huxtable, Geo. F. Cotterill, P. L. Allen, R. L. Kline, J. A. Falconer, John L. Roberts.

On motion of Senator Kline, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Cities of the First Class, to whom was referred Senate bill No. 119, entitled "An act to amend an act entitled 'An act authorizing the formation of metropolitan park districts, providing for park officials, fixing their powers and duties, and declaring an emergency,' approved March 11th, 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend section 1, in line 4 of printed bill, after the word "election" and before the word "or," by adding the following: "or at any special election which may be called for that purpose."

Amend section 1, in line 6, after the word "city" and before the word "shall," by adding the following: "based upon the registration for the last preceding general city election."

Amend section 1, line 11, after the word "district" and before the word "in," by adding the following: "and the city council shall submit such proposition at the special election to be called therefor when such petition so requests."

Amend section 2, in line 1, by striking, beginning with and including the word "and" the remainder of the line, all of line 2, to and including the figures "1907" in line 3, and insert in lieu thereof the following: "said act."

Amend section 2, line 19, by striking the word and figure "two (2)" and insert in lieu thereof the word and figure "five (5)."

Amend section 2, line 21, after the word "district" and before the word "said," by adding the following: "*And provided further,* That in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining commissioners until the next regular election for park commissioner."

Amend section 3, line 1, by striking, beginning with and including the word "an," the remainder of the line, all of line 2, to and including

the figures "1907" in line 3, and insert in lieu thereof the following: "said act."

Amend section 4, line 1, by striking, beginning with and including the word "an," the remainder of the line, all of line 2, to and including the figures "1907" in line 3, and insert in lieu thereof the following: "said act."

Amend section 5, line 1, by striking, beginning with and including the word "an," the remainder of the line, all of line 2, to and including the figures "1907" in line 3, and insert in lieu thereof the following: "said act."

Amend section 5, in line 5, after the word "lands" and before the word "in" by adding the following: "adjoining, contiguous, approximate to or."

Amend section 5 by striking line 8, to and including the word "property" in line 9.

RALPH METCALF, *Chairman.*

We concur in this report: Geo. F. Cotterill, Jesse Huxtable, P. L. Allen, R. L. Kline, J. A. Falconer, John L. Roberts.

On motion of Senator Kline, the report of the committee was adopted.

By unanimous consent, the Senate returned to the order of business, "Introduction of Bills."

Senate bill No. 353, by sub-Committee on Appropriations, entitled "An act relating to the reports of the state officers, departments and institutions, and the printing thereof."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 354, by Committee on Revenue and Taxation, entitled "An act to amend section one of chapter 178 of the Session Laws of 1903, the same being an act relating to revenue and taxation."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 355, by Senator Cotterill, entitled "An act to amend section 84 of chapter 71 of the Session Laws of 1897, relating to the assessment and collection of taxes in the State of Washington, as amended by section 12 of chapter 141 of the Session Laws of 1899."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 356, by Senator Potts, entitled "An act relating to service of process in justice courts."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 357, by Senator Blair, entitled "An act extending the powers and jurisdiction of incorporated cities into the bays, sounds and other navigable waters adjacent to the boundaries of such cities."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Harbor and Harbor Lines.

On motion of Senator Potts, Senate bill No. 353 was ordered withdrawn from general file and ordered referred to the Committee on Appropriations.

At 4:40 p. m., on motion of Senator Allen, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FORTY-SEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 26, 1909.

The Senate was called to order at 10:00 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senator Booth, excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

On motion of Senator Graves, the special order for 10:00 o'clock this morning for the consideration of House bill No. 62 was annulled and Senate bill No. 244 was made a special order for that hour.

On motion of Senator Graves, the special order for the consideration of Senate bill No. 244, set for 10:00 o'clock this morning, was postponed until 11:00 o'clock this morning.

House concurrent resolution No. 9:

WHEREAS, Rainier Chapter of the Daughters of the American Revolution has undertaken during the last three years the work of planning and completing a statue of George Washington, as a gift to the State University of Washington, the said statue to be of bronze, heroic in size, to cost, including the pedestal of granite, the sum of twenty thousand dollars (\$20,000), the work being done by the well-known sculptor, Lorado Taft, of Chicago; and

WHEREAS, Contributions by the school children of the state and by members of patriotic societies and others have produced a total of five thousand five hundred dollars (\$5,500) toward the fund, and it is now apparent that the completion of the said fund through these sources will be delayed for an indefinite time; and

WHEREAS, There has developed an urgent desire that the completion of the statue be hastened, and that it be placed upon a temporary pedestal at the main entrance of the Alaska-Yukon-Pacific Exposition, that all visitors may upon their first entrance to the grounds be greeted by this figure of the great American character in whose honor this commonwealth was named; and

WHEREAS, It is obvious that the people of the entire state are interested in such a patriotic endeavor; therefore, be it

Resolved by the House, the Senate concurring, That the state commission of the Alaska-Yukon-Pacific Exposition is hereby authorized to use from the funds heretofore placed at its disposal a sum sufficient to pay the balance that may be due upon the cost of the statue of Washington when completed, to use the statue as part of, or ornament to the state building, or, in the commission's discretion, to place the statue on a temporary pedestal at the main entrance of the exposition grounds, and at the conclusion of the exposition to place the statue on a permanent pedestal of granite, it being understood that the sum needed for all this work shall not exceed the total sum of twenty thousand dollars (\$20,000); less the subscriptions heretofore collected, or that may be collected up to the time of completing the work by the said Rainier Chapter of the Daughters of the American Revolution.

Senator Allen moved the adoption of the resolution.

The secretary called the roll on adoption of House concurrent resolution No. 9 and it failed to pass by the following vote:

Those voting aye were: Senators Allen, Blair, Brown, Cotterill, Davis, Falconer, Fatland, Knickerbocker, Metcalf, Minkler, Nichols, Paulhamus, Piper, Potts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—21.

Those voting nay were: Senators Cameron, Fishback, Stevenson—3.

Absent or not voting were: Senators Anderson, Arrasmith, Bassett, Booth, Bryan, Cox, Eastham, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Polson, Presby, Roberts, Williams—18.

Senate joint resolution No. 5, by Senator Ruth:

WHEREAS, The daily papers are authority for the report that the aged mother of Captain Charles Gridley, who commanded the cruiser "Olympia" at the battle of Manila, must toil for her daily bread at the age of eighty-three; and

WHEREAS, The cruiser "Olympia" fired the first shot in that illustrious battle which gave the command of the great Pacific ocean to the United States, thereby forever associating our state capital with the noble captain who responded with such effect to Admiral Dewey's laconic command, "You may fire when ready, Gridley"; therefore

Be it resolved by the Senate of the State of Washington, the House concurring, That our senators and representatives in the congress of the United States be urged to secure for this aged woman, Mrs. Ann Gridley, an adequate pension to solace her declining years.

Senator Rosenhaupt moved the adoption of the resolution.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—38.

Absent or not voting were: Senators Booth, Brown, Metcalf, Whitney—4.

On motion of Senator Knickerbocker, the rules were suspended and Senate joint resolution No. 5 was ordered immediately transmitted to the House.

On motion of Senator Stevenson, the vote by which House concurrent resolution No. 9 failed to pass was reconsidered.

The secretary read House concurrent resolution No. 9.

The secretary called the roll on passage of House concurrent resolution No. 9 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—37.

Voting nay: Senator Paulhamus—1.

Absent or not voting were: Senators Booth, Graves, Huxtable, Roberts—4.

On motion of Senator Cotterill, the vote by which House bill No. 89 passed the Senate was reconsidered.

On motion of Senator Nichols, House bill No. 89 was ordered referred to the Committee on Judiciary.

Senate joint resolution No. 6, by Senator Knickerbocker:

Be it resolved by the Eleventh legislature of the State of Washington, That the president and board of regents of the University of Washington and the Washington State College be authorized, and they are hereby authorized and directed to use their best efforts to secure and accept for the University of Washington and for the Washington State College, respectively, the benefits of the retiring fund of the Carnegie Foundation for the Advancement of Teaching;

Resolved further, That this resolution shall take effect and be in force from and after its passage and approval by the governor.

On motion of Senator Knickerbocker, the rules were suspended and Senate joint resolution No. 6 was placed on final passage.

The secretary called the roll and the resolution passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Rosenhaupt,

Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—35.

Absent or not voting were: Senators Booth, Bryan, Cox, Huxtable, Polson, Roberts, Whitney—7.

On motion of Senator Paulhamus, the rules were suspended and Senate joint resolution No. 6 was ordered immediately transmitted to the House.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—
Senate bill No. 157, entitled "An act relating to the adulteration of foods";

Also Senate concurrent resolution No. 17, "Relating to polygamy";

Also Senate bill No. 29, "Relating to the collection of assessments for local improvements and amending section 1 of chapter 70 of the Session Laws of 1907"

—have compared the same with the engrossed bills and find them correctly enrolled. Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, D. H. Cox, H. O. Fishback.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 93, entitled "An act to establish retaliation and reciprocation between this state and others of the United States, etc.";

Senate bill No. 172, "Relating to hotels, inns and public lodging-houses, etc."

—have compared the same with the engrossed bills and find them correctly enrolled. Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, H. O. Fishback, D. H. Cox.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 48, entitled "An act relating to actions brought to recover real property and amending section 5518 of Ballinger's Annotated Codes and Statutes of Washington," have compared the same with the engrossed bill and find it correctly enrolled. Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: H. O. Fishback, A. W. Anderson.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 88, entitled "An act providing for and regulating the assignment of wages to be earned in the future," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted,
J. W. BRYAN, *Chairman*.

We concur in this report: H. O. Fishback, A. W. Anderson.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 253, entitled "An act relating to railroads, express, telephone and telegraph companies, and providing for the regulation thereof, etc.," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted,
CHAS. E. MYERS, *Chairman*.

We concur in this report: H. H. Fatland, W. G. Potts.

The president signed Senate bills Nos. 93, 172, 157, 29, 48, 88, Senate concurrent resolution No. 17, Senate joint memorial No. 5.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Labor and Labor Statistics, to whom was referred House bill No. 61, entitled "An act to amend sections 1 and 2 of an act entitled 'An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, hotels and restaurants, to provide a penalty for its violation,' approved March 11, 1901," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. A. Falconer, Joseph Arrasmith.

On motion of Senator Huxtable, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Labor and Labor Statistics, to whom was referred House bill No. 262, entitled "An act to regulate and limit the hours of employment of females in fruit, fish, shellfish or vegetable canneries and other temporary occupations," have had the same under

consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman.*

We concur in this report: Geo. F. Cotterill, J. A. Falconer, Joseph Arrasmith.

On motion of Senator Huxtable, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred House bill No. 230, entitled "An act providing for the conveyance by boards of county commissioners of rights-of-way over county roads for state road purposes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ALEX POLSON, *Chairman.*

We concur in this report: A. W. Anderson, Joseph Arrasmith, J. R. Stevenson, R. L. Kline, J. A. Falconer, F. L. Stewart.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Military, to whom was referred House bill No. 296, entitled "An act relating to the relief of the posts of the Grand Army of the Republic," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. L. KLINE, *Chairman.*

We concur in this report: George U. Piper, John L. Blair, H. S. McGowan, W. G. Potts, H. H. Fatland, R. A. Hutchinson.

On motion of Senator Kline, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on State Penal and Reformatory Institutions, to whom was referred engrossed House bill No. 53, entitled "An act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violations of the provisions of this act, and repealing acts or parts of acts in conflict herewith," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

D. H. COX, *Chairman.*

S. T. SMITH.

On motion of Senator Cox, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 42, entitled "An act to establish and maintain a home for the indigent blind, aged and infirm, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. G. POTTS, *Chairman*.

We concur in this report: Peter McGregor, Harry Rosenhaupt, J. R. Stevenson, F. L. Stewart, W. H. Paulhamus.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 306, entitled "An act for the relief of Pierce county, Washington, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. G. POTTS, *Chairman*.

We concur in this report: Peter McGregor, Harry Rosenhaupt, J. R. Stevenson, F. L. Stewart, W. H. Paulhamus.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on State Penal and Reformatory Institutions, to whom was referred Senate bill No. 266, entitled "An act to amend section 1 of an act entitled 'An act to define, regulate, and govern the State Penitentiary, and declaring an emergency,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

D. H. COX, *Chairman*.

S. T. SMITH.

On motion of Senator Cox, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 241, entitled "An act providing for the construction and

improvement of county roads at the expense of the land specially benefited thereby, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be amended as follows and be placed on general file:

In section 2, line 1 of both the printed and original bills, strike out the words "the board of county commissioners may, and."

In section 2, line 2 of both the printed and original bills, after the word "hereof" strike out the word "must" and insert in lieu thereof the words "the board of county commissioners shall."

Strike all of section 4.

In section 5, line 15 of the printed bill, and lines 20 and 21 of the original bill, strike out the words "if such resolution calling for said improvement is based upon such petition."

In section 13, line 1 of both the printed and original bills, after the word "supervisors" insert the words "and county surveyor together."

In section 13, line 2 of both the printed and original bills, strike out the words "their own number," and insert in lieu thereof the words "said committee."

In section 15, line 3 of the printed bill, and line 4 of the original bill, beginning with the word "In" strike everything to the first word "the" in line 4 of the printed bill and line 5 of the original bill.

In section 17, line 10 of the printed bill, and line 14 of the original bill, strike out the word "assessments" and insert in lieu thereof the word "installments."

ALEX POLSON, *Chairman.*

We concur in this report: Ralph D. Nichols, F. L. Stewart, R. L. Kline.

On motion of Senator Polson, the report of the committee was adopted.

Senator Brown moved that Senate bill No. 217 be withdrawn from the Committee on Labor and Labor Statistics and indefinitely postponed.

A roll call on the motion was demanded by Senators Cotterill, Bryan, Brown, Allen, Falconer, Knickerbocker, Potts.

The president ruled that the motion of Senator Brown should be divided into two motions, the first to withdraw from the committee and the second to indefinitely postpone the bill.

Senator Brown, by unanimous consent, withdrew his motion.

On motion of Senator Hutchinson, the reconsideration of the vote by which Senate bill No. 189 passed the Senate was made a special order for 2:30 o'clock this afternoon.

SPECIAL ORDER.

Senate bill No. 244, entitled "An act appropriating the sum of thirty thousand dollars to the National Irrigation Congress meeting at Spokane."

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole to consider Senate bill No. 244.

The bill was considered in the Committee of the Whole, Senator Eastham in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Eastham, the report of the Committee of the Whole was adopted.

On motion of Senator Rosenhaupt, the rules were suspended and the reading of the bill had in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll and Senate bill No. 244 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney—34.

Those voting nay were: Senators Brown, Falconer, Metcalf, Paulhamus, Mr. President—5.

Absent or not voting were: Senators Booth, Roberts, Williams—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Rosenhaupt, the rules were suspended and Senate bill No. 244 was ordered immediately transmitted to the House.

On motion of Senator Graves, the consideration of Senate bill No. 300 was made a special order for 8:00 o'clock this evening.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

The House has passed House bill No. 205, entitled "An act relating to evidence";

House bill No. 231, entitled "An act providing for the mortgaging of property of minors";

House bill No. 79, entitled "An act to prevent the firing of guns or the killing, entrapping, shooting, snaring, maiming or molesting wild birds on the shores of Lake Washington, etc.";

House bill No. 269, entitled "An act regulating the use of lamps in coal mines, etc.";

House bill No. 363, entitled "An act reserving the sea shore or sea beach of the Pacific ocean, etc.";

House bill No. 335, entitled "An act relating to claims for damages against cities and towns of the second, third and fourth classes";

House bill No. 236, entitled "An act to amend section 703 of Ballinger's Annotated Codes and Statutes of Washington, in relation to proceedings to re-incorporate cities, etc.";

House bill No. 88, entitled "An act amending section 8 of an act relating to chattel mortgages and the filing thereof, etc.";

House bill No. 14, entitled "An act providing for the amendment of section 10 of article 3 of the constitution of the State of Washington, etc.";

House bill No. 47, entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, etc.";

House bill No. 206, entitled "An act providing for the determination of the descent of lands in probate, etc.";

House bill No. 305, entitled "An act for the protection and propagation of the fishes in the waters of the State of Washington, etc.";

House bill No. 280, entitled "An act relating to procedure in condemnation proceedings, etc.";

House bill No. 30, entitled "An act relating to revenue and taxation, etc.";

The speaker has signed Senate bill No. 126, entitled "An act to amend section 3 of an act entitled 'An act to provide for the establishment of harbor lines, survey, platting and appraisal of shore lands of the first class on Lakes Washington and Union'";

Senate bill No. 83, entitled "An act to promote the safety of employes on railroads by requiring and compelling railroads operating in this state to use suitable and proper cabooses";

House joint resolution No. 1, "Relating to a commission from the states of Oregon and Washington to settle all claims and disputes with reference to certain rights and jurisdiction on the Columbia river";

The House has passed House bill No. 291, entitled "An act to amend section 2 of an act entitled 'An act to amend an act authorizing the establishment of public libraries in cities, etc.'";

House bill No. 201, entitled "An act repealing sections 7319 and 7320 of Ballinger's Annotated Codes and Statutes of Washington";

House bill No. 353, entitled "An act amending section 225 of Ballinger's Annotated Codes and Statutes of Washington, relating to the salary of the reporter of the supreme court";

House bill No. 320, entitled "An act empowering cities, towns and

counties to grant to the United States rights and privileges over streets, etc.”;

House bill No. 173, entitled “An act making appropriations for deficiencies in maintenance appropriations of certain state institutions”;

House bill No. 287, entitled “An act to regulate the hours of labor of persons employed underground in coal mines, etc.”;

House bill No. 318, entitled “An act for the protection of salmon and salmon trout, etc.”;

House bill No. 327, entitled “An act amending section 1 of an act entitled ‘An act relating to justices of the peace and constables in cities having five thousand inhabitants and more, etc.’”;

House bill No. 357, entitled “An act relating to the state militia, etc.”;

House joint memorial No. 6, “Relating to the extension of state road No. 5 through the Rainier forest reserve”;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Senate bill No. 358, by Senator Anderson, entitled “An act relating to the management of the higher institutions of education of the State of Washington, and providing funds for the maintenance thereof.”

The bill was read the first time, and on motion of Senator Anderson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Educational Institutions.

Senate bill No. 359, by Senator Falconer, entitled “An act for the relief of Vaughn & Morrill Co.”

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Appropriations.

Senate bill No. 360, by Senator Fishback, entitled “An act amending sections 2 and 3 of an act entitled ‘An act to provide for the drainage of cities of the second, third and fourth class, by the construction of sewers and drains,’ approved March 10, 1891.”

The bill was read the first time, and on motion of Senator Fishback the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Municipal Corporations.

The secretary read the House amendments to Senate bill No. 27.

Senator Cotterill moved that the Senate concur in the House amendments to the bill.

The secretary called the roll and the Senate concurred in the House amendments to Senate bill No. 27 by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—35.

Absent or not voting were: Senators Booth, Cameron, Falconer, Huxtable, Polson, Roberts, Rosenhaupt—7.

The secretary read the House amendments to Senate bill No. 196.

Senator Hutchinson moved that the Senate concur in the House amendments to the bill.

The secretary called the roll and the Senate concurred in the House amendments to Senate bill No. 196 by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Davis, Eastham, Fatland, Fishback, Hutchinson, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—29.

Absent or not voting were: Senators Booth, Bryan, Cameron, Cox, Falconer, Graves, Huxtable, Kline, Polson, Roberts, Rosenhaupt, Stevenson, Williams—13.

GENERAL FILE.

Senate bill No. 251, entitled "An act to prohibit any manufacturer of or wholesale dealer in intoxicating liquors from owning, operating or having any financial interest in any saloon, etc.," was read third time.

On motion of Senator Fishback, the bill was amended by striking the following words in lines 3, 4 and 5, section 1 of the printed bill: "to own all or any part of any building or structure in which the sale of intoxicating liquors by retail is permitted, or to lease or sublet any such building or structure, or."

On motion of Senator Knickerbocker, the word "any" was substituted for the word "said" in line 6 of section 1 of the printed bill.

Senator Williams moved to amend the bill by striking in line 7, section 1 of the printed bill all of the line after the word "store" and by striking line 8 of section 1 of the printed bill to and including the word "ordinance."

A roll call on the motion of Senator Williams was demanded by Senators Myers, Cotterill, Bryan, Paulhamus, Brown, Smith, Eastham.

The secretary called the roll and the amendment was lost by the following vote:

Senator Williams explained his vote on the amendment, stating that inasmuch as another amendment, covering the ground more fully, was to be proposed, he would vote no.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—37.

Absent or not voting were: Senators Booth, Hutchinson, Huxtable, Polson, Rosenhaupt—5.

Senator Eastham moved to amend the bill by inserting the words "three months after this act takes effect" after the word "That" in line 1 of section 1 of the printed bill.

Senator Graves moved as a substitute that the word "hereafter" in line 1 of section 1 of the printed bill be stricken and the words "from and after the 31st day of December, 1909," be inserted in lieu thereof.

The amendment of Senator Graves was accepted by Senator Eastham.

The amendment carried.

The president signed House joint resolution No. 1.

On motion of Senator Piper, Senate bill No. 251 was amended by inserting the word "rectifying," followed by a comma, after the word "manufacture" in line 2 of section 1 of the printed bill.

On motion of Senator Graves, the bill was amended by in-

serting a period after the word "be" at the end of line 6, section 2 of the printed bill and striking the balance of section 2.

On motion of Senator Bryan, the bill was amended by adding the following to the end of section 1: "or to sign or become surety on any bond required by law of a retail liquor dealer."

The secretary called the roll on final passage of Senate bill No. 251 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—32.

Voting nay: Senator Whitney—1.

Absent or not voting were: Senators Booth, Eastham, Hutchinson, Huxtable, McGregor, Polson, Potts, Rosenhaupt, Williams—9.

On motion of Senator Graves, the title was amended by inserting after the word "Washington" the words "or to become surety on any liquor dealer's bond."

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 12:20 p. m., on motion of Senator Smith, the Senate took a recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:00 o'clock p. m. by President Ruth.

On motion of Senator Fishback, the rules were suspended and Senate bill No. 251 was ordered transmitted to the House immediately.

Resolution, by Senator Stevenson:

Resolved by the Senate, That no new bills shall be introduced after today's session unless with the consent of two-thirds of the members.

Senator Bryan moved that the resolution be laid on the table.

The motion was lost.

Senator Stevenson moved that the resolution be adopted.
The motion was lost.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 198, entitled "An act increasing the number of judges of the supreme court, providing for the court *en banc* and for separate departments, etc., and declaring an emergency," have compared the same with the engrossed bill and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, D. H. Cox.

A communication from the White River Grange, extending to the members of the legislature an invitation to inspect certain roads between Seattle and Tacoma, as guests of the Grange, on Sunday, February 28, 1909, was read by the secretary.

On motion of Senator Paulhamus, the invitation was accepted by the Senate.

The president signed Senate bill No. 198.

Senate bill No. 239, entitled "An act for the regulation of public warehouses, relating to the shipping, grading, inspection and weighing of grain and hay, etc.," was read third time.

On motion of Senator Cox, the bill was amended by striking the words "and twenty-five" in line 5 of section 13 of the printed bill.

On motion of Senator Cox, the bill was amended as follows:

In line 3 of the committee amendment to the bill, strike the word "may" and insert in lieu thereof the word "shall," and insert after the word "request" the words "of the owner."

Senator Fatland moved to amend the bill by striking the words "railroad commission" in line 1 of section 1 of the printed bill and inserting in lieu thereof the words "state grain commission."

The amendment was lost.

The secretary called the roll on final passage of Senate bill No. 239 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox,

Davis, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Voting nay: Senator Fatland—1.

Absent or not voting were: Senators Booth, Eastham, McGregor, Nichols, Presby—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 198, entitled "An act increasing the number of judges of the supreme court of the State of Washington, providing for the court *en banc* and for the separate departments of such court, for the holding of terms thereof, for the method of hearing and determining causes therein, authorizing the making of rules, and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

SPECIAL ORDER.

The hour of 2:30 o'clock p. m. having arrived, the Senate proceeded to consider Senate bill No. 189.

On motion of Senator Hutchinson, the vote by which Senate bill No. 189 passed the Senate was reconsidered.

On motion of Senator Hutchinson, the Senate took up the consideration of Senate bill No. 189 at this time for the purpose of amendment.

On motion of Senator Hutchinson, the bill was amended by striking all of section 1 after the word "districts," in line 16 of the printed bill, and inserting in lieu thereof the following:

Provided, That the value of all wharves, docks, sheds, elevators, station-houses, depots, round-houses, machine-shops, and other buildings (except power plants and buildings), belonging to the road, and the land upon which such wharves, docks, sheds, elevators, station-houses, depots, round-houses, machine-shops, or other buildings are situated to the extent that the same is not occupied by tracks and is not a part of the regular right-of-way, and all land not actually occupied and in use for operative purposes, shall be certified by the said board to the

county auditor of the county in which the same are located, and the taxes extended against the same as against other property in said county, cities, towns, school, road and other taxing districts.

On motion of Senator Cotterill, the bill was amended by adding the following: "Section 2. An emergency exists and this act shall take effect immediately"; and the words "and declaring an emergency" were added to the title.

The secretary called the roll on final passage of Senate bill No. 189 as amended in the Senate and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Bryan, Cotterill, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—28.

Those voting nay were: Senators Anderson, Blair, Brown, Cameron, Cox, Fishback, Myers, Minkler, McGowan, Stevenson—10.

Absent or not voting were: Senators Booth, Davis, Eastham, Presby—4.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—34.

Those voting nay were: Senators Anderson, Brown, Fishback, McGowan, Minkler, Stevenson—6.

Absent or not voting were: Senators Booth, Presby—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Nichols, the rules were suspended and Senate bill No. 189 ordered immediately transmitted to the House.

The secretary read the House amendments to Senate bill No. 96.

Senator Polson moved that the Senate concur in the House amendments to Senate bill No. 96.

The secretary called the roll and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—35.

Absent or not voting were: Senators Booth, Eastham, Graves, Hutchinson, McGregor, Polson, Whitney—7.

Senate bill No. 216, entitled "An act relating to procedure in condemnation proceedings affecting lands owned by the state, etc.," was read third time.

The secretary called the roll on final passage, and Senate bill No. 216 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—39.

Absent or not voting were: Senators Booth, Hutchinson, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 166, entitled "An act for the relief of the city of Palouse, Washington," was placed on its third reading.

On motion of Senator Bryan, the Senate resolved itself into a Committee of the Whole to consider Senate bill No. 166.

The bill was considered in the Committee of the Whole, Senator Bryan in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments:

Strike sections 1 and 2 and insert in lieu thereof the following:

"Section 1. There is hereby appropriated the sum of one hundred and fifty (150) dollars, due to the city of Palouse, Washington, by

reason of overpayments on license account, and the state auditor is hereby directed to draw a warrant on the state treasurer in favor of the city of Palouse, Washington, in the said sum of one hundred and fifty (150) dollars."

On motion of Senator Bryan, the report of the Committee of the Whole was adopted.

The secretary called the roll on final passage of Senate bill No. 166, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Williams, Mr. President—36.

Absent or not voting were: Senators Booth, Bassett, Rosenhaupt, Smithson, Stevenson, Whitney—6.

On motion of Senator Cotterill, the title of the bill was stricken and the following inserted in lieu thereof:

An act appropriating money for the purpose of repaying to the city of Palouse certain overpayments made by said city to the state on account of liquor licenses.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 220, entitled "An act requiring county officers to transmit estimates of timber on public lands of the state to the commissioner of public lands," was read third time.

Senator Falconer moved to amend the bill by adding to same the following:

Sec. 2. The custodian of the cruise of all timber lands in any county shall file with the county auditor a certified copy of said cruise, together with the name of the estimator.

Senator Falconer withdrew the proposed amendment.

On motion of Senator Falconer, the bill was amended by striking section 1 and inserting in lieu thereof the following:

Section 1. Whenever any county shall cause the timber upon any land within its borders to be cruised for the purpose of determining

the quantity of such timber, the official making such cruise or having custody of the estimates made therefrom shall file such estimates in the office of the county auditor of such county, and shall cause a copy of the estimate of the timber on any state, school or granted land to be filed in the office of the commissioner of public lands. Such estimates shall be public records and open to the inspection of any person applying therefor during office hours.

The secretary called the roll on final passage of Senate bill No. 220, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Mr. President—34.

Absent or not voting were: Senators Allen, Booth, Davis, Fishback, Huxtable, Stevenson, Whitney, Williams—8.

On motion of Senator Falconer, the title was stricken and the following inserted in lieu thereof:

An act relating to the filing of estimates of timber made by counties for the purpose of taxation with certain public officers.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 245 was read third time.

Senator Cotterill moved to amend the bill by striking all after the word "hereby" in line 7, section 34 of the printed bill.

Senator Cotterill withdrew his motion to amend.

Senator Knickerbocker moved that the bill be made a special order for 10:00 o'clock tomorrow morning.

Senator Nichols moved as an amendment that Senate bill No. 245 be made a special order for 10:30 o'clock Monday morning, March 1, 1909.

The amendment was accepted by Senator Knickerbocker.

The motion, as amended, carried.

On motion of Senator Piper, the rules were suspended, and all House bills now on file, which had been passed by the Senate, were ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

The House has passed House bill No. 281, entitled "An act regulating the sale and manufacture of shoddy, and the use of the same in the manufacture of mattresses, couches, and other like articles, and fixing a penalty for the violation of the provisions thereof";

House joint memorial No. 7, "Relating to the protection and preservation of the American elk";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Anderson, Senate bill No. 261 was taken up out of order.

Senate bill No. 261, entitled "An act to amend section 12 of an act entitled 'An act to provide for the establishment and creation of drainage districts, etc.,'" was read third time.

On motion of Senator Anderson, the bill was amended by inserting the word "municipality," followed by a comma, between the words "any" and "public" in line 31 of section 1 of the printed bill, and by inserting a comma and striking the word "or" after the word "way" in line 32 of section 1 of the printed bill, and by striking the words "municipal corporation" in said line and substituting therefor the word "district."

On motion of Senator Anderson, the bill was amended by reinserting section 1 of the printed bill.

On motion of Senator Anderson, the sections were renumbered to conform to the above amendment.

On motion of Senator Nichols, section 1 of the printed bill was amended by inserting the word "twenty" before the word "five" in line 20 of section 1.

On motion of Senator Anderson, the title of the bill was amended by inserting the figure and word "5 and" after the word "section" in line 1 of the title of the printed bill.

The secretary called the roll on final passage of Senate bill No. 261, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler,

Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Rydstrom, Smithson, Stewart, Mr. President—33.

Absent or not voting were: Senators Booth, Fishback, Huxtable, Nichols, Roberts, Smith, Stevenson, Whitney, Williams—9.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Mr. President—34.

Absent or not voting were: Senators Booth, Cox, Fishback, Nichols, Smith, Stevenson, Whitney, Williams—8.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 93, entitled "An act to establish relation and reciprocation between this state and others of the United States as regards insurance companies of such respective states";

Senate bill No. 157, entitled "An act relating to the adulteration of foods, drinks and drugs, and amending section 9 of chapter 211, of the Session Laws of 1907";

Senate bill No. 29, entitled "An act relating to the collection of assessments for local improvements and amending section 1 of chapter 70 of the Session Laws of 1907, and declaring an emergency";

Senate bill No. 88, entitled "An act providing for and regulating the assignment of wages to be earned in the future";

Senate bill No. 48, entitled "An act relating to actions brought to recover possession of real property and amending section 5518 of Ballinger's Annotated Codes and Statutes of Washington";

Senate bill No. 172, entitled "An act relating to hotels, inns and public lodging-houses, creating the office of state hotel inspector, etc.";

Senate joint memorial No. 5, "Asking congress to create a new division of the railway mail service, etc.";

Senate concurrent resolution No. 17, "Relating to polygamy, etc.";
And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 257, entitled "An act relating to the assessment of benefits resulting to public or county roads by reason of the construction and maintenance of dikes or drains, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 257, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Mr. President—34.

Absent or not voting were: Senators Arrasmith, Booth, Fishback, Knickerbocker, Smithson, Stevenson, Whitney, Williams—8.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Mr. President—34.

Absent or not voting were: Senators Arrasmith, Booth, Fishback, Knickerbocker, Smithson, Stevenson, Whitney, Williams—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At his request, Senator Smith was excused from attendance upon the sessions until 2:00 o'clock p. m., Monday, March 1, 1909.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 127, entitled "An act to authorize the boards of regents of the University of Washington and the State College of Washington to apply for participation in the Carnegie foundation fund, etc.,"

Senate bill No. 102, entitled "An act to prohibit the throwing and

placing of bottles, glass, etc., in public highways, streets, etc., and providing a penalty"—have compared the same with the engrossed bills and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, D. H. Cox.

The president signed Senate bills Nos. 127 and 102.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Public Buildings and Grounds, to whom was referred House bill No. 310, entitled "An act relating to the sale of lands granted for public buildings at the state capital, providing for the payment of all the claims against the capitol building fund and for the erection and completion of a capitol building, and making an appropriation for the carrying out of the provisions of this act, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. M. WILLIAMS, *Chairman.*

We concur in this report: Ed Brown, Jesse Huxtable, B. D. Minkler, Joseph Arrasmith.

On motion of Senator Huxtable, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1909.

MR. PRESIDENT:

We, your special committee, consisting of all members from King county, to whom was referred House bill No. 99, entitled "An act relating to justices of the peace and constables in cities having a population of 200,000 or more inhabitants, providing for their election and appointment, fixing their salaries, and providing for the appointment of clerks and bailiffs of such courts, authorizing such clerks to administer oaths, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend the title to read as follows: "An act relating to justices of the peace and constables in cities having a population of 80,000 or more inhabitants as shown by the government census of 1900, providing for their election and appointment, fixing their salaries, authorizing the clerks of such justice courts to administer oaths, and declaring an emergency."

In line 2 of the printed bill, strike the figures "200,000" and insert

in lieu thereof the figures "80,000." In same line, after the word "inhabitants" insert the words "as shown by the government census of 1900." In same line, strike the word "six" and insert in lieu thereof the word "four."

In line 2, section 2, strike the figures "200,000" and insert in lieu thereof the figures "80,000." In same line, after the word "inhabitants" insert the words "as shown by the government census of 1900."

In line 3, section 2, after the word "appoint" strike the word "three" and insert the word "one." In same line, after the word "and" strike the word "three" and insert the word "one."

In line 4, section 2, after the word "be" strike the word "six" and insert in lieu thereof the word "four." In same line, after the word "and" strike the word "six" and insert in lieu thereof the word "four."

In line 2, section 3, strike the figures "200,000" and insert in lieu thereof the figures "80,000." In same line, after the word "inhabitants" insert the following words: "as shown by the government census of 1900."

In line 3, section 3, after the word "in" insert the word "such." In same line, after the word "cities" strike the words "having a population of 200,000 or more inhabitants." In same line strike the figures "\$2,500.00" and insert the figures "\$1,800.00."

In line 4, section 3, after the word "in" insert the word "such." In same line, after the word "cities" strike the words "having a population of 200,000 or more inhabitants."

Strike all of section 4.

In line 1, section 5, strike the word "such" and insert in lieu thereof the word "the." In same line, after the word "clerks" insert the words "of any justice courts, provided by this act."

GEO. F. COTTERILL, *Chairman.*

We concur in this report: W. G. Potts, P. L. Allen, George U. Piper, Ralph D. Nichols.

On motion of Senator Nichols, the report of the committee was adopted.

At their request, Senators Davis and Nichols were excused from attendance at the session until Monday morning, March 1, 1909.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Revenue and Taxation, to whom was referred Senate bill No. 355, entitled "An act to amend section 84 of chapter 71 of the Session Laws of 1897, relating to the assessments and collection of taxes in the State of Washington, as amended by section 12 of chapter 141 of the Session Laws of 1899," have had the same under

consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, D. H. Cox, J. D. Bassett, H. H. Fatland, J. H. Smithson, E. C. Davis.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Harbors and Harbor Lines, to whom was referred Senate bill No. 357, entitled "An act extending the powers and jurisdiction of incorporated cities into the bays, sounds and other navigable waters adjacent to the boundaries of such cities," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. F. COTTERILL, *Chairman*.

We concur in this report: R. L. Kline, J. W. Bryan, Alex Polson, J. A. Falconer.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Harbors and Harbor Lines, to whom was referred House bill No. 208, entitled "An act empowering cities of the second and third class to fill low lands within their borders, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. F. COTTERILL, *Chairman*.

We concur in this report: R. L. Kline, Alex Polson, J. W. Bryan.

On motion of Senator Cotterill, the report of the committee was adopted.

By unanimous consent the Senate returned to the order of business, "Introduction of Bills."

Senate bill No. 361, by Committee on State Library and Judiciary, entitled "An act fixing the salary of the state law librarian."

The bill was read the first time, and on motion of Senator Piper the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 362, by Committee on Roads and Bridges, entitled "An act making an appropriation for the construction

of state aid roads under the provisions of chapter 150, Laws of Washington, A. D. 1907."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 363, by Committee on Roads and Bridges, entitled "An act making an appropriation for the construction and maintenance of the state roads and for the examination and survey of proposed state roads and extensions thereof, and apportioning such appropriation."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 364, by Senator Davis, entitled "An act concerning the collection and division of taxes between old and new counties and amending section 274, Ballinger's Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Davis the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 365, by Senator Nichols, entitled "An act to allow minority stockholders in corporations representation on the board of trustees."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 366, by Senator Fishback, entitled "An act fixing salary of the superintendent of the Washington State Training School."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 367, by Committee on Roads and Bridges, entitled "An act providing for the establishment of certain state roads."

The bill was read the first time, and on motion of Senator

Kline the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

House bill No. 281, entitled "An act regulating the sale and manufacture of shoddy and the use of the same in the manufacture of mattresses, couches, and other like articles, providing for its enforcement, and fixing a penalty for the violation of the provisions thereof."

The bill was read the first time, and on motion of Senator Eastham the rules were suspended, the bill was read the second time by title, and referred to the Committee on Medicine, Dentistry and Hygiene.

House bill No. 357, by Committee on Military, entitled "An act relating to the state militia, providing for the organization, regulation, maintenance and discipline of the National Guard of Washington, defining certain offenses, prescribing penalties therefor, repealing certain acts and parts of acts and declaring an emergency."

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, and referred to the Committee on Military.

House bill No. 79, entitled "An act to prevent the firing of guns or the killing, entrapping, shooting, ensnaring, maiming, or molesting any of the wild birds at any season of the year upon the waters of Lake Washington, or within one mile of the shores thereof, and providing a penalty for the punishment of the violation of this act."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, and referred to the Committee on Game.

House bill No. 88, entitled "An act amending section 8 of 'An act relating to chattel mortgages and the filing thereof, and repealing all laws in conflict therewith,' approved March 13th, 1899."

The bill was read the first time, and on motion of Senator Hutchinson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 205, entitled "An act relating to evidence."

The bill was read the first time, and on motion of Senator Presby the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 206, entitled "An act providing for the determination of the descent of lands in probate in certain cases and for the making and recording of such decisions of descent by the superior court of this state in probate."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 231, entitled "An act providing for the mortgaging of property by minors."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 236, entitled "An act to amend section 703, of Ballinger's Annotated Codes and Statutes of Washington, in relation to proceedings to reincorporate cities, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 269, entitled "An act regulating the use of lamps in coal mines and prescribing a penalty for the violation of the provisions thereof."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and referred to the Committee on Mines and Mining.

Engrossed House bill No. 305, by Committee on Fisheries, entitled "An act for the protection and propagation of the fishes in the waters of the State of Washington, relating to the catching thereof, fixing penalties, amending section 1 of chapter 117 of the Laws of 1899, and amending section 2, chapter 247 of the Session Laws of 1907, and declaring an emergency."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, and referred to the Committee on Fisheries.

House bill No. 335, entitled "An act relating to claims for damages against cities and towns of second, third, and fourth classes."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the sec-

ond time by title, and referred to the Committee on Municipal Corporations.

House bill No. 363, by Committee on State, School and Granted Lands, entitled "An act reserving the sea shores or sea beach of the Pacific ocean from sale, lease or other disposition, making the same a public park and place of public resort of the State of Washington, providing for the cancellation of existing contracts of sale and lease, repealing chapters 105 and 110 of the Session Laws of 1901, and declaring an emergency."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Granted, School and Tide Lands.

House bill No. 320, by Judiciary Committee, entitled "An act empowering cities, towns, and counties to grant to the United States rights and privileges over streets, alleys, and county roads."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 353, by Judiciary Committee, entitled "An act amending section 225 of Ballinger's Annotated Codes and Statutes of Washington, relating to the salary of the reporter of the supreme court."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 201, entitled "An act repealing section 7319 and section 7320 of Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 291, entitled "An act to amend section 2 of an act entitled 'An act to amend an act authorizing the establishment of public libraries in cities,' approved March 7th, 1907."

The bill was read the first time, and on motion of Senator Piper the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Library.

House bill No. 300, by Committee on Revenue and Taxation, entitled "An act relating to revenue and taxation, prescribing the method of levying taxes in counties, cities, towns, road and school districts, requiring the publication of estimates of public expenses, making the violation thereof a misdemeanor and providing a penalty."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, and referred to the Committee on Public Revenue and Taxation.

House bill No. 280, entitled "An act relating to procedure in condemnation proceedings affecting lands owned by the state, or in which it has an interest, and amending section 2, chapter 219, of the Laws of 1907."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Granted, School and Tide Lands.

House bill No. 173, entitled "An act making appropriations for deficiencies in maintenance appropriations of certain state institutions."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, and referred to the Committee on Appropriations.

House bill No. 287, by Committee on Mines and Mining, entitled "An act to regulate the hours of labor of persons employed underground in coal mines, making a violation thereof a misdemeanor, and providing penalties."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and referred to the Committee on Mines and Mining.

House bill No. 318, by Committee on Game and Game Fish, entitled "An act for the protection of salmon and salmon trout within the limits of townships 18 and 19 north, range 2 and 3 west W. M., in the State of Washington, and declaring an emergency."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second

time by title, and referred to the Committee on Game and Game Fish.

House bill No. 327, entitled "An act amending section 1 of an act entitled 'An act relating to justices of the peace and constables in cities having more than 5,000 inhabitants, and fixing their number and salaries,' approved March 13, 1897, the same being section 559 of Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 14, entitled "An act providing for the amendment of section 10, article 3, of the constitution of the State of Washington, relating to the executive department of the State of Washington, and providing for the succession to the office of governor."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and referred to the Committee on Constitution and Constitutional Revision.

House bill No. 47, entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, livery and boarding stable keepers, and other persons for herding, keeping, pasturing, feeding, and caring for stock."

The bill was read the first time, and on motion of Senator Arrasmith the rules were suspended, the bill was read the second time by title, and referred to the Committee on Agriculture.

On motion of Senator Myers, Senate bill No. 247 was ordered withdrawn from the Committee on Judiciary and placed on general file.

Senator Huxtable moved that House bill No. 287 be withdrawn from the Committee on Mines and Mining and ordered re-referred to the Committee on Labor and Labor Statistics.

The motion was lost.

Senator Falconer moved that House bill No. 47 be ordered withdrawn from the Committee on Agriculture and re-referred to the Committee on Public Revenue and Taxation.

The motion was lost.

On motion of Senator Falconer, House bill No. 47 was or-

dered withdrawn from the Committee on Agriculture and referred to the Committee on Judiciary.

At 4:45 p. m., on motion of Senator Bryan, the Senate took a recess until 8 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8 o'clock p. m. by President Ruth.

SPECIAL ORDER.

The Senate took up the consideration of Senate bill No. 300, which was a special order for this hour.

On motion of Senator Polson, Rule No. 64 was suspended during the special order.

Senate bill No. 300 was placed on its third reading.

Senator Bryan moved to amend the bill by striking section 26.

The motion was lost.

Senator Cotterill moved to amend the bill by striking the period at the end of section 27 and adding the following:

"Provided, however, That such employment shall never be by contract, but shall only be upon public work, within a stockade or enclosure, or in an isolated locality upon a public road, and in no case shall any chain-gang be permitted to work on streets or roads in a settled community."

The amendment failed to carry.

Senator Bryan moved to amend the bill by striking on page 10, in section 52 of the printed bill, in line 9, the figures "7256" and substituting for said figures the figures "7239" and after the word "inclusive" (second time) in said line to insert the words and figures "7246-7249 inclusive; 7253-7256 inclusive."

Senator Bryan withdrew his proposed amendment.

Senator Paulhamus was called to take the chair.

Senator Bryan moved to amend the bill by inserting the words "wilful and malicious" before the word "publication" in line 7 of section 120 of the printed bill.

The amendment failed to carry.

Senator Cotterill moved to amend the bill in section 141, line 13 of the printed bill, by striking the words "by death or," and in line 14 of said section striking the words "in the discretion of the court."

The amendment was lost.

Senator Booth moved to amend the bill by striking in line 13 of section 141 of the printed bill, all after the word "death" and all of line 14.

The amendment was lost.

The president resumed the chair.

Senator Falconer moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Rosenhaupt moved as a substitute that the Senate adjourn until 9:30 o'clock tomorrow morning and that the special order be continued at that hour.

The substitute motion carried, and the Senate adjourned in accordance therewith at 10:15 p. m.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FORTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, February 27, 1909.

The Senate was called to order at 9:30 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Davis, Eastham, Metcalf and Nichols, all of whom were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

SPECIAL ORDER.

The secretary resumed the third reading of Senate bill No. 300, the consideration of that bill being special order.

Senator Booth moved to amend the bill by inserting between the words "malicious" and "publication" in line 2, section 173 of the printed bill, the words "and false."

Senator Booth withdrew his motion to amend.

Senator Booth moved to amend section 174 of the printed bill by striking all of line 2 after the word "every" and all of line 3 up to and including the period.

The motion was lost.

Senator Booth moved that section 178 be stricken from the bill.

The motion was lost.

Senator Cotterill moved that section 192 be stricken.

The motion was lost.

On motion of Senator Cotterill, section 194 of the printed bill was amended by inserting after the word "part" in line 5 the words "any female person, whether as employee, patron or visitor, or."

Senator Falconer was called to take the chair.

Senator Cameron moved to amend section 196 of the printed bill by striking from line 4 the words "at any labor whatever" and inserting in lieu thereof the words "in any store, shop or factory."

The amendment carried.

Senator Piper moved that the word "sixteen" be substituted for the word "fourteen" in line 4 of section 196 of the printed bill.

The motion was lost.

On motion of Senator Presby, section 211 of the printed bill was amended by striking in line 2 the words and figures "after the 1st day of March, 1910" and by striking the word "thereafter" in line 3 and by inserting after the word "disease," in line 5, the words "or impaired virility," and by adding after the word "organs" in line 6 the words "represented as resulting from sexual vice or abuse."

Senator Cotterill moved to amend section 218 of the printed bill by striking in line 6 the words "a common gambler" and

inserting in lieu thereof the words "guilty of a felony."

The amendment was lost.

Senator Piper moved to amend section 196 of the printed bill by inserting in line 3 between the words "any" and "child" the word "male" and by inserting after the word "years" in line 4 the words "any female child under the age of sixteen years."

The amendments carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

The House has passed House bill No. 266, entitled "An act authorizing cities of the third class to provide for the drainage and sewerage of such cities, etc.";

House bill No. 309, "An act providing for two judges of the superior court of the State of Washington for Chehalis county, etc.";

House bill No. 367, "An act for the relief of inhabitants of cities and towns upon public lands";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Cotterill moved to strike sections 222 and 223 of Senate bill No. 300 and insert in lieu of section 222 the provisions of House bill No. 1, passed at this session.

The motion was lost.

On motion of Senator Potts, line 5 of section 224 of the printed bill was stricken.

Senator Graves moved that section 218 of the bill be amended by adding to the end of the section the following:

Provided, That this section shall not apply to any game of chance carried on at a private residence or private apartments by the host and his invited guests, where no percentage is paid to or retained by the host or any other person as a consideration for the carrying on of the game.

The president resumed the chair.

A roll call on the proposed amendment was demanded by Senators Bryan, Cotterill, Graves, Paulhamus, Fishback, Polson, Anderson.

The secretary called the roll and the amendment carried by the following vote:

Those voting aye were: Senators Anderson, Booth, Graves,

Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Piper, Polson, Presby, Rosenhaupt, Stevenson, Stewart, Whitney, Williams, Mr. President—17.

Those voting nay were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Falconer, Fishback, McGregor, Myers, Minkler, Paulhamus—12.

Absent or not voting were: Senators Allen, Cox, Cameron, Davis, Eastham, Fatland, Metcalf, Nichols, Potts, Roberts, Rydstrom, Smith, Smithson—13.

Senator Hutchinson gave notice of a motion to reconsider the vote by which the above amendment was adopted.

Senator Graves raised the point of order that a reconsideration could not be had of the vote by which an amendment was adopted.

The president sustained Senator Graves in the point of order raised by him.

Senator Knickerbocker moved that no amendments to the bill be offered or considered until the reading of the bill has been finished.

Senator Knickerbocker withdrew his motion.

On motion of Senator Presby, the bill was amended by substituting the word "any" for the word "and" after the word "years" in line 20, section 234 of the printed bill.

On motion of Senator Falconer, the calendar for today was made the calendar for Monday, March 1.

Senator Rosenhaupt moved that the Senate take a recess until 2:00 o'clock this afternoon.

Senator Paulhamus moved to amend by making the hour 1:30 o'clock this afternoon.

The amendment carried and the Senate took a recess at 12:00 o'clock m. to meet at 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

By unanimous consent, Senator Stewart introduced a resolution out of order.

Resolution by Senator Stewart:

Resolved by the Senate, That the secretary be instructed and authorized to hire such help as shall be needed to complete the engrossing, enrolling, and journal and that the compensation of such employees be fixed at \$5 per day.

On motion of Senator Stewart, the resolution was adopted.

SPECIAL ORDER.

The secretary resumed the reading of Senate bill No. 300.

Senator Cotterill moved to amend section 243 by adding to the end of the section the following:

Provided also, That the existing law as set forth in sections 7250, 7251 and 7252 of Ballinger's Annotated Codes and Statutes of the State of Washington, so far as the same are not inconsistent with this section, are hereby expressly continued in full force and effect.

The president called Senator Knickerbocker to the chair.

A roll call on the proposed amendment was demanded by Senators Cotterill, Cox, Presby, Bryan, Paulhamus, Arrasmith, Graves, Fishback.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fishback, Myers—10.

Those voting nay were: Senators Anderson, Booth, Graves, Hutchinson, Huxtable, Knickerbocker, McGowan, Minkler, Paulhamus, Piper, Polson, Presby, Rosenhaupt, Stevenson, Stewart, Williams, Mr. President—17.

Absent or not voting were: Senators Allen, Cameron, Davis, Eastham, Fatland, Kline, McGregor, Metcalf, Nichols, Potts, Roberts, Rydstrom, Smith, Smithson, Whitney—15.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

The House has passed House bill No. 93, entitled "An act to regulate the practice of embalming and licensing of persons to carry on such practice";

House bill No. 147, "An act to secure and perpetuate liens upon chattels for labor, etc.;"

Senate joint resolution No. 6, "Authorizing president of the board

of regents of University of Washington to secure benefits of Carnegie retiring fund”;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Paulhamus moved to amend Senate bill No. 300 by inserting the word “cream” after the word “milk” in line 8, section 243 of the printed bill.

The amendment carried.

On motion of Senator Cotterill, the words “or any public pool or billiard hall” were inserted after the word “saloon” in line 6, section 243 of the printed bill.

On motion of Senator Cotterill, the bill was amended by inserting the words “or shall sell or offer for sale any real estate in a public manner” after the word “property” in line 7 of section 243 of the printed bill.

Senator Cotterill moved to amend the bill by inserting the words “business or” between the words “any” and “trade” in line 4 of section 243 of the printed bill.

Senator Cotterill withdrew his motion.

Senator Cotterill moved to amend the bill by striking the words “uncooked meats” in line 13 of section 243 of the printed bill.

The motion was lost.

On motion of Senator Cotterill, section 244 of the printed bill was amended by striking the words “on which the sale of intoxicating liquors is prohibited by law,” in line 4.

On motion of Senator Cotterill, the bill was amended by striking the words “within one mile thereof” in line 8 of section 248 of the printed bill.

Senator McGowan moved that section 249 of the printed bill be amended by inserting in line 13, after the word “unlawfully,” the words “construct, maintain, use or operate any structure in, or.”

The amendment failed to carry.

On motion of Senator Presby, the bill was amended by adding after the words and figures “Section 244” the following sub-title: “Obstructing view of saloons.”

The president resumed the chair.

On motion of Senator Presby, the bill was amended by striking in the sub-title of section 258 the words “and intoxicants.”

Senator Cotterill moved to amend by inserting in line 2, section 258 of the printed bill, between the words "any" and "opium," the words "spirituous, vinuous, fermented, malt or other intoxicating liquors."

The amendment failed to carry.

Senator Cotterill moved to amend in line 2, section 259 of the printed bill, by inserting after the words "give to" the words "prescribe for."

The motion carried.

On motion of Senator Cotterill, section 264, line 2 of the printed bill was amended by striking the word "containing" and inserting in lieu thereof the words "any milk from which cream has been removed, or which contains."

On motion of Senator Presby, the bill was amended by inserting the word "or" between the words "knuckles" and "shall" in line 2 of section 266 of the printed bill.

Senator Graves moved to amend section 274 of the printed bill by inserting in line 2, after the word "buildings," the words "tenements, lodging houses, apartment houses, office buildings."

The amendment carried.

On motion of Senator Graves, section 274, line 5 of the printed bill was amended by striking the words "during any exhibition, entertainment or meeting" and inserting in lieu thereof the words "when in use."

On motion of Senator Graves, section 277, line 5 of the printed bill was amended by striking the words "in any other place."

On motion of Senator Polson, section 266, line 4 of the printed bill was amended by inserting after the word "weapon" the words "or who shall use any contrivance or device for the purpose of suppressing the noise of any firearm."

On motion of Senator Fishback, the word "knife" was stricken in line 4, section 266 of the printed bill.

On motion of Senator Cotterill, section 280, line 8 of the printed bill was amended by striking the words "when any person is upon the same."

By unanimous consent, the Senate at this time took up the order of business, "Introduction of Bills."

Senate bill No. 368, by Committee on Roads and Bridges, entitled "An act to amend section 11, chapter 150, Laws of Wash-

ington, A. D. 1907, entitled 'An act to provide for the improvement of the public highways, providing for the payment of the cost thereof in part out of the public highway fund of this state, and in part out of the general road and bridge fund, district road fund and property benefited, and making an appropriation therefor,' approved March 13, 1907."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

House bill No. 309, entitled "An act providing for two judges of the superior court of the State of Washington in and for Chehalis county, and fixing the term of office of the additional judges appointed, and providing for the election of a judge at the general election in November, 1910, and providing for the election of two judges at the general election in November, 1912, and every four years thereafter, and declaring an emergency."

The bill was read the first time, and on motion of Senator Polson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 147, entitled "An act to amend section 1 of an act entitled 'An act to secure and perpetuate liens upon chattels for labor, skill and materials expended thereon and providing for the enforcement thereof,' approved March 6, 1906."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 93, entitled "An act to regulate the practice of embalming and licensing of persons to carry on such practice; to regulate the transportation of bodies of deceased human beings and providing punishment for violations."

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, and referred to the Committee on Railroads and Transportation.

House bill No. 266, entitled "An act authorizing cities of the third class to provide for drainage and sewerage of such cities and provide for the payment of the cost and maintenance thereof, and declaring an emergency."

The bill was read the first time, and on motion of Senator

Minkler the rules were suspended, the bill was read the second time by title, and ordered substituted on the calendar for Senate bill No. 224.

House bill No. 367, by Judiciary Committee, entitled "An act for the relief of inhabitants of cities and towns upon public lands, etc."

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, and referred to the Committee on Municipal Corporations.

On motion of Senator Fishback, Senate bill No. 178 was withdrawn from the Committee on Judiciary and ordered referred to the Committee on Railroads and Transportation.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on Military, to whom was referred House bill No. 357, entitled "An act relating to the state militia, providing for the organization, regulation, maintenance, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

R. L. KLINE, *Chairman*.

We concur in this report: W. G. Potts, R. A. Hutchinson, John L. Blair.

On motion of Senator Piper, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on Education, to whom was referred Senate bill No. 277, entitled "An act to provide for the certification of teachers in the State of Washington and repealing all acts and parts of acts in conflict herewith," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. D. BASSETT, *Chairman*.

We concur in this report: J. R. Stevenson, W. B. Presby, Harry Rosenhaupt, I. B. Knickerbocker, Chas. E. Myers.

On motion of Senator Bassett, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 328, entitled "An act to amend section 3 of chapter CLXXVIII, Session Laws of 1901, relating to revenue and taxation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: J. D. Bassett, E. M. Williams, Geo. F. Cotterill, J. W. Bryan, J. H. Smithson.

On motion of Senator Bassett, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred House bill No. 162, entitled "An act to amend section 45, chapter LXXI, of the Laws of 1897, entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

In line 11, section 1 of the printed bill and line 16 of the original bill, strike the word "five" and insert in lieu thereof the word "four."

In line 12 of the printed bill and line 18 of the original bill, after the word "necessary," insert a comma and add the following: "in which case the rate of compensation shall be as fixed by the county commissioners."

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, E. M. Williams, J. W. Bryan, D. H. Cox, J. H. Smithson.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred House bill No. 263, entitled "An act providing the rate of interest to be paid on bonds of Jefferson county and owned by the State of Washington, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, E. M. Williams, J. W. Bryan, D. H. Cox, J. H. Smithson.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred Senate bill No. 309, entitled "An act relating to the vacation of streets and alleys across tide and shore lands," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, Alex. Polson, J. R. Stevenson.

On motion of Senator Bassett, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred House bill No. 221, entitled "An act relating to revenue and taxation, making county assessors *ex-officio* clerks of county boards of equalization, prescribing the method of certifying state, county, municipal and other tax levies, and providing for computation and extension of the same upon assessment and tax rolls," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. W. Bryan, J. D. Bassett, J. H. Smithson, E. M. Williams.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 356, entitled "An act relating to service of process in Justice courts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman*.

We concur in this report: S. J. Cameron, H. O. Fishback, Chas. E. Myers, W. H. Paulhamus, A. W. Anderson, J. R. Stevenson.

On motion of Senator Stevenson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred

Senate bill No. 353, entitled "An act relating to the reports of state officers, departments and institutions, and the printing thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman*.

We concur in this report: S. J. Cameron, H. O. Fishback, Chas. E. Myers, W. H. Paulhamus, A. W. Anderson, J. R. Stevenson.

On motion of Senator Stevenson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 256, entitled "An act establishing a state board of state game and game fish commissioners, prescribing their duties, fixing their compensation, authorizing them to employ game and fish wardens, fixing their compensation, providing for the payment of money derived from the sale of hunters' licenses, fines, etc., into the state treasury, to be used for the protection and propagation of game and game fish, and making an appropriation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: F. L. Stewart, S. J. Cameron, H. O. Fishback.

On motion of Senator Stevenson, the report of the committee was adopted.

On motion of Senator Brown, Senate bill No. 256 was substituted for Senate bill No. 35 on the calendar.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 74, entitled "An act providing for the establishment and maintenance of free public reading-rooms in cities of the first and second classes and elsewhere in the State of Washington, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: F. L. Stewart, S. J. Cameron, H. O. Fishback.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred House bill No. 33, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Bellingham, appropriating money from the military fund therefor, creating a board to superintend the construction thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: F. L. Stewart, S. J. Cameron, H. O. Fishback.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 319, entitled "An act relating to the compensation of judges of the supreme court," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 2, section 1 of the printed bill, strike the word "resign" and substitute therefor the word "retire." In line 4 of said section, strike the word "resigned" and substitute therefor the word "retired."

WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, W. B. Presby, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

By unanimous consent, the Senate returned to the order of business, "Introduction of Bills."

Senate bill No. 369, by Senator Falconer, entitled "An act relating to the sale or lease of state lands and material thereon, and amending chapter 152, Session Laws of 1907, amending section 14, chapter 89, Session Laws of 1907."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Granted, School and Tide Lands.

Senate bill No. 370, by Senator Presby, entitled "An act relating to printing, and amending sections 370 and 371 of Ballinger's Annotated Statutes and Codes of Washington."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

Senate bill No. 371, by Senator Huxtable, entitled "An act authorizing the governor of the State of Washington to appoint peace officers for railroad companies and steamboat companies."

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Judiciary.

At 4:15 p. m., on motion of Senator Stevenson, the Senate adjourned until Monday, March 1, 1909.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, March 1, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with, and it was approved.

SPECIAL ORDER.

The Senate took up the consideration of Senate bill No. 300.

The secretary resumed the third reading of the bill.

Senator Allen moved to amend the bill by inserting after the word "wrappers" in line 3 of section 285 of the printed bill the following: "which shall contain any opium or other

drug or substance of like nature or effect.”

A roll call on the proposed amendment was demanded by Senators Graves, Huxtable, Cotterill, Paulhamus, Booth, Myers, Bryan.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Allen, Booth, Cameron, Graves, Huxtable, Kline, Knickerbocker, McGowan, Piper, Potts, Presby, Rosenhaupt, Rydstrom, Smithson, Williams, Mr. President—16.

Those voting nay were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Smith, Stevenson, Stewart—22.

Those absent or not voting were: Senators Anderson, Fatland, Hutchinson, Whitney—4.

On motion of Senator Presby, section 294 was stricken from the bill.

Senator Eastham moved to amend section 293, line 2, by striking the word “or” and inserting after the word “surgery” the words “or dentistry,” and strike all of the section after the word “misdemeanor” in line 4 of the printed bill.

The motion carried.

Senator Booth moved that the bill be amended by striking section 293.

The motion was lost.

Senator Nichols moved to amend section 306, line 13, of the printed bill by substituting a period for the comma after the word “exercises” and striking the balance of the section.

Senator Bryan moved as a substitute that all of section 306 after the word “misdemeanor” in line 10 of the printed bill be stricken and the following inserted in lieu thereof:

Provided, That nothing in this section shall be so construed as to interfere with members of private clubs sparring or fencing for exercise among themselves.

The substitute motion was accepted by Senator Nichols.

Senator Falconer moved as a substitute that the words “forty-five” be substituted for the word “six” in line 11 of section 306 of the printed bill.

The motion of Senator Falconer was lost.

A roll call on the motion of Senator Bryan to amend section 306 was demanded by Senators Bryan, Cotterill, Blair, Polson, Myers, Paulhamus, Metcalf.

The secretary called the roll and the amendment was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smithson, Stevenson—30.

Those voting nay were: Senators Booth, Graves, Huxtable, McGowan, Minkler, Presby, Smith, Stewart, Williams, Mr. President—10.

Absent or not voting were: Senators Rosenhaupt, Whitney—2.

Senator Stevenson moved that section 307 be stricken from the bill.

Senator Stevenson withdrew his motion.

On motion of Senator Falconer, the bill was amended by inserting after the word "standing" in line 5 of section 323 of the printed bill, the words "or lumber, shingles, or other timber products."

Senator Stevenson moved to amend section 323 of the printed bill by inserting after the word "dock" in line 4 the words "or any threshing machine, threshing engine."

The motion carried.

Senator Falconer moved to amend section 325 of the printed bill, in line 2, by striking the word "or" where it occurs first time in said line and substituting therefor a comma and by adding after the word "structure" in said line, the words "or any of the property mentioned in section 323 hereof."

The motion carried.

Senator Stevenson moved to substitute the word "ten" for the word "five" in line 11 of section 328 of the printed bill.

The amendment carried.

On motion of Senator Presby, the word "matter" was inserted after the word "material" in line 4, section 335 of the printed bill.

On motion of Senator Stevenson, the vote by which the word

“ten” was substituted for the word “five” in line 11 of section 328 of the printed bill was reconsidered by the Senate.

Senator Cotterill moved to amend section 339 of the printed bill by inserting after the comma in line 3 the word “to” and adding the words “or withdraw his name from” between the words “to” and “any” in said line.

The motion carried.

On motion of Senator Presby, the word “herd-book” was substituted for the word “herd,” in line 5 of section 343 of the printed bill.

On motion of Senator Presby, the word “and” in line 22 of section 351 of the printed bill was stricken and a comma inserted in lieu of said word “and.”

At 12 o'clock m., on motion of Senator Paulhamus, a recess was taken until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

Senator Bassett moved that the special order for the consideration of Senate bill No. 300 go over until 8 o'clock this evening.

The motion was lost.

SPECIAL ORDER.

The secretary resumed the third reading of Senate bill No. 300.

Senator Graves moved to amend section 399, line 11 of the printed bill by striking the words “be punished by a fine of not more than five thousand dollars, and in addition thereto shall.”

Senator Graves withdrew his motion to amend.

Senator Paulhamus moved to amend section 399 of the printed bill by striking the words “within thirty days after its expiration” in line 4.

Senator Nichols moved to amend the above motion by striking the words “thirty days” in line 4 of section 399 of the

printed bill, and inserting in lieu thereof the words "one year."

The above amendment was accepted by Senator Paulhamus.

The motion of Senator Nichols carried.

On motion of Senator McGowan, section 406, line 40 of the printed bill was amended by adding after the word "line" the following: "or, 19. Who shall erect or maintain any unlawful structure in any stream or river."

On motion of Senator Graves, section 399, line 6 of the printed bill was amended by striking the words "when presented" and inserting in lieu thereof the words "within three days after presentation."

On motion of Senator Graves, the word "hundred" was substituted for the word "thousand" in line 11 of section 399 of the printed bill.

On motion of Senator McGowan, section 397 of the bill was amended in line 4 of the printed bill, by inserting after the word "canceled" the words "or a lawful and sufficient bond or undertaking is given therefor."

On motion of Senator Stevenson, the words "animal or" in line 29, section 409 of the printed bill were stricken.

Senator Stevenson moved that the words "the young of any such animal" be stricken in line 30, section 409 of the printed bill.

Senator Cotterill moved as a substitute that subdivision 12 of section 409 be amended so as to read as originally printed.

The substitute motion carried.

Senator Fishback moved to amend section 409 by striking all of line 38 of the printed bill except the word "leave," by striking the word "such" in line 39 and the semicolon at the end of line 39 and adding the words "of any railway company."

Senator Fishback withdrew his motion.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

The House has passed House bill No. 348, entitled "An act to amend sections 4, 5, 6, 8, 10, 12, 13, 15 and 17 of 'An act relating to drugs and medicines, etc.'";

House bill No. 188, entitled "An act permitting certain county and

city officers to close their respective offices at one o'clock on Saturday afternoons";

House bill No. 326, entitled "An act to prohibit the maintaining of a bucket shop, office, store or other place wherein is conducted or permitted the pretended buying or selling of the shares of stock, etc.";

House bill No. 184, entitled "An act amending section 3 of an act entitled "An act amending section 29 of an act entitled 'An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington, etc.'"

The speaker has signed House bill No. 68, entitled "An act providing for the taking and filing of oaths";

House concurrent resolution No. 9, "Relating to statue of George Washington";

House bill No. 152, "Relating to furnishing material or supplies to be used in construction on mining claims, etc.";

House bill No. 63, "Defining a homestead and providing for the manner of selection of the same";

House bill No. 67, "Relating to new trials";

House bill No. 100, "Relating to state roads and state road extensions";

House bill No. 21, "Relating to the venue of civil actions";

House bill No. 65, "Relating to foreign corporations and repealing certain laws in conflict therewith";

Senate bill No. 102, "Authorizing the placing and throwing of bottles, etc., in the highways";

Senate bill No. 127, "Authorizing the board of regents of University of Washington to participate in Carnegie fund";

Senate concurrent resolution No. 13, "Granting to Governor Cosgrove indefinite leave of absence";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Cameron moved to amend section 407 of Senate bill No. 300 by adding at the end of line 16 the word "or" and a comma and the following words:

6. Take or use any water from any irrigation flume, ditch or lateral without the consent of the owner thereof, or open, close or interfere with any gate connected therewith.

The motion carried.

Senator Cotterill moved to amend section 409, line 36 of the printed bill by striking the words "without the consent of the owner" and by adding after the word "event" in line 37, the words "excepting an advertisement of the sale of such land."

The motion was lost.

The president called Senator Paulhamus to the chair.

Senator Rosenhaupt moved to amend section 424 of the printed bill by striking the following: Beginning with the word "without" in line 4 to and including the word "done" in line 5.

The motion was lost.

Senator Falconer moved to amend section 416, line 2 of the printed bill by inserting after the word "corporation" the words "or any corporation."

The amendment failed to carry.

On motion of Senator McGowan, the bill was amended by adding the following section:

Section 441. Every employee of a public house or public service corporation who shall solicit or receive any gratuity from any guest shall be guilty of a misdemeanor.

On motion of Senator McGowan, the bill was amended by adding the following section:

Section 442. Every person giving any such gratuity mentioned in section 441 shall be guilty of a misdemeanor.

The president signed House bills Nos. 67, 68, 152, 63, 100, 65, 21 and House concurrent resolution No. 9.

Senator Polson moved to amend Senate bill No. 300 in section 438, line 3 of the printed bill by adding after the word "clairvoyance" the following:

Provided, That the foregoing shall not apply to any ordained Spiritualist medium or member of the Spiritualist church.

A roll call on the above amendment was demanded by Senators Polson, Paulhamus, Graves, Rosenhaupt, Potts, Booth, Stewart.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Cotterill, Cox, Fatland, Graves, Hutchinson, Kline, Metcalf, Paulhamus, Polson, Roberts, Rosenhaupt, Mr. President—16.

Those voting nay were: Senators Blair, Booth, Brown, Bryan, Davis, Eastham, Falconer, Fishback, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Potts, Presby, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—22.

Those absent or not voting were: Senators Cameron, Huxtable, Piper, Whitney—4.

On motion of Senator Booth, section 438 of the printed bill was amended by inserting after the words "hospital" in line 20 the words "or elsewhere."

Senator Cox moved to amend section 218 of the printed bill by striking therefrom the following:

Provided, That this section shall not apply to any game of chance carried on at the private residence or private apartments by the host and his invited guests where no percentage is paid or retained by the host or any other person as a consideration or the carrying on of the game.

Senator Graves moved as a substitute for the above motion that section 218 be amended by striking the original amendment as set forth in the motion of Senator Cox above and substituting therefor the following:

Provided, That this section shall not apply to any game of chance where wagers are made, which is carried on for amusement or entertainment at a private residence or private apartments by the host and his invited guests, where no percentage is paid to or retained by the host or any other person as a consideration for the carrying on of the game.

A roll call on the above amendment was demanded by Senators Cotterill, Bryan, Brown, Cox, Graves, Fishback, Arrasmith.

The secretary called the roll and the amendment was carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Booth, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Nichols, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—22.

Those voting nay were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Minkler, Paulhamus, Potts—18.

Those absent or not voting were: Senators Piper, Whitney—2.

On motion of Senator Presby, section 26 of the printed bill was stricken and the following inserted in lieu thereof:

Section 26. *Transfer of Prisoners From One Institution to Another.* Whenever in their judgment the welfare of any prisoner or prisoners

confined in any penal institution shall require that any prisoner be removed from one institution to another, the board having control of such institution shall have authority to order such removal.

Senator Bryan moved to amend section 82 by adding the following subdivision:

"4. Permit or license, or aid, abet or connive at the permitting of, licensing of any violation of this act, or any other criminal statute of this state for money or other valuable consideration, whether such money or thing of value be paid to such officer or into the public treasury.

The amendment failed to carry.

Senator Presby moved that section 30 of the bill be stricken and the following substituted therefor:

Section 30. *The Board Having Control to Determine Period of Imprisonment.*

The state board of control, acting in conjunction with the warden of the State Penitentiary, or the board of managers of the Washington State Reformatory, acting in conjunction with the superintendent of such reformatory, as the case may be, may at any time after the expiration of the minimum term of imprisonment for which such prisoner was committed thereto, direct that any prisoner confined in such institution shall be released on parole upon such terms and conditions as in their judgment they may prescribe in each case.

The motion carried.

Senator Cotterill moved to amend section 439 of the printed bill as follows: In line 5, after the word "to," strike the comma and insert the words "any female person, or to" and also strike the comma in the printed bill in the same line, between the words "person" and "previously" and insert in lieu thereof the words "who has been."

The motion carried.

On motion of Senator Cotterill, section 196 of the printed bill was amended in line 4 by striking the words "in any store, shop or factory" and inserting in lieu thereof the words "at any labor whatever in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or housework."

Senator Nichols moved that section 438 of the printed bill be amended by striking all words after the word "shall" in line 27 to and including the word "or" where it first appears in line 28.

The motion was lost.

On motion of Senator Cotterill, section 194 of the printed bill was amended by striking after the word "part" in line 5 the words "any female person, whether as employee, patron or visitor, or."

On motion of Senator Roberts, section 295 of the printed bill was amended by adding to the end of the section the following:

Provided, That nothing herein shall prohibit a master of a vessel acting as his own pilot, nor compel a master or owner of any vessel to take out a pilot license for that purpose.

On motion of Senator Piper, the bill was amended by adding the following section:

Section 443. Any person or persons who shall drink intoxicating liquors in any public place, upon or in any railroad car, street car, steamboat or conveyance, within the State of Washington, except in the room, compartment or place where such intoxicating liquor is sold by and under authority of a license as provided by law, shall be guilty of a misdemeanor.

On motion of Senator Piper, the bill was amended by adding the following section:

Section 444. Any owner, employee, agent or servant of any railroad, street car, steamboat or other common carrier or conveyance, who shall wilfully and knowingly permit the drinking of intoxicating liquors in public, aboard, upon or in such conveyances shall be guilty of a misdemeanor.

The president called Senator Cotterill to take the chair.

On motion of Senator Piper, the following section was added to the bill:

Section 445. Any person or persons, either as principal, agent, or otherwise, who shall within the State of Washington sell, or offer for sale, any spirituous or distilled intoxicating liquor that has not been aged for a period of four years in wooden barrels or casks, or who shall either as principal, agent or otherwise, sell or offer for sale, any malt liquor that has not been aged for a period of more than sixty (60) days, or which contains more than five (5) per cent alcohol by weight, shall be guilty of a gross misdemeanor.

On motion of Senator Piper, the bill was amended by adding the following section to the bill:

Section 446. Any person or persons who shall mix or compound rectified spirits and blends of spirituous liquors, or who shall sell or

offer for sale any such rectified spirits and blends of spirituous liquors, shall be guilty of a gross misdemeanor.

Senator Bassett moved to amend section 131 by changing the period at the end of the section to a comma and adding the following: "nor to prevent persons engaged in horticulture, agriculture or manufacturing from co-operating to maintain the price of their own products."

Senator Stevenson moved to amend the amendment by striking the words "or manufacturing."

Senator Allen moved as a substitute that section 131 be stricken from the bill.

The substitute motion carried.

Senator Cox moved that section 192 be stricken.

The motion was lost.

On motion of Senator Presby, section 46 was stricken and the following substituted therefor:

Section 46. Every provision of this act shall be construed according to the fair import of its terms.

On motion of Senator Stevenson, the word "five" was restored to the bill in line 11, section 328 of the printed bill, in lieu of the word "ten."

Senator Cotterill moved that section 49 be stricken from the bill.

The motion was lost.

Senator Nichols moved that section 244 of the bill be restored to read as originally printed.

A roll call on the above motion was demanded by Senators Cotterill, Myers, Cox, Bryan, Paulhamus, Arrasmith, Brown, Fishback.

The secretary called the roll and the amendment proposed by Senator Nichols failed to carry by the following vote:

Those voting aye were: Senators Allen, Davis, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Nichols, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Mr. President—17.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fishback, Hutchinson, McGregor, Myers, Minkler, Paulhamus, Polson, Smithson, Stevenson, Stewart—20.

Those absent or not voting were: Senators Booth, Fatland, Piper, Whitney, Williams—5.

On motion of Senator Presby, section 274 was restored to the form in which it appears in the printed bill.

On motion of Senator Cotterill, section 280 was amended to read as originally printed.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

Your Committee on Engrossed Bills, to whom was referred Senate bill No. 300, entitled "An act relating to crimes and punishments, etc.," have compared same with the original bill and find it correctly engrossed.

C. E. MYERS, *Chairman*.

The previous question was demanded by Senators Presby, Booth, Graves, Falconer.

The motion for the previous question carried.

The secretary called the roll on final passage of Senate bill No. 300.

Senator Cotterill, when his name was called, offered the following explanation of his vote:

"This code represents much faithful and efficient labor for the public good. It contains many provisions which are improvements upon the existing law. I have worked and voted throughout its consideration with the hope that, despite certain omissions of existing law, which in my judgment should be preserved, I could conscientiously vote for its final passage. The insertion and retention in this code of the proviso to section 218, affirmatively authorizing and protecting the practice of private gambling in homes and apartments, in clubs and hotels, is a wrong and a discrimination which should not be sanctioned by law. There are no moral distinctions in gambling, whether it be by poor men, in saloons or elsewhere, for their amusement and pleasure, or by the wealthier class in their homes or apartments or exclusive clubs. I cannot vote to enact such a blot upon the statute books of the State of Washington, and therefore am compelled to vote no."

Senate bill No. 300 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Cameron, Eastham, Falconer, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—32.

Those voting nay were: Senators Brown, Bryan, Cotterill, Cox, Davis, Fishback, Williams—7.

Absent or not voting were: Senators Fatland, Piper, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Graves, the rules were suspended and Senate bill No. 300 ordered immediately transmitted to the House.

INTRODUCTION OF BILLS.

Senate bill No. 372, by Senator Cotterill, entitled "An act relating to the nomination and election of county superintendents of schools."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Elections and Privileges.

Senate bill No. 373, by Senator Cotterill, entitled "An act to amend section twelve (12) of chapter 209 of the Session Laws of 1907, being an act entitled 'An act relating to regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency,' approved March 15th, 1907."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Elections and Privileges.

Senate bill No. 374, by Senator Cotterill, entitled "An act to amend section eighteen (18) of chapter 209 of the Session Laws of 1907, being an act entitled 'An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington and providing penalties for the violation thereof, and declaring an emergency,' approved March 15th, 1907."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Elections and Privileges.

Senate bill No. 375, by Senator Cotterill, entitled "An act to amend section twenty-six (26) of chapter 209, of the Session Laws of 1907, being an act entitled 'An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency,' approved March 15th, 1907."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Elections and Privileges.

Senate bill No. 376, by Senator Cotterill, entitled "An act to amend sections thirty-six (36) and thirty-seven (37) of chapter 209 of the Session Laws of 1907, being an act entitled 'An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency,' approved March 15th, 1907."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Elections and Privileges.

Senate bill No. 377, by Senator Piper, entitled "An act to provide against the sale of spirituous, malt, fermented and other intoxicating liquors under certain age, and prohibiting the sale of rectified spirits and blends, and providing a penalty for the violation of the provisions hereof."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on State Library.

Senate bill No. 378, by Senator Piper, entitled "An act to prohibit the drinking of intoxicating liquor in public upon or in any railroad car, street car, steamboat or other common carrier or conveyance, except in the compartment, room or place where intoxicating liquors are sold, and providing a penalty for the violation of the provisions hereof."

The bill was read the first time, and on motion of Senator Allen the rules were suspended, the bill was read the second time

by title, ordered printed and referred to the Committee on State Library.

Senate bill No. 379, by Senator Nichols, entitled "An act to amend article VII of the constitution of the State of Washington, relating to the revenue and taxation."

The bill was read the first time, and on motion of Senator Nichols the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Revenue and Taxation.

Senate bill No. 380, by Senator Bryan, entitled, "An act prohibiting the sale or disposition of intoxicating liquors on boats and in certain other places, and prescribing penalties."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Public Morals.

Senate bill No. 381, by Senator Stewart, entitled "An act for the protection of black bass in the waters of Silver Lake, in Cowlitz county."

The bill was read the first time, and on motion of Senator Stewart the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Game Fish.

Senate bill No. 382, by Senators Williams and Cotterill, entitled "An act changing and defining the boundary line between the thirty-second and thirty-sixth senatorial districts, and between the forty-second and forty-sixth representative districts, in King county."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Counties and County Boundaries.

Senate bill No. 383, by Senator Metcalf, entitled "An act granting to cities, boroughs, counties and townships power to regulate outdoor advertising, to levy and collect taxes in connection therewith, and to fix and collect penalties for violation of regulations made under its authority."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second

time by title, ordered printed and referred to the Committee on Judiciary.

House bill No. 348, entitled "An act to amend sections 4, 5, 6, 8, 10, 12, 13, 15, and 17, of 'An act relating to drugs and medicines, the licensing of persons to compound, dispense, buy and sell the same in the State of Washington, placing restrictions on the sale of wines, malt and spirituous liquors, defining crimes and misdemeanors and prescribing penalties in cases of violation of the provisions of this act, repealing chapter 153 of the Session Laws of 1891 of Washington, being an act entitled 'An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of Washington,' approved March 9, 1891, and also repealing chapter 113 of the Session Laws of 1893 of Washington, being an act entitled 'An act to amend section 8, chapter 153, of the Session Laws of 1891, of Washington, regulating the practice of pharmacy, approved March 19, 1893, and declaring an emergency,' approved March 14, 1899, and by adding sections 17a, 17b, and 17c and 17d to said act."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and referred to the Committee on Medicine, Dentistry, Surgery and Hygiene.

House bill No. 326, entitled "An act to prohibit the maintaining of a bucket shop, office, store or other place wherein is conducted or permitted the pretended buying or selling of the shares of stock of corporations, or grain, provisions, cotton or other commodity or personal property either on margins or otherwise, without any intention of receiving or paying for the property so bought, or delivering the property so sold, defining a bucket shop, and providing a punishment for the violation thereof."

The bill was read the first time, and on motion of Senator Fishback the rules were suspended, the bill was read the second time by title, and referred to the Committee on Public Morals.

House bill No. 184, entitled "An act amending section 3 of an act entitled 'An act amending section 29 of an act entitled 'An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, by amending sections 3, 5, 21, 43,

60, 61, 62, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97 $\frac{1}{2}$, 119 $\frac{1}{4}$, 119 $\frac{1}{2}$, 119 $\frac{3}{4}$, 120 $\frac{1}{4}$, 120 $\frac{1}{2}$, 120 $\frac{3}{4}$ to said act, and declaring an emergency,' approved March 15, 1899,' and amending sections 58, 83 and 104 of an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, and declaring an emergency,' approved March 9, 1903, and declaring an emergency."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, and referred to the Committee on Public Revenue and Taxation.

House bill No. 188, entitled "An act permitting certain county and city officers to close their respective offices at one o'clock on Saturday afternoons."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

Senator Stevenson moved that the Senate do now adjourn.

Senator Cotterill moved as a substitute that the Senate take a recess until 8:30 o'clock this evening.

The substitute motion prevailed, and in accordance with same the Senate at 5:45 p. m. took a recess until 8:30 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8:30 o'clock p. m. by President Ruth.

On motion of Senator Kline, rule No. 64 was suspended.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 149, entitled "An act authorizing the issuance of bonds for the payment and redemption of warrants issued for erecting, etc., the Cheney and New Whatcom normal schools";

Senate bill No. 151, "An act for certain deficiencies in maintenance

of the State Fair of Washington”;

Senate substitute bill No. 110, “An act to create a firemen’s relief and pension fund”;

Senate bill No. 167, “An act to provide for the vacation of portions of waterways, the extension of streets over the portions so vacated, etc.”;

House bill No. 105, “An act providing for fire drills in the schools of this state”;

House bill No. 294, “An act making a deficiency appropriation for public printing”;

House bill No. 330, “An act to prohibit live stock from running at large in any organized township in the State of Washington”;

House bill No. 349, “An act for the prevention of fraud in publishing or printing, etc.”;

Senate joint resolution No. 5, “Relating to an adequate pension for Mrs. Ann Gridley”;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

SPECIAL ORDER.

The Senate took up the consideration of Senate bill No. 245, which was special order for this hour.

Senate bill No. 245, entitled “An act to provide for the establishment and creation, and the construction and maintenance of a system of dikes and drainage, etc.,” was read third time.

A motion to amend the bill, made by Senator Cotterill at the time the bill was under consideration at a previous day’s session, was withdrawn by Senator Cotterill.

On motion of Senator Knickerbocker, the bill was amended by inserting after the word “in” at the end of line 11, section 2 of the printed bill, the words “each of the counties in.”

On motion of Senator Knickerbocker, the bill was amended in line 12, section 2 of the printed bill, after the word “district,” where it appears the second time in said line, by inserting the words “in each of the counties.”

On motion of Senator Knickerbocker, the bill was amended in line 26, section 4 of the printed bill, by striking the word “thirty” and substituting therefor the word “ninety.”

On motion of Senator Knickerbocker, the bill was amended in line 26, section 4 of the printed bill, by striking the word “aforesaid” and substituting therefor the words “commissioner of public lands.”

On motion of Senator Cotterill, the words “count and” were

stricken in line 27, section 4 of the printed bill.

On motion of Senator Knickerbocker, the bill was amended by inserting the words "in each of the counties" after the word "cast" in line 28, section 4 of the printed bill.

On motion of Senator Knickerbocker, the bill was amended by striking the word "election" and substituting therefor the word "elections" in line 48, section 4 of the printed bill.

On motion of Senator Knickerbocker, the bill was further amended by striking the words "date of" in line 45 of section 5 of the printed bill.

On motion of Senator Knickerbocker, the bill was amended by inserting after the word "district" in line 49 of section 5 of the printed bill, the words "in each county."

On motion of Senator Knickerbocker, the bill was amended by inserting the words "dams and drift" after the word "flood" in line 5 of section 10 of the printed bill.

On motion of Senator Knickerbocker, the word "board" was stricken in line 9 of section 16 of the printed bill, and the word "fund" substituted therefor.

On motion of Senator Knickerbocker, the bill was further amended by inserting the words "one-half" after the word "exceed" in line 10, section 19 of the printed bill, and by substituting the word "mill" for the word "mills" in said line.

On motion of Senator Knickerbocker, the bill was amended by striking the word "trade" and substituting therefor the word "exchange" in line 5 of section 26 of the printed bill.

On motion of Senator Knickerbocker, the bill was amended by striking section 35 of the original bill and inserting in lieu thereof the following:

"Section 34. An emergency exists and this act shall take effect immediately."

On motion of Senator Knickerbocker, the numbering of the sections was amended so that they will read consecutively in the amended bill.

On motion of Senator Knickerbocker, the title of the bill was amended by striking the period after word "counties" and inserting in lieu thereof the words "and declaring an emergency."

The secretary called the roll on final passage of Senate bill No. 245, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—31.

Absent or not voting were: Senators Bassett, Booth, Eastham, Falconer, Graves, Huxtable, Metcalf, Piper, Presby, Smithson, Stevenson—11.

The emergency clause passed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—32.

Absent or not voting were: Senators Booth, Eastham, Falconer, Huxtable, McGowan, Metcalf, Piper, Presby, Smithson, Stevenson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Knickerbocker, the rules were suspended and Senate bill No. 245 was ordered transmitted to the House immediately.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to consider the list of appointments submitted by the governor.

On motion of Senator Potts, the reading of the list of appointments made by the governor was dispensed with.

Senator Potts moved that the appointments made by the governor as listed in his message to the Senate be confirmed.

The secretary called the roll and the appointments were confirmed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—33.

Absent or not voting were: Senators Booth, Cameron, East-

ham, Falconer, Fatland, Knickerbocker, Metcalf, Piper, Stevenson—9.

A petition from certain citizens of Okanogan county, protesting against the division of said county into three separate counties, was read, and on motion of Senator Smithson, ordered referred to the Committee on Counties and County Boundaries.

The following communications were read by the secretary:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, WASH., February 25, 1909.

At a special meeting of the A.-Y.-P. commission, held in the governor's office Thursday, February 25th, the following resolution was passed:

"Be it resolved, That this commission does hereby invite the members of the legislature and the state officials of the State of Washington to meet with the commission on the A.-Y.-P. fair grounds Saturday, March 6th, at 1 p. m., for the purpose of inspecting the work of this commission."

On motion of Senator Cotterill, Senator Paulhamus was appointed as a special committee to report to the Senate as to the advisability of the Senate accepting the above invitation.

The secretary read the following communications and they were ordered placed on file:

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., February 23, 1909.

W. T. Laube, Secretary the State Senate, Olympia, Washington.

DEAR SIR: I am in receipt of your letter enclosing joint memorial No. 7. I assure you that I will give every assistance I can toward carrying out the purpose of this memorial.

Yours truly,

W. E. HUMPHREY.

HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C., February 22, 1909.

Hon. Wm. T. Laube, Secretary State Senate, Olympia, Washington.

MY DEAR SIR: Your favor of the 16th instant, handing me copy of Senate joint memorial No. 7, at hand. I will state that I secured the insertion of a provision in the river and harbor bill authorizing the secretary of war to give consent to the diversion of the White into the Stuck and Duwamish rivers, etc.

Very truly yours,

W. L. JONES.

UNITED STATES SENATE,
COMMITTEE ON IRRIGATION.

February 22, 1909.

Honorable William T. Laube, Secretary of the Senate, Olympia, Washington.

DEAR SIR: I have the honor to acknowledge receipt of a copy of Senate joint memorial No. 7.

Very truly,

LEVI ANKENY.

The secretary read House joint memorial No. 7, relating to the preservation of American elk.

Senator Brown moved that the rules be suspended and that House joint memorial No. 7 be placed on final passage.

The motion carried.

The secretary called the roll and House joint memorial No. 7 was adopted by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, Kline, McGregor, McGowan, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Smith, Smithson, Whitney, Williams, Mr. President—28.

Those absent or not voting were: Senators Allen, Booth, Eastham, Falconer, Hutchinson, Huxtable, Knickerbocker, Metcalf, Myers, Piper, Presby, Rydstrom, Stevenson, Stewart—14.

The secretary read House joint memorial No. 6, memorializing congress to construct a certain road through the Rainier forest reserve.

Senator Polson moved that the rules be suspended and that House joint memorial No. 6 be placed on final passage.

The secretary called the roll on final passage of House joint memorial No. 6 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, Hutchinson, Kline, McGregor, Myers, Minkler, Paulhamus, Polson, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—29.

Absent or not voting were: Senators Allen, Booth, Eastham, Falconer, Huxtable, Knickerbocker, McGowan, Metcalf, Nichols, Piper, Potts, Presby, Smithson—13.

Senate concurrent resolution No. 24, by Senators Rosenhaupt and Graves:

WHEREAS, The State of Washington will this year exhibit to the world the wonderful resources, wealth and progress of the West, and especially of Alaska and of this state; and will hold in Spokane, Washington, between the 9th and 14th of August, a National Irrigation Congress, said congress to discuss and devise ways and means tending to save the forests, store the floods, reclaim the deserts, and make homes on the land, being therefore of unlimited value; and

WHEREAS, It is desirable that the president of the United States should, some time during the coming year, visit the Empire State of the Pacific coast, to meet our people, observe our surroundings and conditions, note the resources and possibilities of the state, its requirements and future demands for legislation; therefore be it,

Resolved by the Senate of the State of Washington, the House of Representatives concurring, That President-elect William Howard Taft be and he is hereby invited to visit the State of Washington, the Alaska-Yukon-Pacific Exposition, and attend the National Irrigation Congress to be held in Spokane, some time between the 9th and 14th day of August of this year; be it further

Resolved, That a committee consisting of the president of the Senate and two senators, to be named by him; the speaker of the House and four members of the House, to be named by the speaker, be appointed to meet the president at the boundaries of the state upon the occasion of his visit, to show him due courtesy and attention and to wish him welcome; be it further

Resolved, That their excellencies the Honorable Samuel G. Cosgrove and the Honorable M. E. Hay be invited to become members of this committee and welcome the president, together with the committee, in behalf of the State of Washington.

Senator Rosenhaupt moved the adoption of the resolution.

The secretary called the roll and Senate concurrent resolution No. 24 was adopted by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—34.

Absent or not voting were: Senators Allen, Booth, Eastham, Falconer, Metcalf, Piper, Presby, Stevenson—8.

On motion of Senator Rosenhaupt, the rules were suspended and Senate concurrent resolution No. 24 was ordered immediately transmitted to the House.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 251, entitled "An act to prohibit any manufacturer or wholesale dealer in intoxicating liquors from owning, operating or having any financial interest in any saloon, etc.," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

We concur in this report: W. G. Potts, F. L. Stewart.

SENATE CHAMBER,
OLYMPIA, WASH., February 26, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 189, entitled "An act to amend 'An act to provide for the assessment of operating property of railroads, etc.,'" have compared same with the original bill and find it correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

W. G. POTTS.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 155, entitled "An act relating to horticulture and prescribing penalties for the violation thereof, and declaring and emergency," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

F. L. STEWART.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 196, entitled "An act relating to township organization and amending an act entitled 'An act to provide for township organization and prescribing the duties and fixing the compensation, etc.'" have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: H. O. Fishback, D. O. Cox, A. W. Anderson.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 239, entitled "An act for the regulation of public ware-

houses, etc.," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

We concur in this report: H. H. Fatland, F. L. Stewart.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred—

Senate bill No. 261, entitled "An act amending act of 1895, relative to establishment and maintenance of drainage districts, etc.;"

Senate bill No. 220, entitled "An act requiring county officers to transmit estimates of timber on public lands, etc.;"

Senate bill No. 166, entitled "An act for the relief of the city of Palouse, Washington";

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

We concur in this report: W. G. Potts, H. H. Fatland, F. L. Stewart.

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 92, entitled "An act to create a state board of charities, prescribing its duties and powers, and appropriating money therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend section 1 as follows: In line 1, strike the word "five" and insert in lieu thereof the word "four." In line 3, after the word "who," insert the following: "together with the chairman of the state board of control *ex-officio*." In same line, strike the word "one" and insert in lieu thereof the word "two." In line 6, strike the word "six" and insert in lieu thereof the word "four."

Amend section 2 as follows: In line 9, after the word "appropriations," insert the following words: "or from public charity." In line 15, after the word "suggestion," insert the word "and." In same line strike the words "and approval."

Amend section 3 as follows: Strike out all of lines 1 and 2 and "per annum" in line 3 and insert the following: "The secretary of the state board of control shall serve as secretary of the state board of charities, without additional compensation." In line 6, after the word "board," strike out the words "including the salary of the secretary" and insert the following words: "including the service of any necessary employes." In line 7, after the word "of," strike the figures and words "\$3,500.00 in any one fiscal year" and insert the following:

"\$3,000.00 during the biennial term." In same line, make figures to read "\$3,000.00."

Amend section 4 as follows: In line 4, before the word "thereof," insert the following words: "or any employe."

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 96, entitled "An act relating to dividing of counties into judicial districts, etc., and declaring an emergency," have compared the same with the engrossed bill and find the same correctly enrolled.

Respectfully submitted,

H. O. FISHBACK,
D. H. COX,
GEO. F. COTTERILL.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 27, entitled "An act providing for the purchase of the S. E. one-fourth of the N. E. one-fourth of section 16, township 21, north of range 5 east of the Willamette Meridian, for state fish hatchery site," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted,

H. O. FISHBACK,
D. H. COX,
GEO. F. COTTERILL.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred engrossed House bill No. 367, entitled "An act for the relief of inhabitants of cities and towns upon the public lands, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: Jesse Huxtable, A. B. Eastham, J. W. Bryan, Arvid Rydstrom.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred Senate bill No. 343, entitled "An act providing for the establishment of certain state roads," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ALEX. POLSON, *Chairman*.

We concur in this report: J. R. Stevenson, Arvid Rydstrom, J. A. Falconer, J. H. Smithson.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, the majority of your Committee on Judiciary, to whom was referred Senate bill No. 37, entitled "An act providing for the issuance of a state Sunday liquor license, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 1, section 1 of the original bill, before the figure "1" insert the word "Section."

In line 1 of said section of the printed bill, strike the brackets around the word "Section."

In line 1, section 2 of the original bill, before the figure "1" insert the word "Sec."

In line 1, section 2 of the printed bill, strike the brackets around the word "Sec."

In line 1, section 3 of the original bill, before the figure "3" insert the word "Sec."

In line 1, section 3 of the printed bill, strike the brackets around the word "Sec."

In line 2, section 3 of the original bill, after the word "second" insert the word "class."

In line 1, section 3 of the printed bill, strike the brackets around the word "class."

In lines 2, 3 and 4, section 3, of the original bill and in lines 2 and 3 in said section of the printed bill, strike the words "and all hotels of more than thirty-five rooms, in all other cities and in incorporated towns, and outside of incorporated towns."

In line 5, section 3 of the printed bill, after the words "holding a city" strike the comma and the words "town or county." In line 5 of said section, after the words "in the city" strike the comma and the words "town or county."

In line 1, section 4 of the original bill, before the figure "4" insert the word "Sec."

In line 1, section 4 of the printed bill, strike the brackets around the word "Sec."

In lines 2, 3, 4 and 5, section 4 of the printed bill, strike the words "if the applicant be conducting a hotel in a city of the first or second class; in the sum of \$150.00 if the applicant be conducting a hotel in a city of the third class; and in the sum of \$100.00, if the applicant be conducting a hotel in a city or town except as above provided, or in any county of the State of Washington."

In line 7, section 4 of the printed bill, strike the word "license" and substitute therefor the word "licensee" and strike the word "absolute."

In line 1, section 5 of the original bill, before the figure "5" insert the word "Sec."

In line 1, section 5 of the printed bill, strike the brackets around the word "Sec."

In line 3, section 5 of the printed bill, after the word "act" insert a period and strike the balance of the section.

In line 1, section 6 of the original bill, before the figure "6" insert the word "Sec."

In line 1, section 6 of the printed bill, strike the brackets around the word "Sec."

In line 4, section 6 of the printed bill, after the word "intoxication" insert a period and strike the balance of the section.

In line 1, section 7 of the original bill, before the figure "7" insert the word "Sec."

In line 1, section 7 of the printed bill, strike the brackets around the word "Sec."

WILL G. GRAVES, *Chairman.*

We concur in this report: Henry Rosenhaupt, Rob't. Booth, I. B. Knickerbocker.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

I, a minority of your Committee on Judiciary, to whom was referred Senate bill No. 37, entitled "An act providing for the issuance of a state Sunday liquor license, etc.," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

J. W. BRYAN.

On motion of Senator Graves, the majority report and the minority report of the Committee on Judiciary on Senate bill No. 37 were both received and ordered placed on general file for consideration with the bill when it comes up on the calendar.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 359, entitled "An act for the relief of Vaughan & Morrill Co.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. G. POTTS, *Chairman.*

We concur in this report: S. J. Cameron, A. S. Ruth, Peter McGregor, J. A. Falconer, H. O. Fishback.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred House bill No. 79, entitled "An act to prevent the firing or killing, entrapping, shooting, ensnaring, maiming, or molesting any of the wild birds at any season of the year upon the waters of Lake Washington, or within one mile of shores thereof, and providing a penalty for the punishment of the violation of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED. BROWN, *Chairman.*

On motion of Senator Brown, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 211, entitled "An act to amend section 3 of an act entitled 'An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title of the printed bill and substitute therefor the following title: "An act to amend section 3 of an act entitled 'An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness, and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds and declaring an emergency,' approved March 28, 1895, being section 1892 of Ballinger's Code, as amended by an act entitled 'An act to authorize counties, cities and towns to issue bonds to fund their indebtedness,

and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds, and declaring an emergency,' approved March 22, 1895', approved March 6, 1901, and declaring an emergency."

In line 1, section 1 of the printed bill, after the figure "1" insert the following: "That section 3 of an act entitled 'An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness, and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds, and declaring an emergency,' approved March 22, 1895, being section 1892 of Ballinger's Code, as amended by an act entitled 'An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness, and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds, and declaring an emergency,' approved March 22, 1895', approved March 6, 1901, be amended to read as follows: Section 3."

In line 1, section 1 of the printed bill and in line 2 of the original bill, after the word "act" insert the following words: "for the purpose of funding or refunding outstanding warrants in cases where the issuance of such bonds shall have been previously authorized by the voters of such county, city or town, when exchanged at not less than par value, or."

WILL G. GRAVES, *Chairman*.

We concur in this report: W. G. Presby, Rob't. Booth, I. B. Knickbocker, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 151, entitled "An act providing for the payment of certain deficiencies in maintenance of the State Fair of Washington, etc.," have compared the same with the engrossed bill and find it correctly enrolled.

D. H. Cox,
GEO. F. COTTERILL.

GENERAL FILE.

On motion of Senator Graves, Senate bill No. 181 was indefinitely postponed.

Senate bill No. 210 entitled "An act relating to appeals from the superior courts to the supreme court and authorizing the supreme court to make rules regulating the same, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 210 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Bryan, Eastham, Falconer, Hutchinson, Piper, Smith, Stevenson—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Graves, the rules were suspended and Senate bill No. 210 ordered immediately transmitted to the House.

Senate bill No. 252 was placed on its third reading.

On motion of Senator Bryan, a bill now on the desk was substituted for Senate bill No. 252.

The secretary read Senate substitute bill No. 252 third time.

The secretary called the roll on final passage of Senate substitute bill No. 252 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Rydstrom, Smithson, Stewart, Whitney, Mr. President—31.

Absent or not voting were: Senators Booth, Cox, Eastham, Hutchinson, Metcalf, Piper, Roberts, Rosenhaupt, Stevenson, Smith, Williams—11.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smithson, Stewart, Whitney, Mr. President—30.

Absent or not voting were: Senators Bassett, Booth, Cox, Eastham, Hutchinson, Metcalf, Piper, Presby, Rosenhaupt, Smith, Stevenson, Williams—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bryan, the rules were suspended and Senate substitute bill No. 252 was ordered immediately transmitted to the House.

House bill No. 186, entitled "An act providing for the establishment of certain state roads," was read third time.

The secretary called the roll on final passage of House bill No. 186 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—32.

Voting nay: Senator Paulhamus—1.

Absent or not voting were: Senators Bassett, Cox, Eastham, Graves, Metcalf, Piper, Presby, Rosenhaupt, Stevenson—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 266, entitled "An act authorizing cities of the third class to provide for the drainage and sewerage of such cities, etc.," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 266 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—33.

Absent or not voting were: Senators Allen, Cox, Eastham, Graves, Metcalf, Piper, Presby, Rosenhaupt, Stevenson—9.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols,

Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—33.

Absent or not voting were: Senators Allen, Cox, Eastham, Graves, Metcalf, Piper, Presby, Rosenhapt, Stevenson—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Minkler, the rules were suspended and House bills Nos. 186 and 266 were ordered immediately transmitted to the House.

Senate substitute bill No. 162, entitled "An act to regulate the business of life insurance, the issuing of policies of endowment or of annuity, etc.," was read third time.

The president called Senator Smith to the chair.

On motion of Senator Bassett, section 8, line 6 of the printed bill was amended by striking the word "exceeding" and inserting in lieu therefor the words "in excess of" and by striking the words "and which assets shall" in said line and inserting in lieu the word "of."

On motion of Senator Bassett, the bill was further amended in section 13, line 6 of the printed bill by inserting between the words "determine" and "according" the words "upon such basis" and by striking the words "actuaries of combined" and inserting in lieu thereof the word "American."

On motion of Senator Bassett, section 15 was stricken from the bill.

Senator Stewart moved to amend section 5, line 7 of the printed bill as follows: Beginning with the word "any," strike balance of line 7, all of line 8 and line 9 to the word "provided."

The motion was lost.

The president resumed the chair.

On motion of Senator Fishback, the word "do," in line 2, section 17 of the printed bill was stricken and the words "engage in" substituted therefor.

The president signed Senate bills Nos. 96, 27, 151 and 196.

On motion of Senator Graves, the bill was amended as follows: In section 23, line 9 of the printed bill, after the word "treasurer" insert the following:

Provided, That such charges shall not exceed the sum of \$5 per day in addition to the necessary expenses incurred in making such examination.

On motion of Senator Bassett, the bill was amended as follows: In section 23, line 51 of the printed bill, insert after the word "policies" and the period following the words "if such deficiency or impairment is not immediately made good."

On motion of Senator Bassett, section 34 was amended in line 7 of the printed bill by inserting after the word "delivered" the words and figures "after January 1st, 1910."

On motion of Senator Bassett, section 34 of the printed bill was amended in line 16 by striking the words "no policy so far as it relates" and substituting therefor the words "all policies so far as they relate."

Senator Smith moved that the Senate adjourn.

The motion was lost.

Senator Nichols moved to amend in line 13 of section 40 of the printed bill by inserting the word "district" between the words "school" and "issuing."

The amendment carried.

On motion of Senator Bassett, the figures "30" were substituted for the figures "32" in line 35 of section 40 of the printed bill.

On motion of Senator Bassett, the word "March" was substituted for the word "February" in line 3, section 41 of the printed bill and the word "May" substituted for the word "March" in line 12 of section 41 of the printed bill.

On motion of Senator Nichols, the word "within" was substituted for the word "with" in line 35 of section 41 of the original bill.

On motion of Senator Bassett, section 43 was amended by adding the following to the end of the section: "but shall apply to all other companies or associations conducting such business as is provided for in this act."

On motion of Senator Bassett, the numbering of the sections in the amended bill was changed so that the numbers of the sections shall be consecutive.

Senator Graves moved that the Senate do now adjourn.

The motion was lost.

Senator Stewart moved to amend section 7, line 7 of the printed bill by striking, beginning with the word "but" in said line, the balance of said line 7, and striking all of lines 8 and 9.

The motion was lost.

Senator Huxtable moved that the Senate do now adjourn.

The motion was lost.

The previous question was demanded by Senators Booth, Paulhamus, Rydstrom and Stewart.

The secretary called the roll on final passage of Senate substitute bill No. 162 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rydstrom, Smith, Williams, Mr. President—31.

Those voting nay were: Senators Arrasmith, Stewart—2.

Absent or not voting were: Senators Eastham, Graves, Metcalf, Presby, Roberts, Rosenhaupt, Smithson, Stevenson, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

By unanimous consent, at the request of Senator Stevenson, the Senate returned to the order of business, "Introduction of Bills."

Senate bill No. 384, entitled "An act providing for a separate ballot at general elections for non-partisan candidates for the offices of judges of the supreme court and judges of the superior courts, etc."

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, ordered printed and referred to the Committee on Elections and Privileges.

At 10:45 p. m., on motion of Senator Potts, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-FIRST DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, March 2, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Game and Game Fish, to whom was referred Senate bill No. 330, entitled "An act to regulate trout fishing in Chelan river and in Lake Chelan, repealing all conflicting acts and parts of acts, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

A. W. ANDERSON, *Chairman*.

We concur in this report: J. R. Stevenson, H. O. Fishback, F. L. Stewart.

On motion of Senator Anderson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Game and Game Fish, to whom was referred Senate bill No. 381, entitled "An act for the protection of black bass in the waters of Silver Lake, in Cowlitz county," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

A. W. ANDERSON, *Chairman*.

We concur in this report: J. R. Stevenson, H. O. Fishback, F. L. Stewart.

On motion of Senator Anderson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Game and Game Fish, to whom was referred Senate bill No. 185, entitled "An act to establish a trout hatchery on the east fork of the Lewis river in Clarke county, Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

A. W. ANDERSON, *Chairman*.

We concur in this report: J. R. Stevenson, H. O. Fishback, F. L. Stewart.

On motion of Senator Anderson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Education, to whom was referred Senate bill No. 271, entitled "An act to provide for fire drills in the schools of this state," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. D. BASSETT, *Chairman*.

We concur in this report: Chas. E. Myers, I. B. Knickerbocker.

On motion of Senator Bassett, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 178, entitled "An act relating to telephone lines," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman*.

We concur in this report: Joseph Arrasmith, Alex. Polson.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred House bill No. 93, entitled "An act to regulate the practice

of embalming and licensing of persons to carry on such practice; to regulate the transportation of bodies of deceased human beings, and providing punishment for violations," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman.*

We concur in this report: Joseph Arrasmith, Alex. Polson.

On motion of Senator Paulhamus, the report of the committee was adopted.

GENERAL FILE.

Senate bill No. 146, entitled "An act authorizing and directing the state auditor to audit, and the state treasurer to pay bills or expenses which hereafter may be incurred by the bureau of plant industry of the department of agriculture of the United States in the investigation of and experimentation with the various methods of clearing logged-off and timbered lands in this state, to an amount in the aggregate equal to the sum hereafter to be expended by said bureau, from its congressional appropriation for such purpose within this state, not exceeding five thousand (\$5,000.00) dollars, and making an appropriation therefor," was placed on third reading.

On motion of Senator Falconer, the Senate resolved itself into a Committee of the Whole for the consideration of Senate bills No. 146, 238, 359 and 97.

The bills were considered in the Committee of the Whole, Senator Allen in the chair, and reported back to the Senate with the recommendation that the preamble of Senate bill No. 146 be stricken, and that it do pass; that Senate bill No. 238 be amended as follows: In section 2, line 4 of the printed bill, strike the figures "57" and insert in lieu thereof the figures "157," and that it do pass; that Senate bill No. 359 do pass, and that Senate bill No. 97 do pass.

Senator Stevenson moved that the report of the Committee of the Whole be adopted.

The motion carried.

On motion of Senator Cotterill, the rules were suspended, the readings of Senate bills 146, 238, 359 and 97 had in the Committee of the Whole were considered the third readings of the bills and the bills placed on final passage.

Senate bill No. 146 was placed on final passage.

The secretary called the roll on final passage of Senate bill No. 146, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—29.

Those voting nay were: Senators Brown, Eastham, Hutchinson—3.

Those absent or not voting were: Senators Booth, Graves, Huxtable, Knickerbocker, Paulhamus, Piper, Presby, Rosenhaupt, Stevenson, Stewart—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 238 was placed on final passage.

The secretary called the roll on final passage of Senate bill No. 238, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, Metcalf, Myers, Minkler, Nichols, Polson, Rydstrom, Stewart, Whitney, Williams, Mr. President—27.

Those voting nay were: Senators Brown, Eastham, McGowan, Paulhamus, Cox, Roberts, Smith, Stevenson—8.

Those absent or not voting were: Senators Graves, Huxtable, Knickerbocker, Piper, Presby, Rosenhaupt, Smithson—7.

Senator Booth gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 238 passed the Senate.

Senate bill No. 359, entitled "An act for the relief of Vaughan & Morrill Co.": The secretary called the roll on final passage of Senate bill No. 359, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Bryan, Graves, Huxtable, Knickerbocker, Minkler, Piper, Presby, Rosenhaupt—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 97, entitled "An act to appropriate one thousand dollars (\$1,000.00) to carry on the inspection of steam vessels, and vessels or boats operated by machinery, navigating the waters within the jurisdiction of this state, excepting vessels which are subject to inspection under the laws of the United States": The secretary called the roll on final passage of Senate bill No. 97, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Anderson, Cox, Graves, Hutchinson, Huxtable, Knickerbocker, Paulhamus, Piper, Presby, Rosenhaupt, Stevenson—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

The House has passed House bill No. 119, entitled "An act relating to railroad companies, authorizing them to construct railroads and branches, etc.,";

House bill No. 194, "Relating to the improvement of public highways";

House bill No. 368, "Relating to the sale of clams, oysters and other shell fish which have been opened for more than four days";

House bill No. 391, "Relating to the boundary lines between the representative and senatorial districts of Whitman county";

House bill No. 329, "Fixing the place of office of prosecuting attorneys";

House bill No. 264, "Relating to the running of pool and billiard halls and bowling alleys";

House bill No. 180, "Relating to the sale of propagated game birds and game fish";

House bill No. 313, "Relating to the protection of certain game birds in certain counties";

House bill No. 198, "Relating to the adulteration of foods, drinks and drugs";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 40, entitled "An act in aid of children, providing for the custody, control, treatment, maintenance and adoption of neglected and delinquent children, under the direction and by order of the superior court, repealing chapter 18, Laws of 1905, also chapter 110, Laws of 1907, relating to delinquent children, and all acts and parts of acts inconsistent herewith," was placed on third reading.

Senator Booth withdrew his notice to reconsider the vote by which Senate bill No. 238 passed the Senate.

On motion of Senator Cotterill, the rules were suspended and Senate bills 146, 238, 359 and 97 were ordered transmitted to the House immediately.

The secretary called the roll on final passage of Senate bill No. 40, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Voting nay: Senator Booth—1.

Those absent or not voting were: Senators Anderson, Blair, Knickerbocker, Piper, Presby, Rosenhaupt, Smithson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 41, entitled "An act to provide for the punishment of parents or persons responsible for, or contributing to, the neglect or delinquency of children of the age of 18 years or under, and repealing chapter 11, Laws of 1907, relating to the punishment of persons contributing to the delinquency of children," was read the third time.

The secretary called the roll on final passage of Senate bill No. 41, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis,

Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Anderson, Knickerbocker, Minkler, Piper, Potts, Presby, Rosenhaupt, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the rules were suspended and Senate bills 40 and 41 were ordered transmitted to the House immediately.

Engrossed House bill No. 18 was placed on third reading.

The secretary called the roll on final passage of engrossed House bill No. 18 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—38.

Those absent or not voting were: Senators Anderson, Bassett, Knickerbocker, Rosenhaupt—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 193, entitled "An act authorizing cities of the second, third and fourth classes to create an accident fund from which to pay judgments for personal injuries, and declaring an emergency," was read the third time.

The secretary called the roll on final passage of Senate bill No. 193, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—32.

Those absent or not voting were: Senators Bassett, Cox,

Graves, Metcalf, Myers, Piper, Presby, Rosenhaupt, Stevenson, Williams—10.

The secretary called the roll on the emergency clause to Senate bill No. 193 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—35.

Those absent or not voting were: Senators Cox, Myers, Piper, Presby, Rosenhaupt, Stevenson, Williams—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 107, entitled "An act to repeal section 3 of an act entitled 'An act to define the practice of veterinary medicine, surgery and dentistry in the State of Washington, to regulate the same and to provide penalties for a violation thereof,' approved March 11, 1907," was placed on third reading.

On motion of Senator Allen, rule No. 64 was suspended.

By unanimous consent, at the request of Senator Blair, Senate bill No. 107 was held over for the present.

House bill No. 157, entitled "An act relating to the correction of the survey and supplemental plat of the tide and shore lands in front of and adjacent to the city of Vancouver, Washington," was placed on third reading.

The secretary called the roll on final passage of House bill No. 157, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—36.

Those absent or not voting were: Senators Blair, Cox, Myers, Minkler, Piper, Williams—6.

The secretary called the roll on the emergency clause to House bill No. 157 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—35.

Those absent or not voting were: Senators Cox, Eastham, Myers, Minkler, Piper, Stevenson, Williams—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 8, entitled "An act to amend sections 3, 5, 6, 8, 14, 15, 20, 32, 34, 36 and 44 of an act entitled 'An act to provide for the formation of banking corporations, and to regulate the business of banking, and securing state supervision thereof, etc.," was placed on third reading.

The secretary called the roll on final passage of Senate bill No. 8, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—34.

Those voting nay were: Senators Smithson and Whitney—2.

Those absent or not voting were: Senators Graves, Hutchinson, Nichols, Paulhamus, Piper, Rosenhaupt—6.

The secretary called the roll, and the emergency clause was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Graves,

Hutchinson, McGregor, Paulhamus, Piper, Rosenhaupt, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Bryan moved that the Senate take a recess until 1:30 p. m.

The motion was lost.

By unanimous consent, Senator Stevenson introduced a resolution out of order.

Resolution, by Senator Stevenson:

Resolved, That from this time forward to the end of the session, at least twenty (20) minutes' notice be given to each Senator before any roll call, to enable them to return to the Senate in time to vote.

On motion of Senator Potts, the resolution of Senator Stevenson was referred to the Committee on Public Morals.

On motion of Senator Bryan, at 12 m., the Senate took a recess until 1:30 p. m.

AFTERNOON SESSION.

The Senate was called to order at 1:30 p. m. by President Ruth.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

The House has passed amended Senate bill No. 6, entitled "An act establishing, providing for the maintenance of, and relating to a general and uniform public school system for the State of Washington, etc.," with the following amendments:

Amend the bill so that all titles, chapters, sections and subsections are respectively numbered numerically.

Page 2, line 23, after the word "convention" insert the words "with in this or adjoining states."

Page 2, line 39, strike all after the word "attends"; also strike all of lines 40, 41, 42, 43 and 44 and insert in lieu thereof the following: "the county superintendent who attends shall receive actual traveling expenses in attending said convention."

Page 3, section 4, line 2, after the first word "Instruction" insert the words "who shall be the holder of not less than a first grade certificate"; in line 3, after the word "schools" insert the same clause.

Page 3, chapter 3, Sec. 1, line 4, strike the word "four" and insert in lieu thereof the word "three"; in line 5, strike the word "or" at the end of the line, and in line 6, strike the words "principal of a school."

Page 4, line 7, at the top of the page after the word "accredited" insert the words "four-year" and after the word "school" in the same line insert a period and strike the remainder of the line and strike all of line 8.

Page 4, Sec. 2, line 3, strike the word "the" after the word "of" and strike the word "inspectors" at the end of the same line and insert in lieu thereof the word "inspection."

Page 4, Sec. 4, line 8, after the word "board" insert the words "who are not under salary," and in the same line change the word "their" to "such."

Page 3, at the end of line 72, add the following: "Said Manual to contain a sketch of the history of the state; an outline of the constitution of the state. excerpts from the school code; the courses of study and rules for the general government of the common schools; a map of the state, and a map of the topography of the state, and such other matter as the state superintendent or the state board of education from time to time shall determine."

Page 4, Sec. 5, in lines 2 and 3, strike the word "approve" and insert in lieu thereof the word "adopt."

Page 4, Sec. 5, in line 9, after the word "institutions" insert the words "of learning of this and other states," and in line 10 of the same section, after the word "awarded" insert the word "teachers."

Page 5, line 51, insert a period after the word "board," strike the word "said" and strike all of line 52.

Page 16, Sec. 5, in line 7, strike the word "their" and insert in lieu thereof the word "its."

Page 18, Sec. 2, in line 6, after the word "manners" insert the following: "and the fundamental principles of honesty, honor, industry and economy."

Page 20, Sec. 4, in line 2, strike the word "five" and insert in lieu thereof the word "three."

Page 20, Sec. 1, strike the new matter in lines 5 and 6 and insert a period after the word "petition."

Page 21, Sec. 1, in line 4, after the word "include" insert the following: "or in case there be no family resident in such territory, then by the board of directors in one of the districts affected by such proposed change," and in same section, in line 5, after the word "age" insert the words "if any."

Page 22, Sec. 3, in line 2, strike the words "of such district."

Page 23, Sec. 3, in line 3, strike the word "will" and insert in lieu thereof the word "shall."

Page 28, strike all of Article VIII.

Page 29, Sec. 4, in line 5, strike the words "direct the work of the supervisory principals."

Page 29, Sec. 4, in line 10, after the word "Instruction" insert the words "as provided by law."

Page 30, in line 64, after the word "year" insert the words "if he deem it advisable."

Page 33, Sec. 14, in line 1, strike the words "second or."

Page 41, Sec. 14, in line 5, beginning with the word "Provided" strike the remainder of line 5 and all of lines 6, 7 and 8.

Page 45, article XII, strike all of Sec. 1 and insert in lieu thereof the following: "Section 1. That there shall be in each county in this state a county board of education, which shall be composed of five persons, including the county superintendent of common schools, who shall be *ex-officio* president of the board; four lawfully qualified teachers, which last mentioned members of the county board of education shall take an oath to faithfully and honestly discharge the duties of his office. The term of office of the members of the county board of education shall be four years, and they shall hold their offices until their successors are appointed and qualified. The board of county commissioners in each county shall, in the month of March, 1910, and in the month of March every four years thereafter, appoint the county board of education for their respective counties, and they shall have power and it shall be their duty to fill all vacancies that may occur in said board."

Page 47, Sec. 9, in line 2, after the word "attendance" add the words "without maximum age limit."

Page 47, Sec. 11, in line 5, strike the words "on the same basis" and in line 6 of the same section, after the second word "county" insert the following: "in the manner provided in Sec. 7, chapter 9, title III of this act."

Page 48, Sec. 4, in line 2, after the words "teachers' institute" insert the words "of two, three, four or five days."

Page 48, strike all of Sec. 5 and insert in lieu thereof the following: "Sec. 5. Each county superintendent shall, at the annual directors' meeting for his county, determine upon a time for holding the teachers' institute, which shall, as nearly as may then be determined, be during the week next preceding the beginning of the fall term of school: *Provided*, That should any district employ a teacher during the then current school year who had attended the institute, such teacher shall be paid and the district shall be credited with the attendance in the same manner as provided for in the next section."

Page 59, chapter 12, strike the words "Classification of Certificates" in the sub-title, article I, and insert in lieu thereof the words "General Provisions."

Page 59, Sec. 2, in line 1, after the words "temporary certificates" insert the words "and special certificates."

Page 59, Sec. 3, in line 6, between the words "to treasurer" insert the word "the" and in the same line strike the words "or city."

Page 61, article IV, Sec. 1, in line 6, after the word "Manual" insert the words: "This certificate shall be valid for one year." Strike the same sentence in line 9.

Same page and section, in line 8, add the letters "er" to the word "high."

Same page and section, in line 20, strike the word "third" and insert the word "second."

Page 62, in line 23, insert a period after the word "chapter," strike the words "Provided, That"; also strike all of lines 24 and 25 and all of line 26 to the word "This."

Page 63, Sec. 1, in line 1, strike the word "cities" and insert in lieu thereof the word "city."

Correct the numbers of the articles V, VI, VII, VIII, and IX, on pages 63, 64 and 65.

Page 63, Sec. 1, strike lines 33 to 38 inclusive.

Page 64, strike all of Sec. 3 and insert in lieu thereof the following: "Sec. 3. City primary and city grammar certificates shall be granted only to applicants who are found upon examination to have a practical knowledge of pedagogics, school management and the general school system of the State of Washington, and to be proficient in and qualified to teach the following branches: Reading, writing, spelling, English grammar, geography, arithmetic, physiology and hygiene, United States history, and such other English branches as the board of directors may prescribe: *Provided*, That the examination of applicants for such certificates shall be specially adapted to discover their fitness to teach all branches named to pupils of primary or grammar grades respectively."

Page 64, strike all of Sec. 7.

Page 65, line 6, at the top of the page, strike the words "either oral or written" and insert between the words "special" and "examination" the word "written."

Page 66, Sec. 2, in line 9, between the words "the" and "third" insert the words "second or the."

Page 66, Sec. 4, in line 1, strike the words "a paper ticket" and insert in lieu thereof the words "of white paper of uniform size and quality."

Page 67, Sec. 2, in line 2, after the word "determine" insert the following: "The voting shall be by ballot, the ballots to be of white paper of uniform size and quality."

Page 69, Sec. 5, in line 2, between the words "at convention" insert the article "a."

Page 69, Sec. 7, in line 7, strike the word "outlaying" and insert in lieu thereof the word "outlying."

Page 75, Sec. 1, in line 4, strike the word "continuously."

Page 77, Sec. 9, in line 8, after the word "shall" insert the words "knowingly or wilfully." Same section, in line 9, after the word "act" insert the words "or fail to report as herein provided."

Page 77, strike all of Sec. 10, and change the numbers of Secs. 11, 12 and 13 accordingly.

Strike all of line 19 on page 4 of the printed bill after the word "schools." Strike line 20 on said page and strike lines 21, 22, 23, 24, 25, 26, 27 on page 5, being all of sub-division 5 of Sec. 4 of chapter 3, after the said word "schools" in said line 19.

Amend Sec. 3 of chapter 1 of title II, on page 6 of the printed bill, by striking all of the underscored lines.

In sub-division 6 of section 5 of chapter 1 of title II, on page 7 of the printed bill, in line 29, after the words "printed report" insert the words "not exceeding three hundred in number." On pages 15, 16, and 17 in the printed bill, change the numbers of chapters 5, 6 and 7 to chapters 4, 5 and 6 respectively.

In section 7 of chapter 6, on page 16 of the printed bill, between the words "deaf" and "or" insert the word "mute."

On page 18, after the words "title III" strike the words "Chapter 1" and insert below the words "General Common School System" the words "Chapter 1. General Provisions."

In line 2 of section 5 of chapter 1 of title III, strike the words "pulmonary tuberculosis" and add to the end of said section the following: "Provided, That no pupil, teacher or janitor can attend school or be employed who is affected with pulmonary tuberculosis."

On page 19, after section 3 in the printed bill, add a section to read as follows: "Sec. 4. All other school districts shall be school districts of the third class." And number sections 4, 5 and 6 following to read sections 5, 6, and 7, respectively.

On page 27, between section 10 and section 1 following, strike the words "General Provisions" following the words "Article VII."

On page 31 of the printed bill, change the number of article IV to read article II, and make corresponding changes in the number of the articles following, down to and including article XII, on page 45 of the printed bill.

On page 46 of the printed bill, in section 7, strike the words "and county."

On page 48 of the printed bill, in line 5 of section 8 strike the figures "\$300" and insert in lieu thereof the figures "\$200."

On page 61 of the printed bill, in line 12 of section 1 of article IV, after the word "granted" insert the word "once."

On page 62 of the printed bill, strike all of line 38 after the word "credits" and the first four words in line 39.

On page 62 of the printed bill, in line 47, after the words "before provided" strike the remainder of the line and all of line 48, and insert a period after the words "before provided."

On page 64 of the printed bill, in article VI, section 1, strike the word "city" where it occurs the second time in line 2 and in line 3 and in lieu thereof in each instance insert the word "district." Strike the word "city" at the end of line 1 of section 1 and insert in lieu thereof the words "district of the first class."

Amend by changing the numbers of chapters 18, 19 and 20 of title III on pages 78, 79 and 81 of the printed bill to 19, 20 and 21 respectively, and insert a new chapter to be known as chapter 18 as follows:

"Chapter 18. High School Extension Examinations.

"Section 1. The state board of education shall outline a course of reading and study similar to a course of study required in a full four-year high school course, and shall provide for the examination and certification of those taking or completing such course. Examinations for this purpose shall be held at the same time and place of holding examinations for teachers' certificates, and in such form as to fully test the students' knowledge of the subject or subjects examined in. Any one or more subjects may be taken at any such examination, and a student failing in any subject may again be examined in such subject at any subsequent examination: *Provided*, Each year's work of a lower grade must be completed before a student shall be permitted to complete the work of a higher year. Such examination shall be intended only for those not taking a full course in the same subject in a regular high school, and no person shall be admitted to any such examination unless he shall have given to the county superintendent notice of his intention to take such examination and the subjects in which he desires to be examined at least thirty days before the examination, and obtain permission from such superintendent to take such examination.

"Sec. 2. The questions for such examination shall be prepared by the state board of education, and shall be furnished to the state superintendent of public instruction, who shall cause the same to be printed and distributed to the several county superintendents upon request therefor, the same as the questions for teachers' examinations are printed and distributed. The manuscript containing the answers of applicants shall be returned to the superintendent of public instruction to be marked and graded by him, and who shall issue certificates to those who have the required percentage in the various branches, which shall be fixed by the state board of education.

"Sec. 3. Upon the completion of the full course as outlined by the state board of education, a state high school certificate shall be issued to the applicant by the said board, and such certificate shall entitle the holder thereof to enter the freshmen class of the State University or to enter any other class in the other state educational institutions as may be specified by the state board of education."

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 6 was taken up at this time for the purpose of considering the House amendments to same.

Senator Bassett moved that amended Senate bill No. 6 be referred to the Committee on Education.

The motion carried.

Senate bill No. 107 was placed on third reading.

On motion of Senator Blair, Senate bill No. 357 was substituted for Senate bill No. 107 on the calendar.

Senate bill No. 357, "An act extending the powers and jurisdiction of incorporated cities into the bays, sounds and other navigable waters adjacent to the boundaries of such cities," was read the third time.

On motion of Senator Cotterill, the bill was amended by inserting a comma and the words "river or rivers" after the word "sounds" in section 1, line 3.

On motion of Senator Cotterill, the bill was amended by inserting after the word "lakes" a comma and the word "rivers."

On motion of Senator Cotterill, the bill was amended as follows: In the title of the bill, after the word "bays" insert the word "lakes" and a comma, and after the word "sounds" insert a comma and the word "rivers."

On motion of Senator Bryan, the bill was amended as follows:

Add to section 1 the following: "*Provided*, That in towns of the fourth class the territory added by this act shall be over and above the one square mile now established by law as the maximum territory within the limits of such town."

Senator McGowan moved to amend the bill by inserting the words "first, second and third class" after the word "cities" in section 1, line 1.

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 357, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Mr. President—32.

Those absent or not voting were: Senators Anderson, Cox, Hutchinson, Potts, Piper, Presby, Rosenhaupt, Smith, Whitney, Williams—10.

The secretary called the roll on the emergency clause to Senate bill No. 357, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett,

Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Mr. President—30.

Voting nay: Senator Knickerbocker—1.

Those absent or not voting were: Senators Anderson, Blair, Graves, McGowan, Piper, Potts, Presby, Rosenhaupt, Smith, Whitney, Williams—11.

Senator McGowan gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 357 passed the Senate.

On motion of Senator Blair, the words "and declaring an emergency" were added to the title of the bill.

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Senator Nichols gave notice that at the proper time he would move to reconsider the vote by which Senate substitute bill No. 162 passed the Senate.

Senate bill No. 218, entitled "An act to amend chapter 149, Laws of Washington, approved March 12, 1907, entitled 'An act creating a state highway board and the office of the state highway commissioner, etc.,'" was read the third time.

The secretary called the roll on final passage of Senate bill No. 218, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Cameron, Metcalf, Piper, Presby, Roberts, Rosenhaupt, Whitney—8.

The secretary called the roll on the emergency clause to Senate bill No. 218, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paul-

hamus, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Anderson, Booth, Cameron, Metcalf, Piper, Presby, Rosenhaupt, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Booth, the rules were suspended and Senate bill No. 193, House bill No. 118 and House bill No. 157 were ordered immediately transmitted to the House.

Senate bill No. 325, entitled "An act repealing chapter 1 of the Session Laws of 1893, entitled 'An act regulating and fixing railroad freight rates in the State of Washington, etc.,'" was placed on third reading.

The secretary called the roll on final passage of Senate bill No. 325, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—33.

Those absent or not voting were: Senators Booth, Bryan, Cox, Kline, Nichols, Piper, Presby, Roberts, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Paulhamus, the rules were suspended and Senate bills Nos. 218 and 325 ordered transmitted to the House immediately.

Senate bill No. 326, entitled "An act to prohibit the sale or disposal of intoxicating drinks to Indians or to mixed bloods, etc.," was read the third time.

On motion of Senator Cotterill, the bill was amended by striking the word "or" in section 1, line 15, where it appears after the word "fine" and inserting in lieu thereof the word "and."

The secretary called the roll on final passage of Senate bill No. 326, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—33.

Voting nay: Mr. President—1.

Those absent or not voting were: Senators Davis, Falconer, Fatland, Hutchinson, Huxtable, Piper, Presby, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 256, entitled "An act establishing a state board of state game and game fish commissioners, prescribing their duties, fixing their compensation, etc.," was read the third time.

On motion of Senator Williams, the Senate resolved itself into a Committee of the Whole for the consideration of Senate bill No. 256.

The bill was considered in the Committee of the Whole, Senator Cox in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Cox, the report of the Committee of the Whole was adopted.

On motion of Senator Rosenhaupt, the bill was amended by striking in section 9, line 1, the words "as near as may be."

On motion of Senator Rydstrom, the bill was amended by striking in section 9, line 1, the words "within its discretion" and inserting in lieu thereof the words "if possible, it can do so."

On motion of Senator Rosenhaupt, section 9 was restored as it is in the printed bill.

On motion of Senator Falconer, the bill was amended by striking in section 9, line 1, the words "as near as may be" within its discretion" and inserting after the word "expend" the words "ninety per cent. of."

Senator McGowan moved to strike the words "and game fish" wherever they appear in the bill.

The motion was lost.

On motion of Senator Eastham, the bill was amended by changing the comma after the word "obtained" in line 3 to a period and striking the remainder of the section.

The secretary called the roll on final passage of Senate bill No. 256, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—32.

Voting nay: Senator Eastham—1.

Those absent or not voting were: Senators Davis, Fatland, Hutchinson, Huxtable, Minkler, Piper, Presby, Whitney, Williams—9.

Senator McGowan gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 256 passed the Senate.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Graves, Senate bill No. 209 was substituted for Senate bill No. 218 on the calendar.

Senate bill No. 209, entitled "An act relating to, regulating and providing for the nomination of candidates for municipal offices in incorporated cities of the first, second and third classes in the State of Washington, etc.," was read the third time.

The president called Senator Kline to the chair.

On motion of Senator Graves, the bill was amended by striking the word "file" in section 3, line 6 of the original bill and substituting the word "fold" therefor.

Senator Falconer moved to indefinitely postpone Senate bill No. 209.

A roll call was demanded on the motion to indefinitely postpone by Senators Graves, McGowan, Myers, Nichols, Williams, Bassett, Booth.

The secretary called the roll on the motion to indefinitely postpone Senate bill No. 209, and the motion was lost by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Cox, Davis, Eastham, Falconer, Hutchinson, Kline, Minkler, Nichols, Potts, Rydstrom, Stevenson, Whitney, Williams, Mr. President—19.

Those voting nay were: Senators Arrasmith, Brown, Bryan, Cameron, Cotterill, Fishback, Graves, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Paulhamus, Piper, Polson, Roberts, Smith, Stewart—19.

Those absent or not voting were: Senators Fatland, Presby, Rosenhaupt, Smithson—4.

The president resumed the chair.

On motion of Senator Cotterill, the bill was amended by striking the word "filed" in section 8, line 1, and substituting the word "filled" therefor.

Senator Graves moved to call the Senate.

The motion carried.

The secretary called the roll, all the senators being present.

The secretary called the roll on final passage of Senate bill No. 209, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Eastham, Fatland, Fishback, Graves, Huxtable, Knickerbocker, McGowan, Metcalf, Myers, Polson, Presby, Roberts, Rosenhaupt, Smithson—21.

Those voting nay were: Senators Allen, Booth, Cameron, Cox, Davis, Falconer, Hutchinson, Kline, McGregor, Minkler, Nichols, Paulhamus, Piper, Potts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—21.

SPECIAL ORDER.

The hour of 1:30 having arrived, the Senate took up at this time the consideration of the governor's veto message to Senate bill No. 190 of the legislative session of 1907, entitled "An act to provide for the improvement of tide lands and adjacent lands, waterways, the water areas and streams, in aid of commerce, navigation and transportation, providing public facilities for shippers and others, creating a commission therefor, declaring certain laws relating thereto and granting the power of eminent domain."

Senator Booth moved that the matter be made a special order for 8:30 this evening.

Senator Booth withdrew his motion.

The secretary read Senate bill No. 190, and the governor's veto message thereon.

Senator Metcalf moved that Senate bill No. 190 of the Session of 1907 pass, notwithstanding the objections of the governor.

The secretary called the roll on the question, "Shall the bill pass notwithstanding the veto of the governor?" and the governor's veto was sustained by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, McGregor, Metcalf, Minkler, Nichols, Paulhamus, Piper, Presby, Roberts, Smithson, Stewart, Mr. President—22.

Those voting nay were: Senators Anderson, Blair, Booth, Brown, Eastham, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Polson, Potts, Rosenhaupt, Rydstrom, Smith, Stevenson, Whitney, Williams—19.

Absent or not voting: Senator Falconer—1.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 151, entitled "An act providing for the payment of certain deficiencies in maintenance of the State Fair of Washington";

Senate bill No. 27, "An act providing for the purchase of the S. E. one-fourth of the N. E. one-fourth of Sec. 16, in Tp. 21 north of range 5 east, for state fish hatchery purposes, and declaring an emergency";

Senate bill No. 96, "An act relating to dividing of counties into districts for judicial purposes, etc.,";

Senate bill No. 196, "An act relating to township organization, and amending an act entitled 'An act relating to township organization, etc.,';

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 119, entitled "An act to amend an act entitled 'An act authorizing the formation of metropolitan park districts, providing for park officials, etc.,'" was read third time.

The secretary called the roll on final passage of engrossed Senate bill No. 119, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knick-

erbocker, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Williams, Mr. President—31.

Those absent or not voting were: Senators Bassett, Cox, Graves, Hutchinson, McGregor, Nichols, Piper, Rosenhaupt, Stevenson, Stewart, Whitney—11.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—31.

Those absent or not voting were: Senators Bassett, Cox, Davis, Falconer, Fishback, Graves, Nichols, Piper, Rosenhaupt, Stevenson, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Falconer gave notice of a motion to reconsider the vote by which Senate bill No. 209 failed to pass the Senate.

By unanimous consent, at the request of Senator Bassett, the Senate returned to the order of business, "Reports of Committees."

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Education, to whom was referred Senate bill No. 6, entitled "An act establishing, providing for the maintenance of and relating to a general and uniform public school system for the State of Washington, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it concur in all of the House amendments except those to title 1, chapter 3, Sec. 5, lines 2 and 3; title 3, chapter 3, article 8; title 3, chapter 4, article 12, Sec. 1; title 3, chapter 6, Sec. 5; title 1, chapter 3, section 5, line 19 and following, printed bill.

J. D. BASSETT, *Chairman*.

We concur in this report: W. B. Presby, Harry Rosenhaupt, Chas. E. Myers.

On motion of Senator Bassett, the report of the committee was adopted.

Senator Cotterill moved that the Senate concur in the House amendments to Senate bill No. 6, except such amendments as are excepted in the foregoing report of the Committee on Education.

The secretary called the roll on the confirmation of the amendments, in which the Committee on Education recommended that the Senate concur, and the Senate concurred in said amendments by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Mr. President—30.

Those absent or not voting were: Senators Cameron, Cox, Falconer, McGregor, Minkler, Nichols, Piper, Rosenhaupt, Stevenson, Stewart, Whitney, Williams—12.

Senator Bassett moved that the House be requested to recede from the amendments to Senate bill No. 6 in which the Senate had refused to concur.

The motion carried.

On motion of Senator Presby, the consideration of Senate bill No. 4 was made a special order for 2 o'clock tomorrow afternoon.

Senator Kline moved that the consideration of House bill No. 357 be made a special order for 8 o'clock tomorrow evening.

Senator Bryan moved as a substitute that the bill be made a special order for 8 o'clock this evening.

The substitute motion was accepted by Senator Kline.

The motion carried and House bill No. 357 was made a special order for 8 o'clock this evening.

On motion of Senator Paulhamus, the Committee on Fisheries was authorized to sit during this evening's session.

On motion of Senator Graves, the Committee on Judiciary was authorized to meet at the same time as the Senate is in session this evening.

Senate bill No. 268, entitled "An act regulating the selling of goods, wares and merchandise on commission, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 268, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cox, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Myers, Nichols, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—27.

Those absent or not voting were: Senators Allen, Bryan, Cotterill, Davis, Eastham, Graves, Huxtable, McGowan, Metcalf, Minkler, Piper, Potts, Rosenhaupt, Whitney, Williams—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 247, entitled "An act to regulate the practice of optometry, and for the appointment of a board of examiners, etc.," was read third time.

Senator Booth moved that the bill be indefinitely postponed. Senator Booth withdrew the above motion.

The secretary called the roll on final passage of Senate bill No. 247, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Rydstrom, Smith, Smithson, Stewart, Mr. President—33.

Those voting nay were: Senators Booth, Stevenson—2.

Those absent or not voting were: Senators Graves, Knickerbocker, Piper, Roberts, Rosenhaupt, Whitney, Williams—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, Senate bill No. 118 was ordered re-referred to the Committee on Cities of the First Class.

Senate bill No. 311, entitled "An act amending chapter 250 of the Session Laws of 1907, relating to the registration of land titles," was read third time.

Senator Stevenson moved that the word "may" be substituted for the word "shall" in line 3 of section 1 of the printed bill.

Senator Stevenson withdrew his motion.

On motion of Senator Nichols, Senate bill No. 311 was indefinitely postponed.

On motion of Senator Falconer, Senate bill No. 211 was taken up at this time and House bill No. 61 was placed at the head of the calendar for tomorrow.

Senator Graves moved that House bill No. 62 be made the second bill on the calendar for tomorrow.

Senator Nichols moved as a substitute that the matter of the position of bills on tomorrow's calendar be left to the Committee on Rules.

The substitute motion carried.

Senate bill No. 211, entitled "An act to amend section 3 of an act entitled 'An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness, etc.,'" was read third time.

The secretary called the roll on final passage of Senate bill No. 211, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Those absent or not voting were: Senators Anderson, Fatland, Hutchinson, Knickerbocker, Piper, Presby—6.

The emergency clause passed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Huxtable, Kline, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—35.

Those absent or not voting were: Senators Fatland, Hutchinson, Knickerbocker, Myers, Piper, Presby, Stevenson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Falconer, the rules were suspended and all bills passed by the Senate this afternoon were ordered immediately transmitted to the House.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on State Library, to whom was referred Senate bill No. 378, entitled "An act to prohibit the drinking of intoxicating liquor in public or upon or in any railroad car, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEORGE U. PIPER, *Chairman*.

We concur in this report: Will G. Graves, J. W. Bryan.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on State Library, to whom was referred Senate bill No. 377, entitled "An act to provide against the sale of spirituous, malt, fermented and other intoxicating liquors under certain age, and prohibiting the sale of rectified spirits and blends and providing a penalty for the violation of the provisions hereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEORGE U. PIPER, *Chairman*.

We concur in this report: Will G. Graves, J. W. Bryan.

On motion of Senator Allen, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 355, entitled "An act to amend section 84 of chapter 71 of the Session Laws of 1897, relating to the assessment and collection of taxes in the State of Washington, as amended by section 12 of chapter 141 of the Session Laws of 1899," have had the same under consideration, and we respectfully report the same back to the Senate with recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, J. W. Bryan, H. H. Fatland, D. H. Cox, E. M. Williams, J. H. Smithson.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Educational Institutions, to whom was referred Senate bill No. 358, entitled "An act relating to the manage-

ment of the higher institutions of education of the State of Washington, and providing funds for the maintenance thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

RALPH D. NICHOLS, *Chairman*.

We concur in this report: R. L. Kline, H. O. Fishback, E. M. Williams.

On motion of Senator Nichols, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Cities of the First Class, to whom was referred Senate bill No. 249, entitled "An act authorizing cities and towns to construct, condemn and purchase, acquire, add to, maintain, conduct and operate certain public utilities, providing for modes of payment therefor, and repealing all acts in conflict herewith," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that Senate substitute bill No. 249 herewith be substituted therefor, and that the same do pass.

RALPH METCALF, *Chairman*.

We concur in this report: P. L. Allen, Geo. F. Cotterill, John L. Roberts, R. L. Kline, Jesse Huxtable.

On motion of Senator Metcalf, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 366, entitled "an act fixing salary of the superintendent of the Washington state training school," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In line 2 of the printed bill, after the word "of" strike the words "three thousand dollars" and insert in lieu thereof the words "twenty-four hundred dollars."

H. O. FISHBACK, *Chairman*.

We concur in this report: Rob't. Booth, Chas. E. Myers, J. A. Falconer, D. H. Cox, Geo. F. Cotterill, Ralph Metcalf.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 351, entitled "An act prohibiting the uttering, circulating, selling or offering for sale any certificate of any warehouse, distillery or depository, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Rob't. Booth, Chas. E. Myers, J. A. Falconer, D. H. Cox, Geo. F. Cotterill, Ralph Metcalf.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 314, entitled "An act to provide for the prohibition of the manufacture and sale of intoxicating liquors in the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Chas. E. Myers, J. A. Falconer, D. H. Cox, Geo. F. Cotterill.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 313, entitled "An act to provide for an advisory referendum vote by the people of the State of Washington on the prohibition of the manufacture and sale of intoxicating liquors in this state," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Chas. E. Myers, J. A. Falconer, D. H. Cox, Geo. F. Cotterill.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 23, entitled "An act prohibiting the sale or disposition of intoxicating liquors within three miles of the boundary of any government reservation or fort where soldiers or marines are stationed, and in certain other places in the State of Washington, and prescribing penalties for the violation of the provisions of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

Amend title by striking the words "or fort where soldiers or marines are stationed and in certain other places in the State of Washington," and insert in lieu thereof the words "whereon is located a navy yard and marine barracks."

In section 1, strike all of lines 4 and 5 and insert in lieu thereof the words "whereon is located a navy yard and marine barracks and where government naval vessels are docked and repaired: *Provided*, That nothing in this act shall be construed to prohibit the lawful sale or distribution of liquors for medicinal, pharmaceutical, mechanical, or sacramental purposes."

Strike all of sections 2 and 3.

Make section 4 section 2.

Make section 5 section 3.

H. O. FISHBACK, *Chairman*.

We concur in this report: Ralph Metcalf, J. A. Falconer, D. H. Cox, J. W. Bryan, Chas. E. Myers, Geo. F. Cotterill.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Cities of the First Class, to whom was referred Senate bill No. 50, entitled "An act to amend section 48 of an act of the legislature of the State of Washington, entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited,' approved March 13, 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

RALPH METCALF, *Chairman*.

We concur in this report: P. L. Allen, Geo. F. Cotterill, John L. Roberts, R. L. Kline, Jesse Huxtable.

On motion of Senator Metcalf, the report of the committee was adopted.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1909.

We, your Committee on Cities of the First Class, to whom was referred Senate bill No. 174, entitled "An act regulating the filing and approval of plats of land within and without cities of the first and second class and other cities and towns with special charters having sufficient population to incorporate as a city of the first or second class, and prescribing commons and playgrounds therein," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

RALPH METCALF, *Chairman*.

We concur in this report: P. L. Allen, Geo. F. Cotterill, John L. Roberts, R. L. Kline, Jesse Huxtable.

On motion of Senator Metcalf, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Cities of the First Class, to whom was referred Senate bill No. 273, entitled "An act to provide for the annexation to cities of any city or town of a lower class, or any unincorporated territory surrounded by territory within the incorporated limits of such cities," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

RALPH METCALF, *Chairman*.

We concur in this report: P. L. Allen, Geo. F. Cotterill, John L. Roberts, R. L. Kline, Jesse Huxtable.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Cities of the First Class, to whom was referred Senate bill No. 315, entitled "An act authorizing cities of the first class to construct auxilliary water systems for fire protection purposes, and to assess property benefited thereby to pay for the same," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

RALPH METCALF, *Chairman*.

We concur in this report: P. L. Allen, Geo. F. Cotterill, John L. Roberts, R. L. Kline, Jesse Huxtable.

On motion of Senator Metcalf, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 382, entitled "An act changing and defining the boundary line between the thirty-second and thirty-sixth senatorial districts, and between the forty-second and forty-sixth representative districts in King county," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

PETER MCGREGOR, *Chairman*.

We concur in this report: Ed. Brown, John L. Blair, E. M. Williams, E. C. Davis, R. A. Hutchinson.

On motion of Senator Williams, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Harbor and Harbor Lines, to whom was referred Senate bill No. 279, entitled "An act relating to the surveying and platting of land, and providing for the creation of a board of examiners, defining their duties and prescribing penalties for the violation of any of the provisions of this act, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the accompanying bill be substituted therefor, and that the same be passed.

GEO. F. COTTERILL, *Chairman*.

We concur in this report: R. L. Kline, J. W. Bryan, Arvid Rydstrom, John L. Roberts.

On motion of Senator Cotterill, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

I, a minority of your Committee on Elections and Privileges, to whom was referred Senate bill No. 4, entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington and providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended, except that the words "or justices of the supreme court" shall not be added to section 2, and section 10 shall remain as in the original and printed bill.

Section 8, line 3 of the original bill and line 3 of the printed bill, after the word "within," strike the word "twenty" and insert in lieu thereof the word "ten."

Section 10, line 1 of the original bill and line 2 of the printed bill, after the word "the" strike the words "supreme and." In the same section, line 5 of the original bill and line 4 of the printed bill, after the word "the" and before the word "superior" in line 5, strike the words "supreme court or," and after the last word of the section strike the first half of the "form of ballot," relating to judges of supreme court."

J. W. BRYAN.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Elections and Privileges, to whom was referred Senate bill No. 4, entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington and providing penalties for the violation thereof, and amending sections 3, 5, 10, 13, 19, 22, 28, 30, 33, 38 of an act relating to, regulating and providing for the nomination of candidates for public office," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

Section 2, line 7 of the original bill, and line 5 of the printed bill, strike the word "or" before the word "irrigation," and in the same line after the word "irrigation," strike the word "district," and insert in lieu thereof "or metropolitan park district," and after the last word of the same line strike the period and insert in lieu thereof a comma and the words "or justices of the supreme court."

Add a new section to be known as section 2½, to read as follows: "That section 3 of said act shall be amended to read as follows: Sec. 3. A primary election held to nominate candidates to be voted for at the general election in November, 1908, shall be held at the regular polling places in each precinct on the second Tuesday of September, 1908, and biennially thereafter, for the nomination of all candidates to be voted for at the succeeding general election. Except as hereinafter provided, primaries other than the September primaries shall be held on the fourth Tuesday prior to the election for which candidates are to be nominated at such primaries: *Provided*, That primaries for the nomination of candidates to be voted upon at municipal elections held during 1907 shall be held two weeks prior to the date of said elections."

Sec. 4. That Sec. 13 is amended to read as follows: "Sec. 13. The names of candidates for each office upon the ballot and under the heading designating each official position upon the ballots to be used in voting shall be first arranged in the order in which their declarations of candidacy shall have been filed. In printing each set of ballots for the several counties, the positions of the names of candidates shall be changed in each office division as many times as there are candidates in the office division in which there are the most names. As nearly as possible, an equal number of ballots shall be printed after each change. In making the changes of position, the printer shall take the

line of type at the head of each office division and place it at the bottom of the division, and shove up the column so that the name that before was second shall be first, after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change of position, and shall then be gathered by taking one from each pile; the intention being that every other ballot in such pile shall have the names in a different position. There shall be no printing upon the back of the ballots or any marks to distinguish them. After the ballots have been gathered as above provided, they shall be numbered consecutively, said numbering to be perforated and torn off by the election officers on the voting of the ballot. Sample ballots shall be substantially in the same form as the official ballot, but upon colored paper, and the names thereon need not be alternated."

In Sec. 5, line 17, strike the word "one" and insert in lieu thereof the word "two." In line 18 strike the word "one" and insert in lieu thereof the word "two." Add at the close of the section the following: "Any election officer who shall violate the provisions of this section, or any other person who may obtain information concerning the count who shall impart such information before the close of the polls, shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars nor more than five hundred dollars, and imprisonment in the county jail for not less than five days nor more than ninety days.

Section 6, in line 9 of the original bill and line 7 of the printed bill, after the word "committee" strike the balance of the sentence to the word "Each," in line 8, and insert in lieu thereof "which shall meet for such purpose and organization at the court house at the county seat of each county at 2 o'clock p. m. on the second Saturday after such primary election, unless some other time and place of such meeting shall be designated by a regular call of the properly authorized officers of the retiring committee.

Amend section 7 by striking lines 8 and 9 and all of line 10 to and including the semicolon. Strike the last word in line 17, all of lines 18 and 19 to and including the word "published," and insert in lieu thereof "pertaining to his candidacy or for the publication of his photograph or biography."

Insert a new section, to be numbered 7½, to read as follows: "Sec. 7½. Sec. 29 of said act is amended to read as follows: "Sec. 29. It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter or employe of any newspaper, magazine or periodical printed or published in this state, to take, accept or receive, or agree to take, accept or receive, for himself or any other person or persons, firm or corporation, either by himself or any other person, persons, firm or corporation, any money, gratuity or other valuable consideration or article of value, for or on account of, or as a consideration for such newspaper, magazine or other periodical supporting or advocating the election or defeat of any candidate or candidates at any

primary election. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter or employe of any newspaper, magazine or other periodical violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than \$25.00 and not more than \$500.00, or confined in the county jail not less than 10 days nor more than six months, or be punished by both such fine and imprisonment: *Provided, however,* That nothing herein shall prevent any person or persons, firm or corporation engaged in the publication of any newspaper, magazine or periodical from receiving from any person other than a candidate, for publication, and publishing, any matter, article or articles advocating the election or defeat of any candidate or candidates, and receiving from such person not a candidate a consideration therefor, if such article so published or printed have placed at the beginning thereof, in plain type in black-face Roman capitals, in a conspicuous place, the statement, "Paid Advertisement." But this section shall not be construed as permitting the payment for such publication, either directly or indirectly, by a candidate, or for any publication prohibited by section 28 of this act."

W. B. PRESBY, *Chairman.*

We concur in this report: Ralph Metcalf, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Metcalf, the majority report of the Committee on Elections and Privileges on Senate bill No. 4 was adopted and the bill, as amended, ordered printed.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1909.

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 245, entitled "An act to provide for the establishment, and creation, and the construction and maintenance of a system of dikes, etc.," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

We concur in this report: W. G. Potts, F. L. Stewart, H. H. Fatland.

SENATE CHAMBER,

OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Roads and Bridges, to whom was referred House bill No. 257, entitled "An act to amend 'An act authorizing any county in the State of Washington to join with any city of the first, second or third class in such county in paying for the construction of any bridge, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ALEX. POLSON, *Chairman.*

We concur in this report: J. R. Stevenson, S. J. Cameron, Ralph D. Nichols, R. L. Kline, J. H. Smithson, Arvid Rydstrom, Joseph Arrasmith.

On motion of Senator Polson, the report of the committee was adopted.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 1, 1909.

We, your Committee on Mines and Mining, to whom was referred House bill No. 239, entitled "An act to amend section five of an act entitled 'An act for the protection of persons working in coal mines, approved March 6th, 1897,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ARVID RYDSTROM, *Chairman.*

We concur in this report: W. H. Paulhamus, S. T. Smith.

On motion of Senator Rydstrom, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Mines and Mining, to whom was referred House bill No. 287, entitled "An act to regulate the hours of persons employed in underground coal mines, making the violation thereof a misdemeanor and providing penalties," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

By adding after the word "prohibit" in the second line of section 3 of the original bill, and after the word "prohibit" in the first line of section 3 of the printed bill the word "pumpmen."

By inserting after the word "men" in the third line of section 3 of the original bill and after the word "men" in the second line of section 3 of the printed bill the words "coal and material."

ARVID RYDSTROM, *Chairman.*

We concur in this report: W. H. Paulhamus, S. T. Smith.

On motion of Senator Rydstrom, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1909.

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred House bill No. 281, entitled "An act regulating the sale and manufacture of shoddy and the use of the same in the manufacture of mattresses, couches and other like articles, providing for its enforcement, and fixing a penalty for the violation of the provisions thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

A. B. EASTHAM, *Chairman.*

We concur in this report: Rob't. Booth, J. R. Stevenson.

On motion of Senator Eastham, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Dikes, Drains and Drainage, to whom was referred House bill No. 42, entitled "An act amending section 41 (Pierce's Code 4522) of an act entitled 'An act to provide for the establishment and creation of diking districts, and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency,' approved March 20, 1895," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

B. D. MINKLER, *Chairman*.

We concur in this report: Ed. Brown, Arvid Rydstrom.

On motion of Senator Minkler, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred House bill No. 348, entitled "An act to amend sections 4, 5, 6, 8, 10, 12, 13, 15, and 17 of an act relating to drugs and medicines, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

A. B. EASTHAM, *Chairman*.

We concur in this report: Rob't. Booth, J. R. Stevenson.

On motion of Senator Eastham, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Mines and Mining, to whom was referred House bill No. 269, entitled "An act regulating the use of lamps in coal mines and prescribing a penalty for the violation of the provisions thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

By adding after the word "effect" in the seventh line, section 2 of the original bill, and after the word "effect" in the fourth line of section 2 of the printed bill the following words: "Where non-magnetic lighting safty lamps are not in use, the operator or operators shall provide stations in safe places for relighting safety lamps."

By adding after the word "with" in the eighth line of section 3 of the printed bill and after the word "with" in the fifth line of section 3 of the printed bill the following words: "Any man opening or tampering with one of said safety lamps or found with matches or any

lighting device other than the safety lamps shall be guilty of a misdemeanor, and upon conviction thereof for the first offense he shall be fined not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00), and for the second offense he shall be fined not less than two hundred dollars (\$200.00), or imprisonment for a term of not more than one year."

ARVID RYDSTROM, *Chairman.*

We concur in this report: W. H. Paulhamus, S. T. Smith.

On motion of Senator Rydstrom, the report of the committee was adopted.

By unanimous consent, the Senate returned to the order of business, "Introduction of Bills."

House bill No. 391, entitled "An act changing the boundary line between the representative and senatorial districts in Whitman county, and authorizing and directing the county commissioners of the said county to change the lines of the voting precincts in such county to conform to the lines of the representative and senatorial districts as established by this act."

The bill was read the first time, and on motion of Senator McGregor the rules were suspended, the bill was read the second time by title, and referred to the Committee on Counties and County Boundaries.

House bill No. 329, entitled "An act fixing the place of office of prosecuting attorneys."

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

House bill No. 368, entitled "An act prohibiting the sale, offering for sale or keeping possession of and prohibiting the canning of clams, oysters, or other shellfish which have been opened for a period of more than four days, etc."

The bill was read the first time, and on motion of Senator McGowan the rules were suspended, the bill was read the second time by title, and referred to the Committee on Fisheries.

House bill No. 180, entitled "An act relating to the sale of propagated game birds, game fish or game animals, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill was read the second time by title, and referred to the Committee on Game.

House bill No. 194, entitled "An act to repeal chapter 150

of the Session Laws of 1907, relating to the improvement of public highways, and declaring an emergency.”

The bill was read the first time, and on motion of Senator Cox the rules were suspended, the bill was read the second time by title, and referred to the Committee on Roads and Bridges.

House bill No. 264, entitled “An act to regulate, restrain, license, or prohibit the maintenance or running of pool halls, billiard halls, and bowling alleys outside of incorporated cities and towns.”

The bill was read the first time, and on motion of Senator Fishback the rules were suspended, the bill was read the second time by title, and referred to the Committee on Public Morals.

House bill No. 119, entitled “An act relating to railroad companies, authorizing them to construct railroads and branches, and to sell, purchase, lease and consolidate with certain other railroads, and validating such sales, purchases, leases and consolidations heretofore made, and declaring an emergency.”

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and referred to the Committee on Railroads and Transportation.

House bill No. 198, entitled “An act amending section 4 of an act entitled ‘An act to provide against the adulteration of foods, drinks and drugs, and fraud in the sale thereof; creating a state board of food commission, defining their duties and providing for the appointment of an officer to be known as the state dairy and food commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation and repealing chapter XCIV of the Laws of 1901 as amended by chapter LI of Laws of 1905, being an act entitled ‘An act to provide against the adulteration of food and fraud in the sale thereof; creating a state board of food commission, defining their duties and providing for the appointment of an officer to be known as the state dairy and food commissioner; providing for the enforcement of the law and fixing a penalty for the violation thereof; making an appropriation, declaring an emergency, and repealing ‘An act to provide against the adulteration of food, approved March 13, 1899,’ approved March 16, 1901, as amended by chapter 211, Session Laws of 1907, approved March 15, 1907.’”

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, and referred to the Committee on Medicine, Dentistry, Surgery and Hygiene.

House bill No. 313, entitled "An act for the protection of certain game birds in the counties of Asotin, Columbia, Garfield, Whitman, Spokane, Kitsap, Yakima, Clarke, Kittitas, Ferry, Stevens, Okanogan, Adams, Chelan, Benton, Klickitat, Franklin and Walla Walla, and beaver, in the counties of the State of Washington, defining the closed season, and fixing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, and referred to the Committee on Medicine, Surgery, Dentistry and Hygiene.

House bill No. 330, entitled "An act to prohibit all live stock from running at large in any organized township in the State of Washington, in which three-fourths of the lands are under fence, and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Cameron the rules were suspended, the bill was read the second time by title, and referred to the Committee on Dairy and Live Stock.

House bill No. 105, entitled "An act providing for fire drills in the schools of this state."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 349, entitled "An act for the prevention of fraud by publishing or advertising and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and referred to the Committee on Public Morals.

House bill No. 294, entitled "An act making a deficiency appropriation for public printing."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, and placed on general file.

At 5:25 p. m., on motion of Senator Booth, a recess was taken until 8 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8 p. m. by President Ruth. House bill No. 357, entitled "An act relating to the state militia, providing for the organization, regulation, maintenance and discipline of the National Guard of Washington, defining certain offenses, prescribing penalties therefor, repealing certain acts and parts of acts and declaring an emergency," was read the third time.

On motion of Senator Williams, the committees which had been excused were called into the Senate for the purpose of considering House bill No. 357.

Senator Allen offered the following amendments to House bill No. 357:

In line 5, section 19, page 5 of the printed bill, strike the letter "d" and insert the letter "r" in the compound word "Commander-in-chief."

In line 8, section 32, page 10 of the printed bill, insert hyphen between the words "courts" and "martial," making a compound word thereof.

In line 15 of section 45, page 14 of the printed bill, after the word "writing" insert "to be prescribed by the commander-in-chief as to form."

In line 6 of section 48, page 15, transpose the letters "u" and "i" in the word "guilty."

In line 7 of section 57, page 16, correct the word "Washington."

In line 5 of section 72, page 20, make the word "transaction" plural.

In line 14 of section 72, page 20, strike the word "martial."

In line 16 of section 73, page 21, after the first "and" insert a comma. After the word "jurisdiction" insert the following: "subject to the limitations hereinafter imposed."

In line 1 of section 74, page 21, after the word "Articles" insert in italics the words "governing the National Guard of Washington."

In line 13 of section 74, page 21, strike the words "of war" and insert "governing the National Guard of Washington."

In line 51 of page 22, strike the word "and" and insert in lieu thereof the word "any."

In line 64, page 22, strike the "m" in "whomsoever."

In line 70, page 22, strike the word "an" and insert in lieu thereof the word "any."

In line 73, page 22, after the word "appeal" insert the words "from such action."

In line 124 of page 24, strike the word "argument" and insert in lieu thereof the words "any agreement."

In line 124 of page 24, strike the word "argument" and insert in lieu thereof the words "any agreement."

In line 165 of page 25, after the word "crimes" insert the words "not capital."

In line 167 of page 25, after the word "court-martial" insert the words "as provided herein."

In line 208 of page 25, before the word "court-martial" insert the word "general."

In line 213 of page 26, before the word "pleaded" insert the word "not."

In line 259, page 27, strike the capitals in the words "judge advocates" and insert small letters in lieu thereof.

In line 281 of article 66, page 27, after the word "officers" insert "and enlisted men."

In line 2, page 28, before the word "offenses" insert the word "over."

In line 11, page 28, strike the words "exceed confinement at hard labor for ten days and forfeiture of pay and allowance not to exceed \$10.00" and insert in lieu thereof the following: "be in excess of a limit that the commander-in-chief may prescribe."

In line 9 of section 79, page 29, strike the words "exceeding ten dollars" and insert the words "in excess of a limit that the commander-in-chief may prescribe."

In line 11 of section 79, page 29, insert the letter "i" in the word "inflicted."

In line 3 of section 81, page 29, after the word "copy" insert the following: "thereof or by leaving a copy."

In line 2 of section 91, page 31, after the word "maintain" insert the words "and control such rifle ranges."

Senator Allen moved that wherever the foregoing amendments apply to the original bill that they be adopted.

The motion carried.

On motion of Senator Potts, the bill was amended as follows: On page 6, section 27, line 6 of the printed bill, strike the figures "\$3,000" and insert the figures "\$2,500."

Senator Potts moved to strike the figures "\$1,800" in section 27, line 7, and insert the figures "\$1,500" therefor.

The motion carried.

On motion of Senator Potts, the figures "\$1,500" in section 27, line 7 of the printed bill, were stricken and the figures

“\$1,200” inserted in lieu thereof.

Senator Potts moved to strike the figures “\$1,200” in section 27, line 7, and insert in lieu thereof the figures “\$1,000.”

Senator Paulhamus moved as a substitute that the figures “\$1,200” be stricken and the figures “\$900” be inserted in lieu thereof.

The substitute motion of Senator Paulhamus carried.

On motion of Senator Potts, the bill was amended by striking the words and figures “seventy-five dollars (\$75.00)” and substituting therefor the words and figures “fifty dollars (\$50.00).”

Senator Potts moved to strike the words and figures “one hundred dollars (\$100.00)” and substitute the words and figures “seventy-five dollars (\$75.00)” therefor.

The motion was lost.

On motion of Senator Rosenhaupt, the amendment made in section 49, line 7, was reconsidered and the said line 7 was made to read as it was originally printed.

Senator Rosenhaupt moved to strike all of section 16.

The motion failed to carry.

Senator Allen moved to strike the figures “\$900” in section 27, line 7, and insert the figures “\$1,080” therefor.

The motion was lost.

Senator Falconer moved the previous question.

Senator Falconer withdrew his motion.

Senator Bassett moved to insert a period after the word “Washington” in section 48, line 16 and strike the remainder of the section.

The motion carried.

The secretary called the roll on final passage of House bill No. 357, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Kline, McGowan, Myers, Minkler, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—28.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Fatland, Graves, Huxtable, Knickerbocker, McGregor, Metcalf, Nichols, Piper, Presby, Stevenson, Williams—14.

The secretary called the roll on the emergency clause to

House bill No. 357, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Kline, McGowan, Myers, Minkler, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—29.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Fatland, Graves, Huxtable, Knickerbocker, McGregor, Metcalf, Nichols, Piper, Presby, Stevenson—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 9:20 p. m., on motion of Senator Stevenson, the Senate adjourned to 10 a. m. tomorrow.

W. M. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, March 3, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Knickerbocker, the reading of yesterday's journal was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 140, entitled "An act amending section 1274 of Bal-

linger's Annotated Codes and Statutes of Washington, relating to the correction of the defects of city and town plats, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

WILL G. GRAVES, *Chairman.*

We concur in this report: W. B. Presby, I. B. Knickerbocker, J. W. Bryan, Ralph Metcalf.

Senator Graves moved that the report of the committee on engrossed House bill No. 140 be adopted.

Senator Stevenson moved as an amendment that House bill No. 140 be ordered placed on general file.

Senator Falconer moved as a substitute for the above motions that the bill be ordered re-referred to the Committee on Public Morals.

The motion of Senator Falconer carried and the bill was ordered referred to the Committee on Public Morals.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1909.

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 147, entitled "An act to amend section 1 of an act entitled 'An act to secure and perpetuate liens upon chattels for labor, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

WILL G. GRAVES, *Chairman.*

We concur in this report: Ralph D. Nichols, Rob't. Booth, W. B. Presby, Harry Rosenhaupt.

On motion of Senator Stevenson, engrossed House bill No. 147 was ordered placed on general file, together with the report of the Committee on Judiciary.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1909.

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 309, entitled "An act providing for two judges of the superior court of the State of Washington in and for Chehalis county, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman.*

We concur in this report: Harry Rosenhaupt, I. B. Knickerbocker, Ralph D. Nichols, J. W. Bryan, Ralph Metcalf, W. B. Presby.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 353, entitled "An act amending section 225 of Ballinger's Annotated Codes and Statutes of Washington, relating to the salary of the reporter of the supreme court," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Rob't. Booth, Ralph D. Nichols, J. W. Bryan, W. B. Presby, I. B. Knickerbocker, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred House bill No. 247, entitled "An act making appropriations for the maintenance and sundry expenses of the state normal schools for the fiscal term beginning April 1, 1907, and ending March 31, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. G. POTTS, *Chairman*.

We concur in this report: A. W. Anderson, W. H. Paulhamus, H. O. Fishback, J. R. Stevenson.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, a majority of your Committee on Judiciary, to whom was referred engrossed House bill No. 47, entitled "An act for the protection of farmers, ranchmen, etc., for herding, keeping, pasturing, feeding and caring for stock," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph Metcalf, W. B. Presby, Harry Rosenhaupt, Rob't. Booth.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

I, a minority of your Committee on Judiciary, to whom was referred engrossed House bill No. 47, entitled "An act for the protection

of farmers, ranchmen, etc., for herding, keeping, pasturing, feeding and caring for stock," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it be placed on general file.

RALPH D. NICHOLS.

Senator Nichols moved that the minority report be adopted.

Senator Graves moved as an amendment that the majority report be adopted.

Senator Falconer moved as a substitute that House bill No. 47 be ordered re-referred to the Committee on Public Revenue and Taxation.

The substitute motion carried, and the bill was ordered re-referred to the Committee on Public Revenue and Taxation.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 201, entitled "An act repealing sections 7319 and 7320 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

At the end of the title of the printed bill after the word "Washington" strike the period and substitute therefor a comma and add to said title the following words: "relating, respectively, to enticing seamen to desert from any vessel while lying within the waters of this state, and harboring or secreting any seamen shipped on any such vessel."

In line 2, section 1 of the printed bill, after the word "Washington" insert a comma and the following words: "relating, respectively, to enticing seamen to desert from any vessel while lying within the waters of this state, and harboring or secreting any seamen shipped on any such vessel."

WILL G. GRAVES, *Chairman.*

We concur in this report: Ralph Metcalf, W. B. Presby, R. D. Nichols, J. W. Bryan, I. B. Knickerbocker, Rob't. Booth, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 195, entitled "An act relating to the rendition of judgments against sureties on cost bonds filed in any court," have had the same

under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: R. D. Nichols, Ralph Metcalf, Harry Rosenhaupt, J. W. Bryan, I. B. Knickerbocker, Rob't. Booth, W. B. Presby.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 188, entitled "An act permitting certain county and city officers to close their respective offices at 1 o'clock on Saturday afternoons," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: R. D. Nichols, Harry Rosenhaupt, Ralph Metcalf, J. W. Bryan, W. B. Presby, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 97, entitled "An act to amend section 1, chapter 44, of an act of the legislature of the State of Washington, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph Metcalf, R. D. Nichols, Harry Rosenhaupt, J. W. Bryan, W. B. Presby, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 231, entitled "An act providing for the mortgaging of property of minors," have had the same under consideration, and we

respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: R. D. Nichols, Ralph Metcalf, Harry Rosenhaupt, J. W. Bryan, W. B. Presby, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Privileges and Elections, to whom was referred Senate bill No. 376, entitled "An act to amend sections 36 and 37 of chapter 209 of the Session Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

W. B. PRESBY, *Chairman*.

We concur in this report: Harry Rosenhaupt, I. B. Knickerbocker, Ralph Metcalf.

Senator Presby moved that the report of the Committee on Privileges and Elections on Senate bill No. 376 be adopted.

Senator Cotterill moved as a substitute that the bill be ordered placed on general file.

The substitute motion was lost.

On the motion of Senator Presby, that the report of the committee be adopted, a roll call was demanded by Senators Cotterill, Bryan, Graves, Bassett, Stevenson, Williams, Myers.

The secretary called the roll and the report of the committee was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—36.

Those voting nay were: Senators Cotterill, Paulhamus—2.

Absent or not voting were: Senators Davis, Fatland, Rosenhaupt, Whitney—4.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred House bill No. 327, entitled "An act amending section 1 of an act entitled

'An act relating to justices of the peace and constables in cities having more than five thousand inhabitants, etc.,' " have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be amended as follows and placed on general file:

In line 5, section 1 of the printed bill, and in line 7 of the original bill, strike the figures "1898" and substitute therefor the figures "1910."

WILL G. GRAVES, *Chairman.*

We concur in this report: R. D. Nichols, Harry Rosenhaupt, Ralph Metcalf, J. W. Bryan, W. B. Presby, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

GENERAL FILE.

House bill No. 310, entitled "An act relating to the sale of land granted for public buildings at the state capital, etc.," was placed on its third reading.

On motion of Senator Potts, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 310.

The bill was considered in the Committee of the Whole, Senator Smith in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments:

In section 3, line 8 of the printed bill, after the word "lands" insert the following: "announcing the time, terms, and particulars of sale, as is now provided for sales of other state lands."

In section 4, line 3 of the printed bill, strike the following: Beginning with the word "*Provided*" in said line 3, to and including the word "payments" in line 5, and insert in lieu thereof the following: "*Provided*, That at least one-fifth of the purchase price of each tract of land sold shall be paid at the time of sale and the balance shall be distributed in such number of equal annual payments, not exceeding ten, as the purchaser may elect, with six per cent. interest, payable annually, on the deferred payments; but the purchaser may at any time pay the entire amount then remaining unpaid with interest to the date of such payment."

Add to the end of section 4 the following:

"*And provided further*, That in case of the sale on deferred payments of any tract of land where the timber thereon constitutes its principal source of value, all unpaid installments of the purchase price shall be paid before any timber is removed therefrom."

In line 7, section 5 of the printed bill, after the word "commission" where it first appears in said line, strike the balance of the line and

strike line 8 up to and including the word "building," where the said word first appears in said line 8.

Beginning with the word "including," after the word "paid," in line 5 of section 9 of the printed bill, strike the balance of the section.

On motion of Senator Smith, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended and the reading had of House bill No. 310 in the Committee of the Whole was considered the third reading of the bill.

The previous question was demanded by Senators Williams, Knickerbocker, Bassett and Graves.

The previous question carried.

The secretary called the roll and House bill No. 310 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those voting nay were: Senators Anderson, Eastham, Falconer, Fishback, Hutchinson, Myers, Rosenhaupt—7.

Absent or not voting: Senator Paulhamus—1.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Presby, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those voting nay were: Senators Anderson, Eastham, Falconer, Fishback, Hutchinson, Myers—6.

Absent or not voting were: Senators Paulhamus, Roberts—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Nichols, the rules were suspended and House bill No. 310 was ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

The House has refused to recede from its amendments to amended Senate bill No. 6, and the speaker has appointed as a conference committee Messrs. Calkins, Denman and McMaster.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Presby, Senate bills Nos. 348, 349 and 350 were taken up at this time.

Senate bill No. 348, entitled "An act to amend section 4683 of Ballinger's Annotated Codes and Statutes of Washington, relating to the jurisdiction of justices of the peace, etc.," was read third time.

The secretary called the roll on final passage and Senate bill No. 348 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—37.

Absent or not voting were: Senators Booth, Eastham, Falconer, Paulhamus, Whitney—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 349, entitled "An act authorizing prosecuting attorneys to issue warrants," was read third time.

The secretary called the roll on final passage of Senate bill No. 349 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Williams, Mr. President—34.

Absent or not voting were: Senators Booth, Hutchinson, McGregor, Minkler, Nichols, Potts, Stewart, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 350, entitled "An act to amend section 6802 of Ballinger's Annotated Codes and Statutes of Washington, relating to the prosecution of crimes by information," was read third time.

The secretary called the roll on final passage of Senate bill No. 350 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Mr. President—35.

Absent or not voting were: Senators Allen, Booth, Minkler, Stevenson, Stewart, Whitney, Williams—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Bassett moved that a conference committee be appointed by the president to confer with the House committee on House amendments to amended Senate bill No. 6.

The motion carried.

On motion of Senator Presby, the rules were suspended and Senate bills Nos. 348, 349 and 350 were ordered immediately transmitted to the House.

At 12:05 p. m., on motion of Senator Brown, a recess was taken until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

Senate joint resolution No. 7, by Senator Graves:

Be it Resolved by the Legislature of the State of Washington, That it is necessary to call a convention to revise the constitution of the State of Washington, and the legislature recommends to the electors of the State of Washington that they vote at the general election to be held in the State of Washington on the Tuesday next succeeding

the first Monday in November, 1910, on the question of calling a convention to revise said constitution. The secretary of state shall cause notice of the submission of the question of calling a convention to revise the constitution to the electors at such election, to be published for three months next preceding said election in some weekly newspaper in every county where a newspaper is published throughout the state. There shall be printed on all ballots provided for said election the words "For the calling of a convention to revise the constitution"; "Against the calling of a convention to revise the constitution." Squares shall be set opposite each of said propositions, and a cross marked by the voter in either of said squares shall indicate his intention to vote for the proposition against which it is set, and shall be counted accordingly.

Senator Graves moved the adoption of the resolution.

Senator Falconer moved as a substitute that the resolution be ordered referred to the Committee on Judiciary.

The previous question was demanded by Senators Cox, Nichols and Falconer.

The previous question carried.

The substitute motion of Senator Falconer was lost.

The secretary called the roll on adoption of Senate joint resolution No. 7 and it failed to receive the necessary two-thirds majority by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cötterill, Cox, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Rosenhaupt, Smithson, Stewart, Whitney, Mr. President—27.

Those voting nay were: Senators Arrasmith, Booth, Eastham, Falconer, Fatland, Nichols, Paulhamus, Potts, Presby, Rydstrom, Smith, Stevenson, Williams—13.

Absent or not voting were: Senators Davis, Roberts—2.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

The Speaker has signed House bill No. 18, entitled "An act relating to nurses and providing for the registration thereof," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate joint resolution No. 8, by Senator Graves:

Be it Resolved by the Legislature of the State of Washington, That at the general election to be held in this state on the Tuesday next

succeeding the first Monday in November, 1910, there shall be submitted to the qualified electors of this state, for their adoption and approval, an amendment to article 2 of the Constitution of the State of Washington, by striking from said article 2 all of section 20 and 36 thereof and inserting in lieu thereof the following, to be known as section 20:

"Sec. 20. Any member or member-elect of either house of the legislature desiring the consideration of a bill or bills at any regular session of the legislature shall file such bill or bills in the office of the secretary of state not less than ten days prior to the convening of the session. The secretary of state shall cause all bills so filed to be printed, and upon the organization of the House of Representatives for business shall transmit all such bills to it, and they shall thereupon be deemed introduced and submitted to the legislature for action thereon, subject to the rules of the legislature relating to the procedure for the consideration of bills which are not inconsistent with the provisions of this article. Appropriation bills for the maintenance of the state offices and institutions may be introduced in either house at any time during the session, but no other bill shall be considered unless it shall have been filed in the office of the secretary of state and introduced in the House of Representatives as above provided. Bills may be amended or new bills substituted therefor in either house, but no amendment or substitution shall be permitted which is not germane to the subject-matter of the original bill."

The secretary of state shall cause the amendment proposed hereby to be published for three months next preceding said election in some weekly newspaper in every county where a newspaper is published, throughout the state. There shall be printed on all ballots provided for the said election, in the proper place, the words "For the amendment to article 2 of the constitution, relating to the introduction and consideration of bills in the legislature"; "Against the proposed amendment to article 2 of the constitution, relating to the introduction and consideration of bills in the legislature." Squares shall be placed opposite each of said provisions, and a cross marked by the elector in a square shall indicate his intention to vote for the proposition against which it is set, and shall be counted accordingly.

Senator Graves moved the adoption of the resolution.

The secretary called the roll, and Senate joint resolution No. 8 failed to pass the Senate by the following vote:

Those voting aye were: Senators Booth, Bryan, Cameron, Cotterill, Fatland, Fishback, Graves, Hutchinson, McGowan, Myers, Polson, Potts, Presby, Roberts, Smithson, Stevenson, Mr. President—17.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cox, Davis, Eastham, Falconer, Huxtable, Kline, McGregor, Metcalf, Minkler, Nichols, Paul-

hamus, Piper, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams—24.

Absent or not voting: Senator Knickerbocker—1.

The president signed Senate substitute bill No. 110, Senate bills Nos. 149, 167 and 5.

SPECIAL ORDER.

Senate bill No. 4, entitled "An act relating to regulating and providing for the nomination of candidates for public office in the State of Washington and providing penalties for the violation thereof, etc.," was read third time.

Senator Nichols moved that the bill be read in full before any amendments be offered.

The above motion was withdrawn by Senator Nichols.

Senator Falconer moved that the further consideration of Senate bill No. 4 be made a special order for 2 o'clock p. m. tomorrow.

The motion carried.

Senator Falconer moved that during the consideration of Senate bill No. 4 no member be permitted to speak more than once nor for a longer period than 2 minutes.

The motion carried.

GENERAL FILE.

Engrossed House bill No. 62, entitled "An act relating to the superior court of the county of Spokane, the election and appointment of judges therein, and declaring an emergency," was read third time.

The secretary called the roll on final passage of House bill No. 62 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—37.

Those voting nay were: Senators Falconer, Smith—2.

Absent or not voting were: Senators Anderson, Booth, Paulhamus—3.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Mr. President—35.

Those voting nay were: Senators Falconer, Smith, Williams—3.

Absent or not voting were: Senators Cox, Davis, Paulhamus, Presby—4.

There being no objection, the title of the bill was ordered to stand at the title of the act.

On motion of Senator Graves, the rules were suspended and House bill No. 62 ordered immediately transmitted to the House.

As a conference committee to confer with a like House conference committee on amended Senate bill No. 6, the president appointed Senators Bassett, Potts and Nichols.

House bill No. 61, entitled "An act to amend sections 1 and 2 of an act entitled 'An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, etc.,'" was read third time.

Senator Paulhamus moved that the bill be indefinitely postponed.

A roll call was demanded by Senators Huxtable, Cotterill, Stevenson, Whitney, Minkler, Cox, Piper and Nichols on the above motion.

The secretary called the roll and the motion to indefinitely postpone the bill carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Cameron, Davis, Eastham, Kline, Knickerbocker, McGregor, Metcalf, Minkler, Paulhamus, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—22.

Those voting nay were: Senators Bassett, Booth, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, Huxtable, McGowan, Myers, Nichols, Piper, Polson, Potts, Presby, Rosenhaupt, Mr. President—19.

Absent or not voting: Senator Graves—1.

On motion of Senator Huxtable, House bill No. 262 was indefinitely postponed.

House bill No. 296, entitled "An act relating to the relief of the posts of the Grand Army of the Republic," was read third time.

The secretary called the roll on final passage and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—32.

Those voting nay were: Senators Anderson, Davis, Eastham, Whitney—4.

Absent or not voting were: Senators Graves, Huxtable, Knickerbocker, Nichols, Paulhamus, Smithson—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 125, entitled "An act to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority and declaring an emergency," was read third time.

Senator Rosenhaupt moved to amend the bill by inserting after the word "state" and before the word "may," in section 1, line 1, the words "except cities of the first class."

Senator Rosenhaupt withdrew his motion.

The secretary called the roll on final passage of House bill No. 125 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—34.

Those voting nay were: Senators Anderson, Graves, Rosenhaupt, Williams—4.

Those absent or not voting were: Senators Fatland, Huxtable, Myers, Stevenson—4.

The emergency clause was adopted by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Mr. President—35.

Voting nay: Senator Williams—1.

Those absent or not voting were: Senators Anderson, Fatland, Graves, Stevenson, Stewart, Whitney—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

By unanimous consent, on motion of Senator Metcalf, the word "exceeding" in section 1, line 7 of House bill No. 125 was changed to "exceeded."

Senate bill No. 361, entitled "An act fixing the salary of the state law librarian," was read the third time.

The secretary called the roll on final passage of Senate bill No. 361 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Nichols, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Stewart, Williams, Mr. President—31.

Those voting nay were: Senators Eastham, Potts—2.

Those absent or not voting were: Senators Anderson, Hutchinson, Knickerbocker, Minkler, Paulhamus, Smith, Smithson, Stevenson, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bryan, the rules were suspended and Senate bill No. 361 ordered immediately transmitted to the House.

House bill No. 214, entitled "An act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting

under the administration of the state auditor," was read the third time.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the consideration of House bill No. 214.

The bill was considered in the Committee of the Whole, Senator Paulhamus in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments:

Add to section 10 the following: "There is hereby appropriated from said fund for the purpose of carrying out the provisions of this act the sum of twenty-five thousand dollars, or so much thereof as may be necessary, but the amount shall in no case exceed the total of the levy upon the several counties under the provisions of this section."

In section 7, line 3, after the word "required" insert the following: "not more than ten."

In section 8, line 4, after the word "incorporated" and before the word "town" insert the words "cities and."

On motion of Senator Paulhamus, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended, the reading of the bill had in the Committee of the Whole was considered the third reading of the bill, and the bill placed on final passage.

The secretary called the roll on final passage of House bill No. 214 and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—33.

Those voting nay were: Senators Booth, Eastham, Nichols, Piper, Presby, Whitney, Mr. President—7.

Those absent or not voting were: Senators Cox, Graves—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Williams gave notice that at the proper time he would move to reconsider the vote by which House bill No. 214 passed the Senate.

By unanimous consent, Senator Nichols brought up out of order the matter of an invitation to the Senate to visit the Alaska-Yukon-Pacific Exposition grounds Saturday, March 6, 1909.

Senator Nichols moved that the invitation be accepted.
The motion carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

The House has passed House bill No. 312, entitled "An act relating to the proper ventilation and safety of coal mines, etc.;"

House bill No. 338, entitled "An act relative to the finances of counties, etc.;"

House bill No. 375, entitled "An act relating to the compensation of public officers, etc.;"

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 116, entitled "An act regulating the business of fire insurance, and providing a penalty for the violation thereof," was read the third time.

Senator Williams moved to strike in line 7, section 2 of the printed bill, beginning with the word "but," the balance of section 2.

The motion was lost.

Senator Stewart moved to amend by inserting between the words "to" and "insurance," in line 3, section 1, the words "any person to purchase any."

The motion was lost.

Senator Paulhamus moved to amend in section 1, line 8, by inserting after the word "policy" the following: "that each property owner be compelled to double his insurance."

The president ruled the amendment out of order.

The secretary called the roll on final passage of House bill No. 116 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Polson, Potts, Presby, Rosenhaupt, Smith, Smithson, Stevenson, Stewart—29.

Those voting nay were: Senators Bryan, Fatland, Minkler, Paulhamus, Roberts, Rydstrom, Mr. President—7.

Those absent or not voting were: Senators Graves, Knickerbocker, Nichols, Piper, Whitney, Williams—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Stevenson gave notice that at the proper time he would move to reconsider the vote by which House bill No. 116 passed the Senate.

House bill No. 208, entitled "An act empowering cities of the second class to fill low lands within their borders, and for that purpose to exercise the right of eminent domain for the taking and damaging of property, and providing a method for making compensation therefor, and providing for levying and collection of special assessments on the property benefited and declaring an emergency," was read the third time.

The secretary called the roll on final passage of House bill No. 208 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Those absent or not voting were: Senators Allen, Davis, Falconer, Knickerbocker, Metcalf, Nichols, Piper, Roberts, Rosenhaupt—9.

The secretary called the roll, and the emergency clause to House bill No. 208 was adopted by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Paulhamus, Polson, Potts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—30.

Those absent or not voting were: Senators Allen, Bassett, Davis, Falconer, Graves, Knickerbocker, Metcalf, Nichols, Piper, Presby, Roberts, Rosenhaupt—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Smith, rule No. 64 was suspended.

House bill No. 79, entitled "An act to prevent the killing, entrapping, shooting, ensnaring, maiming, or molesting any of the wild birds at any season of the year upon the waters of Lake Washington, or within one mile of the shores thereof, and providing a penalty for the violation of this act," was read the third time.

The secretary called the roll on final passage of House bill No. 79, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Booth, Brown, Cameron, Cotterill, Cox, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Allen, Bassett, Bryan, Davis, Falconer, Graves, Knickerbocker, Presby, Roberts, Rosenhaupt, Stevenson—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 281, entitled "An act regulating the sale and manufacture of shoddy and the use of the same in the manufacture of mattresses, couches, and other like articles, providing for its enforcement, etc.," was read the third time.

The secretary called the roll on final passage of House bill No. 281 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—31.

Those voting nay were: Senators Whitney, Williams—2.

Those absent or not voting were: Senators Allen, Bassett, Booth, Bryan, Graves, Huxtable, Knickerbocker, Piper, Rosenhaupt—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 93, entitled "An act to regulate the practice of embalming and licensing of persons to carry on such practice;

to regulate the transportation of bodies of deceased human beings and providing punishment for violations," was placed on third reading.

The secretary called the roll on final passage of House bill No. 93, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Huxtable, Kline, McGowan, Metcalf, Myers, Minkler, Polson, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—26.

Voting nay: Senator Whitney—1.

Those absent or not voting were: Senators Bassett, Blair, Booth, Bryan, Fishback, Graves, Hutchinson, Knickerbocker, McGregor, Nichols, Paulhamus, Piper, Potts, Rosenhaupt, Williams—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Minkler, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 179, entitled "An act for the relief of Kittitas county, Washington, for money advanced in securing the extradition from the state of Illinois of Paolo Nigro, accused of a felony, and making an appropriation therefor," and House bill No. 294, entitled "An act making a deficiency appropriation for public printing."

The bills were considered in the Committee of the Whole, Senator Eastham in the chair, and reported back to the Senate with the recommendation that they do pass.

On motion of Senator Eastham, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended, the reading of House bill No. 179 and House bill No. 294 had in the Committee of the Whole considered the third readings and the bills placed on final passage.

The secretary called the roll on final passage of House bill No. 179 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Davis, Eastham, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts,

Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—30.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Bassett, Booth, Cotterill, Cox, Falconer, Graves, McGregor, Piper, Rosenhaupt, Whitney, Williams—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The secretary called the roll on final passage of House bill No. 294 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Cameron, Eastham, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Smith, Smithson, Stewart, Mr. President—25.

Those voting nay were: Senators Hutchinson, Whitney, Williams—3.

Those absent or not voting were: Senators Bassett, Booth, Bryan, Cotterill, Cox, Davis, Falconer, McGregor, Piper, Presby, Roberts, Rosenhaupt, Rydstrom, Stevenson—14.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 263, entitled "An act providing the rate of interest to be paid on bonds of Jefferson county and owned by the state of Washington, etc.," was read the third time.

The secretary called the roll on final passage of engrossed House bill No. 263 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Davis, Eastham, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Bassett, Booth, Cotterill, Cox, Falconer, Graves, Huxtable, Piper, Rosenhaupt, Stevenson—10.

The secretary called the roll on the emergency clause to

engrossed House bill No. 263 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Bassett, Bryan, Cox, Graves, Huxtable, Kline, Metcalf, Piper, Rosenhaupt, Stevenson, Stewart—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 239, entitled "An act to amend section 5 of an act entitled 'An act for the protection of persons working in coal mines,' approved March 6, 1897," was read the third time.

The secretary called the roll on final passage and House bill No. 239 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Bassett, Blair, Booth, Cox, Graves, Huxtable, Metcalf, Piper, Rosenhaupt, Stevenson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 269, entitled "An act regulating the use of lamps in coal mines and prescribing a penalty for the violation of the provisions thereof," was read the third time.

The secretary called the roll on final passage of House bill No. 269, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Pol-

son, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Those absent or not voting were: Senators Bassett, Blair, Booth, Cox, Fatland, Graves, Huxtable, Piper, Presby—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 33, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Bellingham, appropriating money from the military fund therefor, etc."

The bill was considered in the Committee of the Whole, Senator Cameron in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Eastham, the report of the Committee of the Whole was adopted.

On motion of Senator Eastham, the rules were suspended, the reading of the bill had in the Committee of the Whole considered the third reading, and the bill placed on final passage.

The secretary called the roll on final passage of House bill No. 33 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—35.

Those absent or not voting were: Senators Arrasmith, Bassett, Booth, Graves, Piper, Potts, Rosenhaupt—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 53, entitled "An act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, etc.," was read the third time.

The secretary called the roll on final passage of House bill No. 53 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Cameron, Cotterill, Cox, Davis, Falconer,

Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Williams, Mr. President—31.

Those voting nay were: Senators Eastham, McGowan, Smith—3.

Those absent or not voting were: Senators Bassett, Booth, Bryan, Graves, Huxtable, Piper, Rosenhaupt, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 113, entitled "An act to encourage county poultry or livestock associations and shows and exhibits of livestock and poultry and to provide funds therefor," was read third time.

On motion of Senator Paulhamus, the word "shall," in section 3, line 1 was stricken and the word "may" substituted therefor.

Senator Paulhamus moved to strike in section 2, line 2, the words and figures "five hundred (\$500.00)" and substitute therefor the words and figures "two hundred and fifty (\$250.00)."

The motion of Senator Paulhamus to amend was put and carried.

The secretary called the roll on final passage of House bill No. 113 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Voting nay: Senator Anderson—1.

Those absent or not voting were: Senators Bassett, Booth, Cotterill, Graves, Knickerbocker, Piper, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 162, entitled "An act to amend section 45, chapter LXXI, of the Laws of 1897, entitled 'An act to provide for the assessment and collection of taxes in the State of

Washington,' approved March 15, 1897," was read the third time.

On motion of Senator Nichols, the word "four" was changed to read "three" wherever it occurs in the amended engrossed bill.

Senator Brown moved to indefinitely postpone the bill.

The motion carried.

House bill No. 348, entitled "An act to amend sections 4, 5, 6, 8, 10, 12, 13, 15 and 17 of 'An act relating to drugs and medicines, the licensing of persons to compound, dispense, buy and sell the same in the state of Washington, etc.," was read the third time.

The secretary called the roll on final passage of House bill No. 348 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Potts, Presby, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Voting nay: Senator Kline—1.

Those absent or not voting were: Senators Bassett, Booth, Cotterill, Piper, Polson, Roberts, Rosenhaupt, Smith, Graves—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Minkler, the rules were suspended and all bills passed by the Senate today, except those on which notice of reconsideration was given, were ordered transmitted to the House immediately.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

The speaker has appointed Messrs. Todd, Palmer and Hanson (Ole) as a conference committee on the Senate amendments to House bill No. 46.

LOREN GRINSTEAD, *Chief Clerk.*

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred House bill No. 391, entitled "An act changing the boundary line between the representative and senatorial districts in Whitman county, and authorizing and directing the county commissioners of the said county to change the lines of the voting precincts in such county, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

PETER MCGREGOR, *Chairman.*

We concur in this report: Ed. Brown, John L. Blair, R. A. Hutchinson.

On motion of Senator McGregor, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Fisheries, to whom was referred House bill No. 196, entitled "An act for the protection of crabs in the waters of the State of Washington, and providing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. S. MCGOWAN, *Chairman.*

We concur in this report: I. B. Knickerbocker, A. B. Eastham, B. D. Minkler, F. L. Stewart, R. L. Kline, S. T. Smith, W. B. Presby.

On motion of Senator McGowan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Fisheries, to whom was referred House bill No. 305, entitled "An act providing for the protection and propagation of the fishes in the waters of the State of Washington, relating to the catching thereof, fixing penalties, amending section 1 of chapter 117, Session Laws of 1899, and amending section 2 of chapter 247 of the Session Laws of 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

H. S. MCGOWAN, *Chairman.*

We concur in this report: R. L. Kline, S. T. Smith, B. D. Minkler, John L. Blair, F. L. Stewart.

On motion of Senator McGowan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Revenue and Taxation, to whom was referred Senate bill No. 364, entitled "An act concerning the collection of taxes between old and new counties and amending section 274, Ballinger's Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: E. C. Davis, Geo. F. Cotterill, J. W. Bryan, J. D. Bassett, D. H. Cox.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Fisheries, to whom was referred Senate bill No. 310, entitled "An act to regulate the catching of smelt in the Columbia river and its tributaries within the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

Amend section 1 as follows: In line 2 of the printed and the original bill, amend by striking the word "waters" and inserting in lieu thereof the word "tributaries."

In line 2 of the printed bill, being line 3 of the original bill, amend by striking the words "or its tributaries, any fish wheel, trap," and inserting in lieu thereof the following: "within the boundaries of the State of Washington any."

In line 3 of the printed bill, being line 4 of the original bill, amend by striking the word "other" and inserting in lieu thereof the word "any."

Amend section 3 as follows: In section 3, amend in line 1 of the printed bill and the original bill, after the word "appliance" and before the word "for" insert "not hereinbefore prohibited."

H. S. MCGOWAN, *Chairman*.

We concur in this report: I. B. Knickerbocker, A. B. Eastham, S. T. Smith, B. D. Minkler, F. L. Stewart, R. L. Kline, W. B. Presby.

On motion of Senator McGowan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 300, entitled "An act relating to crimes and punishments, etc.," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted, CHAS. E. MYERS, *Chairman*.
I concur in this report: Ralph D. Nichols.

On motion of Senator Myers, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 162, entitled "An act to regulate the business of life insurance, etc.," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted, CHAS. E. MYERS, *Chairman*.
We concur in this report: W. G. Potts, H. H. Fatland.

On motion of Senator Myers, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 110, entitled "An act to create a fireman's relief and pension fund, etc.," have compared the same with the engrossed bill and find the same correctly enrolled.

Respectfully submitted, D. H. COX.
H. O. FISHBACK.
GEO. F. COTTERILL.

On motion of Senator Cox, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—
Senate bill No. 149, entitled "An act authorizing the issuance of bonds for the redemption and payment of all warrants issued for the erection of the Cheney and New Whatcom normal schools, March 7, 1895";

Senate bill No. 167, "An act to provide for the vacation of portions of waterways, the extension of streets, etc.,"

—have compared the same with the engrossed bills and find them correctly enrolled.

Respectfully submitted, J. W. BRYAN, *Chairman*.

I concur in this report: H. O. Fishback.

On motion of Senator Bryan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 247, entitled "An act to regulate the practice of optometry, etc.;"

Senate bill No. 211, entitled "An act to amend section 3 of an act to authorize counties, cities and towns to issue bonds, etc.;"

Senate bill No. 268, entitled "An act to regulate the selling of goods, etc.;"

Senate bill No. 256, entitled "An act establishing a state board of game and game fish commissioners, etc.;"

Senate bill No. 119, entitled "An act to amend an act entitled 'An act authorizing the formation of metropolitan park districts, etc.';"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted, CHAS. E. MYERS, *Chairman*.

We concur in this report: W. G. Potts, F. L. Stewart, H. H. Fatland.

On motion of Senator Myers, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Insurance, to whom was referred Senate bill No. 339, entitled "An act to regulate the business of life insurance, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it pass with the following amendments:

Strike out all of said bill after the enacting clause and substitute the following:

"Section 1. No life, endowment or annuity company shall be authorized to transact business in this state unless it shall comply with the provisions of this act. Before any such life, endowment, or annuity company goes into operation, under the laws of this state, a guaranty capital, of at least one hundred thousand dollars, shall be subscribed and at least fifty per cent. of said capital paid in cash, and the remaining fifty per cent. to be paid in cash within one year from the date of filing the articles of incorporation. If said balance is not paid within one year as aforesaid, or if any impairment shall occur in the capital of such company, which impairment is not made good, within sixty days the certificate of said corporation shall be declared forfeited by the state insurance commissioner.

"Sec. 2. Any number of persons, not less than seven, may incorporate a company to write insurance upon the lives of persons, and every insurance pertaining thereto, or connected therewith, and to grant or dispose of annuities, or to write policies of endowment.

"Sec. 3. The persons proposing to organize such company shall file with the state insurance commissioner articles of incorporation, as provided under the laws of the State of Washington for the formation of private corporations, and said corporations shall pay the fees and penalties provided by law.

"Sec. 4. No policy shall be issued until a certificate from the insurance commissioner has been obtained authorizing such company to issue policies. The said insurance commissioner shall examine the assets and amount of capital, and a majority of the trustees shall make oath that the money has been paid in cash by the stockholders towards payment of their respective shares and not for any other purpose, and that it is intended that the same shall remain as the capital of the company, to be invested as required by the laws of this state. Every insurance company incorporated in this state shall pay to said insurance commissioner, for the examination required by this section, in addition to the costs of examination, the sum of thirty dollars, which latter sum shall be paid into the general fund of the state.

"Sec. 5. Any such insurance company organized under the laws of this state may at its option deposit with the treasurer of the State of Washington, the sum of one hundred thousand dollars (\$100,000) in cash, or in such securities as are elsewhere approved in this act. Such deposit shall be considered pledged for the security of all persons holding or interested in the policies of such company, and any such company may change the character of its deposit at any time by depositing other above described securities of equivalent value thereto. All interest and profits accruing from said securities shall be paid to the company depositing the same. Any such company may withdraw all or any part of such deposit by notifying the state treasurer of its intention so to do, and by specifying the amount to be withdrawn: *Provided*, That the state treasurer shall first publish a notice of such proposed withdrawal in some daily paper issued at the state capital, and in a daily paper in one of the larger cities of the state, once a week for six consecutive weeks, notifying all persons interested to file claims against such deposit. After the expiration of six months after the first publication of the said notice, the state treasurer shall surrender to the depositing company all of its deposit, except such part thereof as may be sufficient to secure the payment of claims filed. If such claims have not been confirmed by a decision of the proper courts within six months thereafter, any remaining portion of such deposit shall be returned to the said company. The State of Washington shall be held responsible for the safety of all deposits made under this act, and the state treasurer and his sureties shall be responsible both to the state and to the depositing company.

"Sec. 6. Whenever the incorporators shall have fully organized such

company, and the said company shall have satisfied the insurance commissioner that it has the required amount of capital paid in cash, it shall become his duty to furnish the incorporators with a certificate of authority which, with the certified copy of said declaration previously received from the insurance commissioner, when filed for record in the office of the county auditor in the county where such company is to be located, shall be authority to commence business and issue policies, and the same, or a certified copy thereof, shall be evidence in all suits."

ROBT. F. BOOTH, *Chairman.*

We concur in this report: P. L. Allen, R. L. Kline, J. D. Bassett, J. R. Stevenson, W. H. Paulhamus.

On motion of Senator Booth, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Medicine, Dentistry, Surgery and Hygiene, to whom was referred engrossed House bill No. 144, entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick and afflicted in the State of Washington, and for the appointment of a board of medical examiners, in the matter of said regulation, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended as follows:

In section 1, line 5 of the engrossed bill, strike the word "one" where it appears first and insert in lieu thereof the word "two."

In lines 5 and 6 of said section, strike the words "one from the eclectic profession."

In section 1, line 8 of the engrossed bill, strike that portion of line 8 beginning with the word "*Provided*" and all of lines 9 and 10.

In section 4, line 19 of the engrossed bill, strike the word "one" and insert in lieu thereof the word "three."

In section 11, line 25 of the printed bill, and line 43 of the engrossed bill, after the word "act" strike the word "depositions" and insert in lieu thereof the word "testimonies."

In line 27 (printed bill) of said section, strike the word "depositions" and insert in lieu thereof the word "testimony."

Insert after section 11 the following sections:

"Sec. 12. In any case of the refusal or revocation of a license by said board under the provisions of this act, said board shall file a brief and concise statement of the grounds and reasons for such refusal or revocation, in the office of the secretary of said board, which said statement, together with the decision of said board, in writing, shall remain of record in said office.

"Sec. 13. In any case of the refusal or revocation of a license by

said board under the provisions of this act, the applicant whose application shall be so refused, and the licentiate whose license shall be so revoked by said board shall have the right to appeal from the decision so refusing or revoking such license within thirty days after the filing of such decision in the office of the secretary of said board, as hereinbefore in this act provided. Such appeal shall be to the superior court in and for the county in which was held the last general meeting of said board, prior to the refusal of such license, in the case of such refusal; and to the superior court in and for the county in which the hearing was had upon which such license was revoked, in case of such revocation. In any case a person desiring to take such appeal shall serve, or cause to be served, upon the secretary of said board a written notice of such appeal, which shall contain a statement of the grounds of such appeal, and shall file in the office of such secretary an appeal bond, with good and sufficient surety, to be approved by said secretary, to the State of Washington, conditioned for the speedy prosecution of such appeal, and the payment of such cost as may be adjudged against him upon such appeal. Said secretary shall within ten (10) days after the service of said notice of appeal, and the filing and approval of said appeal bond, transmit to the clerk of the superior court to which such appeal is taken a certified copy, under the seal of said board, of the decision of said board, and the grounds thereof, in the case of the refusal of a license; and in addition thereto, a certified copy under such seal of the complaint in the case of the revocation of a license, together with the bond and notice of appeal. The clerk of such court shall thereupon docket such appeal causes, and they shall stand for trial in all respects as ordinary civil actions, and like proceedings be had thereon. Upon such appeal said cause shall be tried *de novo*. Either party may appeal from the judgment of said superior court to the supreme court of the state in like manner as in civil actions within sixty (60) days after the rendition and entry of such judgment in said superior court. If such judgment shall be in favor of the party appealing from the decision of said board, and in case said examining board does not appeal from said judgment within said sixty (60) days, then, and in that case, said board shall, at the end of said sixty (60) days, and immediately upon the expiration thereof, issue to such successful party the usual license to practice medicine and surgery in this state, and in addition thereto, shall reinstate upon the records of said board the name of such successful applicant, in case of the revocation of his license by such board. In case of such appeal to the supreme court by said board, no such license shall be issued nor reinstatement be required until the final determination of said cause, and as hereinafter provided. In case the final decision of the supreme court be against said medical examining board, then, and in that case, said court shall make such order in the premises as may be necessary, and said board shall act accordingly: *Provided*, That in no case shall an appeal bond be required of said board, nor shall any costs be adjudged or taxed against the same."

Make sections 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 read sections 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, respectively.

A. B. EASTHAM, *Chairman*.

We concur in this report: Robt. F. Booth, J. R. Stevenson.

On motion of Senator Eastham, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred engrossed House bill No. 335, entitled "An act relating to claims for damages against cities and towns of the second, third and fourth classes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: Geo. F. Cotterill, A. B. Eastham, Jesse Huxtable, Arvid Rydstrom.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Constitutional Revision, to whom was referred engrossed House bill No. 14, entitled "An act providing for the amendment of section 10, article 3, of the constitution of the State of Washington, relating to the executive department of the State of Washington, and providing for the succession to the office of governor, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: P. L. Allen, Geo. F. Cotterill, Will G. Graves, J. W. Bryan, E. M. Williams.

On motion of Senator Rosenhaupt, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Fisheries, to whom was referred House bill No. 368, entitled "An act prohibiting the sale, offering for sale, or keeping possession of, and prohibiting the canning of clams, oysters or other shellfish which have been opened for a period of more than four days, and prohibiting the sale of clams, oysters or other shellfish which have been opened more than four days, and prohibiting the selling of canned clams, oysters or other shellfish which have been opened more than four days before being canned, and prohibiting the sale or keeping

for sale of clams, oysters or other shellfish which have been shipped into this state and not kept in a chilled condition during shipment, and providing a penalty for the violation of any of the provisions of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In section 1, line 5 of the engrossed bill, after the word "days" strike the period and add the following: "unless the same were previously canned and kept in a chilled condition."

H. F. MCGOWAN, *Chairman*.

We concur in this report: R. L. Kline, S. T. Smith, B. D. Minkler, John L. Blair, F. L. Stewart.

On motion of Senator McGowan, the report of the committee was adopted.

INTRODUCTION OF BILLS.

House bill No. 374, entitled "An act relating to the compensation of public officers and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator McGregor the rules were suspended, the bill was read the second time by title, and referred to the Committee on Counties and County Boundaries.

House bill No. 312, by Committee on Mines and Mining, entitled "An act to amend sections 1, 2, 4, and 12 of an act entitled 'An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors, approved March 5, 1891.'"

The bill was read the first time, and on motion of Senator Kline the rules were suspended, the bill was read the second time by title, and referred to the Committee on Mines and Mining.

House bill No. 338, entitled "An act relative to the finances of counties and providing the time and manner in which moneys shall be paid to the county treasurer, and declaring an emergency."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, and referred to the Committee on Revenue and Taxation.

Senator Presby was excused from tomorrow's session, at his request.

At 5:55 p. m., on motion of Senator Potts, the Senate adjourned.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, March 4, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senator Presby, excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred Senate bill No. 221, entitled "An act relating to lands granted to the State of Washington by the United States for the benefit of state charitable, educational, penal and reformatory institutions, and other institutions, and repealing chapter ninety-one of the Laws of 1903, and declaring and emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the committee bill accompanying this report, entitled "An act to amend section three of chapter ninety-one of the Session Laws of 1903, relating to lands granted and assigned for the support and maintenance of the University of Washington," be substituted therefor and that the same do pass.

H. H. FATLAND, *Chairman.*

We concur in this report: P. L. Allen, J. D. Bassett, S. T. Smith, H. F. McGowan.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred Senate bill No. 322, entitled "An act granting to the town of Ilwaco, and to P. J. McGowan & Sons, a corporation, the right to use for certain purposes a portion of the Holman waterway, as shown by the plat of tide lands in front of said town, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, S. T. Smith, H. F. McGowan, J. D. Bassett.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred Senate bill No. 331, entitled "An act requiring every city of the first class to include in its annual tax levy an amount sufficient to pay all unpaid assessments, with all interest, penalties and charges thereon, levied upon lands belonging to such city," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, S. T. Smith, H. F. McGowan, J. D. Bassett.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred House bill No. 128, entitled "An act authorizing and directing the board of state land commissioners to sell the south ten acres of the northeast quarter of section 31, township 28 north, range 8 east of the Willamette meridian, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, S. T. Smith, H. F. McGowan, J. D. Bassett.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Constitution and Constitutional Revision, to whom was referred Senate bill No. 275, entitled "An act providing for the amendment of section 26 of article I of the constitution of the State of Washington, relating to the calling of grand juries," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

GEO. F. COTTERILL.
W. B. PRESBY.
J. W. BRYAN.

On motion of Senator Rosenhaupt, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1909.

MR. PRESIDENT:

We, your Committee on Constitution and Constitutional Revision, to whom was referred Senate bill No. 225, entitled "An act to provide for submitting propositions to amend the constitution and other questions to the voters by separate ballot," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. F. Cotterill, W. B. Presby, J. W. Bryan.

On motion of Senator Bryan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred House bill No. 245, entitled "An act authorizing the board of regents of the University of Washington to confirm a right-of-way in any railroad company now having in operation a line of railroad, or branches, or sidings, or spurs thereof, or to grant an easement for a right-of-way to any railroad company or street car company hereafter, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, S. T. Smith, H. F. McGowan, J. D. Bassett.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred House bill No. 280, entitled "An act relating to procedure in condemnation proceedings affecting lands owned by the state, or in which it has an interest, and amending section 2 of chapter 219 of the Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, S. T. Smith, H. F. McGowan, J. D. Bassett.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred House bill No. 363, entitled "An act reserving the sea shore or sea beach of the Pacific ocean from sale, lease or other disposition, making the same a public park and place of public resort of the State of Washington, providing for the cancellation of existing contracts of sale and lease, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, S. T. Smith, H. F. McGowan, J. D. Bassett.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 324, entitled "An act relating to the government and control of public institutions, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: Harry Rosenhaupt, Robt. F. Booth, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 317, entitled "An act in relation to the fees of state and county officers, witnesses, etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: Robt. Booth, W. B. Presby, J. W. Bryan, Ralph Metcalf, I. B. Knickerbocker.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 370, entitled "An act relating to printing, and amending sections 370 and 371 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: R. D. Nichols, W. B. Presby, J. W. Bryan, Ralph Metcalf.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 236, entitled "An act to amend section 703 of Ballinger's Annotated Codes and Statutes of Washington, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

WILL G. GRAVES, *Chairman*.

We concur in this report: W. B. Presby, J. W. Bryan, I. B. Knickerbocker, Ralph Metcalf.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 316 entitled "An act relating to the county board of equalization, and amending section 1714 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: Robt. Booth, Harry Rosenhaupt, W. B. Presby, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

GENERAL FILE.

House bill No. 230, entitled "An act providing for the conveyance by boards of county commissioners of rights-of-way over county roads for state purposes," was read third time.

The secretary called the roll, and House bill No. 230 passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Kline, McGowan, Metcalf, Myers, Nichols, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Mr. President—29.

Voting nay: Senator Rosenhaupt—1.

Those absent or not voting were: Senators Allen, Anderson, Falconer, Huxtable, Knickerbocker, McGregor, Minkler, Piper, Presby, Stevenson, Whitney, Williams—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Williams withdrew his notice of a motion to reconsider the vote by which House bill No. 214 passed the Senate, and moved that the rules be suspended and House bill No. 214 be immediately transmitted to the House.

The motion carried.

House bill No. 257, entitled "An act to amend an act authorizing any county in the State of Washington to join with any city of the first, second or third class in paying for the construction of any bridge, etc.," was read third time.

On motion of Senator Davis, the bill was amended by sub-

stituting a colon for the period at the end of section 1 and adding the following:

“Provided, That nothing in this act shall effect pending suits or actions or rights of parties thereto, but such suits or actions shall be determined as though this act had not been passed.”

The secretary called the roll on final passage of House bill No. 257, and it passed the Senate by the following vote:

Those voting aye were: Senators Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Rosenhaupt, Rydstrom, Stewart, Williams, Mr. President—27.

Those voting nay were: Senators Anderson, Arrasmith, Graves, Smith—4.

Those absent or not voting were: Senators Allen, Bryan, Huxtable, McGregor, Metcalf, Piper, Presby, Roberts, Smithson, Stevenson, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator McGowan withdrew his notice of motion to reconsider the vote by which Senate bill No. 357 passed the Senate.

On motion of Senator Blair, the rules were suspended and Senate bill No. 357 ordered immediately transmitted to the House.

Senator Falconer moved that the vote by which Senate bill No. 209 passed the Senate be now reconsidered.

The motion carried.

Senator Graves moved that the roll be called on final passage of Senate bill No. 209.

The motion carried.

The secretary called the roll on final passage of Senate bill No. 209, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Knickerbocker, McGowan, Metcalf, Myers, Piper, Polson, Rosenhaupt, Smithson, Stewart, Whitney—26.

Those voting nay were: Senators Allen, Booth, Cameron, Kline, Minkler, Nichols, Paulhamus, Roberts, Rydstrom, Smith, Stevenson, Williams, Mr. President—13.

Those absent or not voting were: Senators McGregor, Potts, Presby—3.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney—38.

Those voting nay were: Senators Nichols, Williams, Mr. President—3.

Absent or not voting: Senator Presby—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Graves, the rules were suspended and Senate bill No. 209 ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

The House has passed House bill No. 193, entitled "An act to prohibit the taking away, shipment or transportation of certain game birds from the islands of the state, etc.";

House bill 401, entitled "An act relating to the examination of insurance companies in the State of Washington";

House bill No. 411, entitled "An act providing for the establishment and maintenance of public and free libraries and museums, etc.";

The speaker has signed Senate bill No. 110, entitled "An act to create a firemen's relief and pension fund in the several incorporated cities and towns of the state, etc.";

Senate bill No. 167, "An act to provide for the vacation of portions of waterways, etc.";

Senate bill No. 149, "An act authorizing the issuance of bonds for the payment and redemption of all warrants issued for erecting and equipping normal schools, etc.";

House bill No. 186, "An act providing for the establishment of certain state roads";

House bill No. 266, "An act authorizing cities of the third class to provide for the drainage and sewerage of such cities, etc.";

House bill No. 296, "An act relating to the relief of the posts of the Grand Army of the Republic";

Senate joint resolution No. 5, "Relating to the relief of Mrs. Ann Gridley, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Engrossed House bill No. 221, entitled "An act relating to revenue and taxation, making county assessors *ex-officio* clerks of county boards of equalization, etc.," was read third time.

Senator Graves moved that the bill be indefinitely postponed.

The previous question was demanded by Senators Falconer, Williams and Stevenson.

The previous question carried.

The motion to indefinitely postpone was lost.

The president called Senator Nichols to the chair.

Senator Stevenson moved to amend section 1 by inserting after the words "Section 1" in line 1 of section 1 of the printed bill, the words "in counties from the first to the thirteenth class inclusive."

Senator Rosenhaupt moved to amend the amendment to make it read "counties from the second to the thirteenth class."

The amendment of Senator Rosenhaupt was lost.

The motion of Senator Stevenson failed to carry.

Senator Stevenson moved to strike from the bill lines 9 and 10 of section 4 of the printed bill.

The motion was lost.

The secretary called the roll on final passage of House bill No. 221, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Bassett, Blair, Booth, Cameron, Cox, Davis, Fatland, Fishback, Huxtable, Knickerbocker, Metcalf, Myers, Minkler, Nichols, Paulhamus, Potts, Roberts, Rydstrom, Smithson, Williams—20.

Those voting nay were: Senators Anderson, Arrasmith, Brown, Bryan, Cotterill, Eastham, Graves, Kline, McGregor, McGowan, Piper, Polson, Rosenhaupt, Smith, Stevenson, Stewart, Whitney, Mr. President—18.

Those absent or not voting were: Senators Allen, Falconer, Hutchinson, Presby—4.

Senator Brown gave notice of a motion to reconsider the vote by which House bill No. 221 failed to pass the Senate.

The secretary read Senate joint resolution No. 9, by Senator Potts.

WHEREAS, On this, the fourth day of March, in the year of our Lord one thousand nine hundred and nine, the Honorable William H. Taft was inaugurated president of the United States; therefore be it

Resolved by the Legislature of the State of Washington, That the people of the State of Washington extend to the Honorable William H. Taft their heartfelt congratulations, and that they sincerely wish that his administration may be crowned with the blessings of the Almighty and shall prove the instrument whereby the people of this nation may continue to receive the benefits of popular government and the prosperity so necessary to their general welfare and happiness; and be it

Further resolved, That the acting governor of this state be requested to transmit this resolution to the president.

On motion of Senator Bryan, the resolution was amended by inserting after the word "transmit" in the last line of the resolution the words "by wire."

Senator Potts moved the adoption of the resolution.

The secretary called the roll on the adoption of Senate joint resolution No. 9, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Whitney, Mr. President—34.

Those absent or not voting were: Senators Allen, Cox, Falconer, Minkler, Presby, Smith, Stewart, Williams—8.

On motion of Senator Potts, the rules were suspended, and Senate joint resolution No. 9 was ordered immediately transmitted to the House.

Senate bill No. 37, entitled "An act providing for the issuance of a state Sunday liquor license, etc.," was read third time.

Senator Metcalf moved to amend section 6 of the printed bill in line 2 by inserting after the word "Sunday" the words "nor open their bar on Sunday to any other than an employe of such hotel."

The amendment failed to carry.

Senator Falconer moved that the further consideration of Senate bill No. 37 go over until this afternoon.

The motion was lost.

On motion of Senator Booth, the bill was amended by striking the words "in the room of said guests or" in lines 2 and 3 of section 6 of the printed bill.

On motion of Senator Falconer, line 3 of section 6 of the printed bill was amended by inserting after the word "served" the words "in the regular dining-room only."

On motion of Senator Paulhamus, the bill was amended by restoring to the end of section 6 the words which were stricken by the committee amendment to that section of the bill.

On motion of Senator Falconer, the words "one hundred" were substituted for the word "fifty" in line 1 of section 3 of the printed bill.

On motion of Senator Booth, the words "and second" in line 1 of section 3 of the printed bill were stricken.

The secretary called the roll on final passage of Senate bill No. 37, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Booth, Cameron, Eastham, Falconer, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—28.

Those voting nay were: Senators Arrasmith, Blair, Brown, Bryan, Cotterill, Fishback, Cox, Myers—8.

Those absent or not voting were: Senators Allen, Davis, Hutchinson, Polson, Presby, Smithson—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, the rules were suspended, and Senate bill No. 37 ordered immediately transmitted to the House.

The president resumed the chair.

Senator Stevenson withdrew his notice of motion to reconsider the vote by which House bill No. 116 passed the Senate.

Senate bill No. 335, entitled "An act for the protection of game animals and birds of the State of Washington, etc., was read third time.

On motion of Senator Brown, the word "thirteen" was substituted for the word "nineteen" at the end of section 3.

On motion of Senator Rydstrom, the bill was amended as follows:

In section 3, lines 4 and 5 of the printed bill, strike the following: "or any specie of quail, or any specie of imported upland game bird."

On motion of Senator Rydstrom, the bill was amended as follows:

In section 3, line 11 of the printed bill, after the word "birds" insert the following: "and the limit of the bag for upland game birds for one week shall not exceed twenty."

Senator Booth moved to amend section 3 by adding to the end of the section the following:

"Provided further, That this provision shall not apply to the killing of prairie chickens in Walla Walla, Okanogan and Garfield counties."

Senator Hutchinson moved to amend the amendment by adding "Lincoln county."

The motion of Senator Hutchinson was lost.

The motion of Senator Booth carried.

At 12:05 p. m., on motion of Senator Potts, the Senate took a recess until 1:30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

The Senate resumed the consideration of Senate bill No. 335.

Senator Rydstrom moved to amend the bill by striking section 6.

Senator Brown moved as a substitute that section 6 be stricken from the bill and the following substituted therefor:

"Section 6. Every person who shall at any time hunt, take, kill, injure or destroy any deer, moose, elk, antelope, caribou, mountain sheep or mountain goat, or any of the various kinds of quail, Chinese or Mongolian pheasant, grouse, native pheasant, ptarmigan, prairies chicken, partridge, sage hen, or any wild duck, goose, swan, brant, sandhill crane, rail or plover, or any other game bird, or shall hunt, take, kill, injure, destroy and snare, molest or disturb, or have in his possession any nightingale, skylark, black thrush, gray singing thrush, goldfinch, greenfinch, bullfinch, redbreasted robin, English robin, black starling, grosbeak, meadow-lark, mocking-bird, wild canary bird, or other song

bird, within the Rainier National Park, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail not more than thirty days, or may be both fined and imprisoned."

The substitute motion of Senator Brown was accepted by Senator Rydstrom.

The motion carried.

Senator Allen moved to strike the words "in section 6 of this act" in section 7, lines 15 and 16, and substitute therefor the words "by law."

The motion carried.

Senator Huxtable moved to strike the words "sandhill crane" in section 7, line 8, of the printed bill.

The motion carried.

Senator Hutchinson moved to strike the word "August" in section 2, line 13, and insert the word "September" in lieu thereof.

The motion carried.

SPECIAL ORDER.

The hour of 2 o'clock having arrived, the Senate took up the consideration of amended Senate bill No. 4, entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington and providing penalties for the violation thereof, and amending sections 3, 5, 10, 13, 19, 22, 28, 30, 33, 38 of an act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, etc.," which was a special order for this hour.

Senator Bryan moved to strike the words "or justices of the supreme court" in section 1, line 10 of the printed bill.

A roll call on Senator Bryan's motion to amend was demanded by Senators Stevenson, Graves, Paulhamus, Metcalf, Knickerbocker, Fishback, Potts, Piper.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 24, "Relating to an invitation extended to Wm. H. Taft to visit the State of Wash-

ington during the A.-Y.-P. Exposition and National Irrigation Congress, with amendments”;

Senate bill No. 33, entitled “An act to amend sections 2 and 3 of an act entitled ‘An act to encourage county agricultural fairs and to provide funds therefor, approved March 17, 1908, with amendments’: “In line 14 of section 1 of the engrossed bill, after the word ‘the’, insert the words ‘first and.’ In lines 16 and 17 of section 1, strike out the words ‘This act shall not apply to counties of the first class.’”;

Senate substitute bill No. 177, entitled “An act relating to the superior courts of Clarke, Cowlitz, Skamania, Klickitat, Lewis, Pacific and Wahkiakum counties, providing for the appointment of a judge in and for the counties of Cowlitz and Wahkiakum”;

Senate bill No. 234, entitled “An act to amend sections 2 and 4 of an act entitled ‘An act relating to and authorizing the collection of assessments for local improvements, etc.’”;

Senate joint resolution No. 9, “Relating to sending congratulations to Hon. Wm. H. Taft on his inauguration as president of the United States”;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House bill No. 357, entitled “An act relating to the state militia, providing for the organization of the National Guard of Washington.”

LOREN GRINSTEAD, *Chief Clerk.*

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Brown, Cotterill, Cox, Falconer, Fatland, Hutchinson, Paulhamus—9.

Those voting nay were: Senators Allen, Anderson, Bassett, Booth, Cameron, Davis, Eastham, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Bryan, Presby—2.

Senator McGowan moved to amend by adding the following at the end of section 2:

“*Provided*, That candidates for nomination for any public office may be proposed by a petition signed by at least ten per cent. of the qualified voters of any election district provided for herein, and such

petition shall designate the political party said proposed candidate proposes to affiliate with in said election."

The amendment was lost.

On motion of Senator Cotterill, section 2½ was amended by striking beginning with and including the word "Provided," in line 7 of the printed bill, the remainder of the section.

Senator Williams moved to add a new section between sections 3 and 4, to be numbered 3½, as follows:

"Section 3½. That section 18 of said act be and the same is hereby repealed."

The amendment failed to carry .

The president signed House bill No. 266, House bill No. 296 and House bill No. 186.

Senator Bassett moved to amend as follows:

Strike the words "second Tuesday of September" in section 2½, line 3, and insert in lieu thereof "last Tuesday of June," and in line 5 of the same section strike the word "September" and insert the word "June" in lieu thereof.

Senators Piper, Knickerbocker and Nichols moved the previous question.

Senator Bassett's amendments were put and carried.

On motion of Senator Graves, the figures "190" at the end of lines 2 and 3, section 2½ of the printed bill were made to read "1910."

Senator Cotterill offered the following amendment:

That section 1 of said act be amended to read as follows:

"Section 1. The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

"(a) The word 'primary,' the primary election provided for by this act.

"(b) The words 'June primary,' the primary election held in June to nominate candidates to be voted for at the ensuing election.

"(c) The word 'election,' a general or city election as distinguished from a primary election."

The amendment was adopted.

Senator Cotterill moved to amend the bill by adding a new section between sections 3 and 4 of the amended bill to read as follows:

"Section 3½. That section 12 of said act be amended so as to read as follows: Section 12. Every qualified person, properly registered as a voter in the election precinct enabling him to vote at the ensuing

election where registration is required, and every qualified person in precincts where registration is not required, shall be entitled to participate in the primary election. When he desires to vote at said primary, each elector shall receive without question or revealing his party affiliation, one of each of the party ballots provided for use at said primary, together with any non-partisan ballots for non-partisan offices. He shall thereupon retire to one of the booths and without undue delay mark one of the said party ballots and the said non-partisan ballot received by him, and shall fold the same so that the face thereof is concealed and return the same to the election officers as his vote, and the same shall be deposited in the ballot-box or boxes provided therefor. And the said elector shall also fold any party ballot which he has received but not used, so that the face thereof is concealed, and shall return the same to the election officers, who shall, without examination, mutilate said unused ballot or ballots by removing the number therefrom so that they cannot be used, or identified, and deposit same in a locked waste-box provided for that purpose. In the event said voter shall soil or deface the ballot he desires to vote, he shall at once return the entire set of ballots received by him and shall receive a new set, and the election officers shall destroy or render unfit for use the ballots so returned, and deposit same in the waste-box.

"The elector shall designate his choice on his ballot by marking a cross in each of the small squares nearest the names of the candidates for whom he desires to vote, and shall not vote for more candidates for an office than are to be elected thereto at the election to follow the primary election, as indicated on the ballot at the right of each office for which candidates are to be selected.

"Where, under the provisions of this act, a voter is permitted to designate his first and second choice, the voter shall designate his first choice by marking a cross (X) in each of the small squares nearest to the names of the candidates for whom he desires to vote for first choice, and may designate his second choice by marking a cross (X) in the second square opposite to and parallel to the names of the candidates for whom he desires to vote as a second choice."

Senators Knickerbocker, Piper and Williams demanded the previous question on the adoption of the above amendment.

The motion for the previous question failed to carry.

On motion of Senator Nichols, the amendment was amended by substituting the word "shall" for the word "may" in line 24.

A roll call on the adoption of the amendment as amended was demanded by Senators Cotterill, Brown, Metcalf, Bryan, Myers, Paulhamus, Blair.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Brown,

Bryan, Cotterill, Graves, Hutchinson, Huxtable, McGowan, Myers, Nichols, Polson—12.

Those voting nay were: Senators Allen, Anderson, Bassett, Cameron, Eastham, Falconer, Fatland, Fishback, Kline, Knickerbocker, McGregor, Metcalf, Paulhamus, Piper, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—24.

Those absent or not voting were: Senators Booth, Cox, Davis, Minkler, Presby, Rosenhaupt—6.

Senator Cotterill moved to amend by inserting a new section between sections 4 and 5 of the amended printed bill, as follows:

“Section 4½. That section eighteen (18) of said act be amended so as to read as follows: Sec. 18. In all cases where there are four or more candidates of any political party for one official position, every elector voting at a primary election held under the terms of this act shall be permitted to designate one first choice and one second choice for each such position. No voter shall vote for the same person for first choice and for second choice, but no vote thus marked shall be thrown out, but shall be counted for said person as a first choice only. The marking of a second choice is permissive and not compulsory, and no ballot shall be thrown out for failure to mark a second choice, but shall be counted for its first choice. When a second choice is voluntarily exercised and marked as to any candidate it shall be counted and applied in the manner provided in this act.”

On motion of Senator Allen, the amendment was amended by striking the word “official” and inserting in lieu thereof the words “state or congressional.”

A roll call on the amendment proposed by Senator Cotterill, as amended, was demanded by Senators Cox, Myers, McGowan, Brown, Huxtable, Stewart, Paulhamus.

The secretary called the roll, and the amendment carried by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Bryan, Cotterill, Cox, Davis, Eastham, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Myers, Piper, Polson, Potts, Smith, Smithson, Whitney, Williams, Mr. President—22.

Those voting nay were: Senators Anderson, Brown, Cameron, Falconer, Fatland, Fishback, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Roberts, Rosenhaupt, Rydstrom, Stevenson, Stewart—16.

Those absent or not voting were: Senators Blair, Booth, Graves, Presby—4.

Senator Williams moved that section 4 of the amended printed bill be stricken.

The motion was lost.

Senator Cotterill moved that section 5 of the amended printed bill be stricken.

The motion carried.

On motion of Senator Cotterill, section 4½ was numbered section 5.

On motion of Senator Metcalf, the word "June" was substituted for the word "September" in line 2 of section 6 of the amended printed bill.

On motion of Senator Metcalf, section 7 of the amended printed bill was stricken.

Senator Cotterill moved to amend by adding the following section to the bill:

"Section 7. That section twenty-six (26) of said act be amended so as to read as follows: Section 26. Any political party which at the last preceding election cast less than 10 per cent. of the votes and any new organization, movement or party, may nominate candidates in the manner provided by existing laws for conventions or nominations by petition: *Provided, however,* That all such nominating conventions must be held upon the same day as the primary election under this act is held; but this shall not prevent the holding of conventions at a prior date for the purpose of electing delegates to attend a county or state or congressional or legislative district nominating convention on the day of the direct primary: *And provided further,* That no fees shall be required of nominees by minor parties or by petition, as set forth in this section, in order that their names shall be printed upon the election ballot, but they shall be duly certified to the city clerk, county auditor or secretary of state, as the case may be, and placed under the designation of such party upon the official election ballot. Persons nominated as provided in this section shall be subject to the provisions and penalties of sections 28, 29, 30 and 31 of this act."

The motion was lost.

On motion of Senator Anderson, section 7½ of the amended printed bill was amended as follows:

In line 18, strike the quotation marks about the word "advertisement," substitute a comma for the period after said word and insert the following: "paid for by (here insert name of person, persons, firm or corporation making such payment, and if such person, persons, firm

or corporation is agent for another, then must follow a statement as to whom such person, persons, firm or corporation is or are agent for)."

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 62, entitled "An act relating to the superior court of the county of Spokane, the election and appointment of judges therein, and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 62.

The president called Senator Paulhamus to the chair.

Senator Ruth moved to amend amended Senate bill No. 4 in section 7½ of the printed bill, in line 14, by striking the words "other than a candidate" and in line 16 of said section by striking the words "not a" and substitute the word "or."

The motion was lost.

On motion of Senator Anderson, section 7½ was numbered "section 7."

On motion of Senator Graves, the bill was amended as follows:

Amend section 10, line 4 of the amended printed bill, by inserting after the period, following syllable "ing" in said line, the following: "Candidates for judges of the supreme court shall be nominated by a convention of any political party or parties in the manner provided by existing laws for conventions and the names of such nominees shall be certified to the secretary of state and shall be placed on the official ballots under the party designation of the party so nominating them, or if by a joint convention of the two or more political parties, then under the political designation of each party on joining in such convention."

The amendment was adopted.

Senator Rosenhaupt moved to amend the bill by inserting in section 10, line 18, of the amended printed bill after the word "voter" the words "at either primary or general election."

The amendment was lost.

On motion of Senator Hutchinson, the bill was amended as follows:

Add to section 7½ the following:

"Provided, That when a newspaper has published an article derogatory to a candidate, they shall at the request of such candidate publish

within three days in the same position in the paper an article by said candidate at the regular advertising rates."

The amendment was adopted.

The president resumed the chair.

Senator Falconer moved that section 5 of the amended bill be stricken.

Senator Cotterill raised the point of order that section 5 was inserted by roll call of the Senate, and that it was open to amendment, but not to be stricken.

The president held the point of order not well taken.

A roll call was demanded on Senator Falconer's motion to strike section 5 by Senators Graves, Stewart, Huxtable, Stevenson, Cameron, Fatland, Piper, Whitney, Potts, Roberts, Fishback.

The secretary called the roll on Senator Falconer's motion to strike section 5, and the amendment carried by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cox, Eastham, Falconer, Fatland, Fishback, Graves, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Potts, Roberts, Rydstrom, Smithson, Stevenson, Stewart—24.

Those voting nay were: Senators Allen, Bassett, Cotterill, Davis, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Piper, Rosenhaupt, Smith, Whitney, Williams, Mr. President—15.

Those absent or not voting were: Senators Booth, Presby, Polson—3.

Senator Metcalf moved that section 5 be restored as it appeared in the original printed bill.

The motion was lost.

Senator Cotterill offered the following amendments:

That section 2¾ be made section 1 of the bill.

That section 1 be made section 2 of the bill.

Change the word "an" in line 1 to "said," and all after the word "act" where it first appears stricken down to and including the date "1907" in line 3 of said section.

That section 2½ be made section 3 of this bill.

That section 2 be made section 4 of this bill.

That section 3 be made section 5 of this bill.

That section 4 be made section 6 of this bill.

That section 6 be made section 7 of this bill.

The amendments were adopted.

On motion of Senator Metcalf, the title of the bill was amended to read as follows:

"An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington and providing penalties for the violation thereof, and amending sections 1, 2, 3, 5, 10, 13, 22, 29, 30, 33 and 38 of an act entitled 'An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency,' approved March 15, 1907, and declaring an emergency."

The secretary called the roll on final passage of amended Senate bill No. 4, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—37.

Those absent or not voting were: Senators Booth, Huxtable, Presby, Whitney, Williams—5.

The secretary called the roll on the emergency clause and it was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—38.

Those absent or not voting were: Senators Booth, Huxtable, Presby, Williams—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, the rules were suspended and amended Senate bill No. 4 transmitted to the House immediately.

Senator Stewart moved that the Senate concur in House amendments to Senate bill No. 33.

The secretary called the roll, and the Senate concurred in House amendments to Senate bill No. 33 by the following vote:

Those voting aye were: Senators Anderson, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Allen, Arrasmith, Knickerbocker, Nichols—4.

Those absent or not voting were: Senators Booth, Bryan, Metcalf, Presby, Roberts, Stevenson—6.

Senate bill No. 335, entitled "An act for the protection of game animals and birds of the State of Washington, etc.," was read the third time.

On motion of Senator Booth, the bill was amended by inserting after the word "year" and before the word "And" in section 2, line 14, the following:

Provided, That this section shall not apply to game the season for which shall open August 15 and close October 15.

On motion of Senator Kline, rule No. 64 was suspended.

Senator Falconer moved that rule No. 64 be suspended after 4 p. m. for the remainder of the session.

The motion carried.

Senator Paulhamus moved that the words "and quail" be inserted in section 2, line 15 of the printed bill, after the word "partridges" and before the word "prior."

Senator Paulhamus withdrew his motion, reserving the right to make the amendment later.

Senator Cameron moved to strike in section 8 all of line 12 after the word "that," all of line 13, all of line 14, and all of line 15 up to the word "the" where it occurs the first time.

Senator Cameron withdrew his amendment.

On motion of Senator Allen, section 8 was stricken and the following inserted in lieu thereof:

SEC. 8. That section 1 of chapter 147 of the Session Laws of 1905 be amended to read as follows: Section 1. It shall be unlawful for any person to hunt for, pursue, catch or kill any of the game animals or birds protected by the laws of this state during the open season when it is lawful to kill the same, without such person having in his pos-

session at the time of such taking, catching or killing, a license therefor, duly issued to him by the auditor of one of the counties of this state or by the state auditor. The county auditor of each county in the State of Washington, upon the payment of one dollar by any citizen of this state, or five dollars by any American citizen not a resident of this state, or twenty-five dollars by any resident or non-resident alien, shall issue to such person a license, which said license shall entitle the holder to hunt for, take, catch or kill any of the game animals or birds protected by the laws of the State of Washington, within the county where such license is issued, during the open season, when it is lawful to kill the same, for the term of one year, in any lawful manner; and the state auditor, upon the payment of five dollars by any citizen of this state, ten dollars by any American citizen not a resident of this state, fifty dollars by any resident or non-resident alien, shall issue to such person a license, which said license shall entitle the holder to hunt for, take, catch or kill any of the game animals or birds protected by the laws of the State of Washington, within the state, during the open season, when it is lawful to kill the same, for the term of one year, in any lawful manner. The county auditor shall pay to the county treasurer all such fees collected by him, to be placed in the game protection fund for the propagation and protection of game in said county, and the state auditor shall pay to the state treasurer all such fees collected by him, to be placed in the game protection and propagation fund. All fines collected under the provisions of this act shall be paid to the county treasurer of the county in which said fines are collected, and placed by him in the game protection fund.

On motion of Senator Allen, section 10 of the printed bill was stricken and the following inserted in lieu thereof:

Section 10. Nothing in this act contained shall be construed so as to prevent the sale of live imported quail or live imported pheasants, propagated in this state, for purposes of propagation only.

On motion of Senator Paulhamus, the following was added at the end of section 2, line 15:

Provided further, That it shall be unlawful for any person to pursue, take or kill any specie of quail in any county of the State of Washington prior to the first day of October, 1912.

On motion of Senator Myers, the words "or any kind of quail," in section 3, line 14, were stricken.

On motion of Senator Minkler, the following was added at the end of section 1:

Provided further, That it shall be unlawful to hunt deer with dogs.

Senator Brown moved to add the following at the end of the new section 8:

Provided, That the owner or owners of farm lands and the children

under 21 years of age shall have the right to hunt and kill game on the farm lands of which he or they are the *bona fide* owners during the season when it is lawful to kill game, without procuring such residence license.

The amendment was adopted.

Senator Stevenson moved that the words "Columbia county" be added to the counties excepted as to chicken.

The amendment was lost.

Senator Hutchinson moved to add "the east half of Lincoln county and the west half of Spokane county" to the counties excepted as to chicken.

The motion was lost.

Senators Nichols, Blair and Bassett demanded the previous question.

The secretary called the roll on final passage of Senate bill No. 335, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Kline, Myers, Minkler, Nichols, Paulhamus, Ploson, Potts, Stevenson, Stewart, Mr. President—22.

Those voting nay were: Senators Bassett, Fatland, Hutchinson, Knickerbocker, Rosenhaupt, Rydstrom, Whitney, Williams—8.

Those absent or not voting were: Senators Booth, Cameron, Graves, Huxtable, McGregor, McGowan, Metcalf, Piper, Presby, Roberts, Smith, Smithson—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Potts gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 335 passed the Senate.

The president appointed as a conference committee on House bill No. 46, Senators Nichols, Kline, Bassett.

REPORT OF CONFERENCE COMMITTEE ON AMENDED SENATE
BILL NO. 6.

OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Conference, to whom was referred Senate bill No. 6, entitled "An act establishing, providing for the maintenance of, and relating to a general uniform school system for the State of

Washington, etc.," have had the same under consideration, and we respectfully report the same back to the Senate and House with the recommendation that the House recede from its amendments to lines 2 and 3 of section 5, chapter 3, title 1, page 4.

Also from that part of its amendment to paragraph 5 of same section commencing with the word "*Provided*" in line 23, and ending with the word "students" in line 25.

Also from its amendment to section 1, article 10, chapter 4, title 3, page 45, engrossed bill.

Also that the Senate concur in the balance of the House amendments, as follows:

In paragraph 5, section 5, chapter 3, title 1.

Also in article 8, chapter 3, title 3.

Also in section 5, chapter 6, title 3.

J. D. BASSETT, *Chairman*.

We concur in this report: Ralph D. Nichols, W. G. Potts, Geo. L. Denman, F. L. Calkins, W. C. McMaster.

Senator Bassett moved the adoption of the conference committee report on amended Senate bill No. 6.

The secretary called the roll, and the report of the committee was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Rosenhaupt, Rydstrom, Stevenson, Stewart, Whitney, Williams, Mr. President—30.

Those absent or not voting were: Senators Booth, Bryan, Cameron, Graves, Huxtable, McGregor, Piper, Potts, Presby, Roberts, Smith, Smithson—12.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred House bill No. 119, entitled "An act relating to railroad companies, authorizing them to construct railroads and branches, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

W. H. PAULHAMUS, *Chairman*.

I concur in this report: J. H. Smithson.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 8, entitled "An act to amend an act entitled 'An act to provide for the formation of banking corporations, etc.'";

Senate bill No. 357, entitled "An act extending the powers and jurisdiction of incorporated cities into bays, lakes, sounds, rivers and other navigable waters adjacent to the boundaries of such cities,"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman*.

We concur in this report: F. L. Stewart, H. H. Fatland.

On motion of Senator Myers, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred Senate bill No. 360, entitled "An act amending sections 2 and 3 of an act entitled 'An act to provide for the drainage of cities of the second, third and fourth class, by the construction of sewers and drains,' approved March 10, 1891," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: J. W. Bryan, A. B. Eastham, Harry Rosenhaupt.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909

MR. PRESIDENT:

We, your Committee on Revenue and Taxation, to whom was referred House bill No. 300, entitled "An act relating to revenue and taxation, prescribing the method of levying taxes in counties, cities, towns, road and school districts, requiring the publication of estimates of public expenses, making the violation thereof a misdemeanor, and providing a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: E. C. Davis, Geo. F. Cotterill, J. D. Bassett, D. H. Cox, E. M. Williams, J. H. Smithson, H. H. Fatland, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Military, to whom was referred Senate bill No. 303, entitled "An act to divide the militia reserve of the State of Washington into two classes, and provide for the enrollment, organization, maintenance and discipline of the First Militia Reserve of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. L. KLINE, *Chairman*.

We concur in this report: R. A. Hutchinson, H. H. Fatland, W. G. Potts.

On motion of Senator Kline, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred engrossed House bill No. 66, entitled "An act to amend section 1025 of Ballinger's Annotated Codes and Statutes of Washington, the same being section 3534 of Pierce's Code, relating to the duties of the mayor of fourth-class towns, and adding a section thereto," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: James W. Bryan, Geo. F. Cotterill, A. B. Eastham.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred Senate bill No. 267, entitled "An act amending an act to enable cities of the first, second, and third classes to re-incorporate," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In line 3 of the title strike the words "and of" and insert in lieu thereof the word "having." In line 4 strike the word "and" and insert in lieu thereof the word "or."

In section 1, line 23, strike the words "all the electors" and insert the words "the property owners." After the word "act," in line 24, strike the "period" and insert in lieu thereof a comma and the words

"or unless the same shall be ordered by the votes by at least six councilmen."

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: J. W. Bryan, Arvid Rydstrom, A. B. Eastham.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 329, entitled "An act fixing the place of office of prosecuting attorneys," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be amended as follows and placed on general file:

In line 2, section 1 of the printed bill and in line 2, section 1 of the engrossed bill, strike the word "his" and substitute therefor the word "an."

WILL G. GRAVES, *Chairman*.

We concur in this report: Ralph D. Nichols, J. W. Bryan, I. B. Knickerbocker.

On motion of Senator Rosenhaupt, the report of the committee was adopted.

Senator Rosenhaupt moved that the Senate take a recess until 7:30 this evening.

Senator Falconer moved as a substitute that the Senate take a recess until 8:30 this evening.

The substitute motion of Senator Falconer carried.

The Senate took a recess at 6 p. m. to meet at 8:30 this evening.

EVENING SESSION.

The Senate was called to order at 8:30 o'clock p. m. by President Ruth.

Senate bill No. 364, entitled "An act concerning the collection and division of taxes between old and new counties, etc.," was read third time.

On motion of Senator Davis, the bill was amended in section 1 of the printed bill, line 11, by substituting a colon for the period

after the word "taxes" in said line 11 and by adding the following words:

Provided, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use or under construction, which shall fall within and be retained by the county: *Provided further*, That this shall not be construed to affect the rights of creditors: *And provided further*, That any such county property or buildings shall be the property of and owned by the county wherein the same is situate.

On motion of Senator Davis, the title of the bill was amended by adding the words "and declaring an emergency" and by inserting after the word "taxes" in line 1 of the title, a comma and the words "and property."

Senator Falconer moved that the Senate do now adjourn.

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 364, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—39.

Those absent or not voting were: Senators Falconer, Graves, Presby—3.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—37.

Those absent or not voting were: Senators Graves, Piper, Potts, Presby, Stewart—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Davis, the rules were suspended, and Senate bill No. 364 was ordered immediately transmitted to the House.

Senator Brown moved that the Senate adjourn until 9:30 o'clock tomorrow morning.

The motion was lost.

At 8:45 p. m., on motion of Senator Allen, the Senate adjourned until tomorrow.

WM. T. LAUBÉ,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-FOURTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Friday, March 5, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

The president signed Senate bills Nos. 234, 33 and 177.

On motion of Senator Nichols, the Senate rescinded its action in accepting an invitation to visit the Alaska-Yukon-Pacific Exposition in Seattle.

INTRODUCTION OF BILLS.

House bill No. 411, entitled "An act providing for the establishment and maintenance of public and free libraries and museums, and repealing certain other laws relating to public libraries."

The bill was read the first time, and on motion of Senator Piper the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Library.

House bill No. 401, entitled "An act relating to the examination of insurance companies in the State of Washington, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bassett the rules were suspended, the bill was read the second time by title, and referred to the Committee on Insurance.

House bill No. 193, entitled "An act to prohibit the taking away, shipment, or transportation of certain game birds from the islands of the State of Washington comprising the present counties of San Juan and Island, and fixing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, and referred to the Committee on Game.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 327, entitled "An act for the collection by the state dairy and food commissioner of certain inspection fees as set forth herein, providing for its enforcement, and fixing a penalty for violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. R. STEVENSON, *Chairman*.

We concur in this report: Chas. E. Myers, John L. Roberts, J. H. Smithson, Alex Polson, D. H. Cox.

On motion of Senator Anderson, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred Senate bill No. 338, entitled "An act to provide for the assessment of state lands for local improvements, repealing all acts in conflict therewith, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the substitute herewith presented do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: P. L. Allen, H. S. McGowan, S. T. Smith, J. D. Bassett, E. C. Whitney.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 177, entitled "An act relating to the superior court of Clarke, Cowlitz, Skamania, Klickitat, Lewis, Pacific and Wahkiakum counties";

Senate bill No. 234, "An act to amend sections 2 and 4 of an act entitled "An act relating to and authorizing the collection of assessments for local improvements, etc."

—have compared the same with the engrossed bills and find them correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman*.

We concur in this report: D. H. Cox, H. O. Fishback, Geo. F. Cotterill.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 33, entitled "An act to amend sections 2 and 3 of an act entitled 'An act to encourage county agricultural fairs, etc.,'" have compared the same with the engrossed bill and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman*.

We concur in this report: H. O. Fishback, D. H. Cox, Geo. F. Cotterill.

Resolution by Senator Cameron:

Resolved, That from the passage of this resolution until the close of the session all speeches will be limited to two minutes.

Senator Cameron moved the adoption of the resolution.

Senator Cotterill raised the point of order that the above resolution making a change in the standing rules of the Senate would require a two-thirds vote.

The president sustained Senator Cotterill in the point of order.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, McGregor, Metcalf, Minkler, Nichols, Paulhamus, Piper, Pol-

son, Potts, Roberts, Rydstrom, Smithson, Stewart, Williams—30.

Those voting nay were: Senators Cotterill, Myers, Rosenhaupt, Smith, Stevenson, Mr. President—6.

Those absent or not voting were: Senators Bassett, Huxtable, Knickerbocker, McGowan, Presby, Whitney—6.

Senate bill No. 356, entitled "An act relating to service of process in justice courts," was read third time.

The secretary called the roll on final passage of Senate bill No. 356, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Williams, Mr. President—33.

Those absent or not voting were: Senators Bassett, Bryan, Knickerbocker, McGowan, Minkler, Presby, Stevenson, Stewart, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, the rules were suspended and Senate bill No. 356 was ordered immediately transmitted to the House.

Senate bill No. 319, entitled "An act relating to compensation of judges of the supreme court," was read third time.

On motion of Senator Rosenhaupt, the bill was amended by striking the words "may resign" in line 2 of section 1 of the printed bill and substituting therefor the words "upon retirement."

Senator Stevenson moved that the words "twenty-four" be substituted for the word "eighteen" in line 1 of section 1 of the printed bill.

Senator Rosenhaupt moved as a substitute that the word "fifteen" be substituted for the word "eighteen" in line 1 of section 1 of the printed bill.

The substitute motion failed to carry.

The motion of Senator Stevenson was lost.

On motion of Senator Rosenhaupt, the word "and" in line 3 of section 1 was stricken.

Senator Brown moved that the words "one-fourth" be substituted for the words "one-half" in line 4 of section 1 of the printed bill.

The motion was lost.

The previous question was demanded by Senators Metcalf, Booth and Williams.

The motion for the previous question carried.

The secretary called the roll on final passage of Senate bill No. 319, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Booth, Bryan, Cameron, Cotterill, Fatland, Graves, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Rosenhaupt, Rydstrom, Smith, Stewart—23.

Those voting nay were: Senators Arrasmith, Blair, Brown, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Minkler, Potts, Roberts, Smithson, Stevenson, Williams, Mr. President—16.

Those absent or not voting were: Senators Knickerbocker, Presby, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Rosenhaupt, the rules were suspended and Senate bill No. 319 ordered immediately transmitted to the House.

Senate bill No. 61, entitled "An act to create a state fish hatchery on the Bryant Spring, in Walla Walla county, etc.," was placed on its third reading.

On motion of Senator Paulhamus, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 61.

The bill was considered in the Committee of the Whole, Senator McGregor in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator McGregor, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended and the reading of the bill had in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 61, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Stewart—28.

Those voting nay were: Senators Cameron, Fatland, Smith, Stevenson, Williams, Mr. President—6.

Those absent or not voting were: Senators Bassett, Booth, Graves, Huxtable, Knickerbocker, Presby, Smithson, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Nichols withdrew his notice of motion to reconsider the vote by which House bill No. 53 passed the Senate.

Senate bill No. 213, "An act relating to the adulteration of foods, drinks and drugs, and amending chapter 211 of the Session Laws of 1907," was read the third time.

By unanimous consent, Senate bill No. 213 was held over for the present.

Senate bill No. 255, entitled "An act relating to the sale and fixing the standard of purity of agricultural seeds, and providing penalties for violation thereof," was read the third time.

On motion of Senator Paulhamus, the bill was amended in section 3, line 7, by changing the period to a comma and inserting the words "August flower and Russian thistle."

The secretary called the roll on final passage of Senate bill No. 255, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Smith, Smithson, Stewart, Mr. President—29.

Those voting nay were: Senators Fishback, Rydstrom, Stevenson, Williams—4.

Those absent or not voting were: Senators Bassett, Blair, Cox, Davis, Graves, Knickerbocker, Myers, Presby, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 273, entitled "An act relating to the sale of fertilizers, and fixing a penalty for the violation thereof," was placed on third reading.

The secretary called the roll on final passage of Senate bill No. 273, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Roberts, Smith, Smithson, Whitney, Williams, Mr. President—29.

Those voting nay were: Senators Fishback, Rydstrom, Stevenson—3.

Those absent or not voting were: Senators Booth, Bryan, Cameron, Graves, Knickerbocker, Minkler, Potts, Presby, Rosenhaupt, Stewart—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 282, entitled "An act to amend chapter 37 of the Session Laws of 1907, being 'An act to provide for the state depositaries and regulate the deposit of statements therein, etc.," was read the third time.

The secretary called the roll on final passage of Senate bill No. 282, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Kline, McGregor, Metcalf, Myers, Nichols, Piper, Roberts, Rydstrom, Smith, Smithson, Stevenson, Williams, Mr. President—27.

Those absent or not voting were: Senators Booth, Cameron, Graves, Hutchinson, Huxtable, Knickerbocker, McGowan, Minkler, Paulhamus, Polson, Potts, Presby, Rosenhaupt, Stewart, Whitney—15.

The secretary called the roll on the emergency clause to Senate bill No. 282, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis,

Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, McGregor, McGowan, Metcalf, Myers, Nichols, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—33.

Those absent or not voting were: Senators Booth, Cameron, Huxtable, Knickerbocker, Minkler, Paulhamus, Presby, Rosenhaupt, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 129, entitled "An act amending section 8068 of Pierce's Washington Code, entitled 'An act giving honorably discharged Union soldiers and sailors a preference to all public employment and appointments in this state, etc.,'" was read the third time.

The secretary called the roll on final passage of Senate bill No. 129, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Roberts, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—29.

Those absent or not voting were: Senators Bassett, Booth, Falconer, Hutchinson, Huxtable, Knickerbocker, Paulhamus, Polson, Potts, Presby, Rosenhaupt, Smithson, Whitney—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 263, entitled "An act providing the rate of interest to be paid on bonds of Jefferson county, etc";

House bill No. 79, "An act to prevent the firing of guns, entrapping and shooting, snaring or maiming birds on Lake Washington, etc.";

House bill No. 239, "An act to amend section 5 of an act for the protection of persons working in coal mines";

House bill No. 230, "An act providing for the conveyance by boards of county commissioners of rights-of-way, etc.";

House bill No. 116, "An act regulating the business of fire insurance";

House bill No. 33, "An act relating to the construction of an armory at Bellingham, etc.";

House bill No. 281, "An act regulating the sale and manufacture of shoddy, etc.";

House bill No. 179, "An act for the relief of Kittitas county";

House bill No. 269, "An act regulating the use of lamps in coal mines";

House bill No. 125, "An act to enable counties, cities and towns to consolidate";

House joint memorial No. 7, "Relating to the protection of the American elk";

House joint memorial No. 6, "Relating to the extension of state road No. 5 through the Rainier forest reserve";

Senate bill No. 234, "An act relating to and authorizing the collection of assessments for local improvements, etc.";

Senate bill No. 33, "An act to encourage county agricultural associations, fairs, etc.";

Senate substitute bill No. 177, "An act relating to the superior courts of Clarke, Cowlitz, Skamania and other counties";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The House has passed Senate substitute bill No. 121, entitled "An act relating to the sale of spirituous, malt, fermented and other intoxicating liquors and providing a penalty for the violation of the provisions hereof, with the following amendments:

Strike out all after the enacting clause, being sections one (1) to twenty (20) inclusive, and insert in lieu thereof the following:

"Section 1. For the purpose of an election upon the question of whether the sale of intoxicating liquors shall be permitted as herein-after provided for, there shall be the following units of territory, to-wit: Each city of the first, second, third and fourth class; each unclassified city having a population of more than one thousand; each county not containing any city of the first, second, third or fourth class, nor any unclassified city having a population of more than one thousand; and that portion, considered as a whole, of each county containing any such city, cities or fourth class towns outside of its or their boundary lines. Each subdivision of territory as above shall be a unit to itself and may vote as such upon the question of the sale of intoxicating liquor within its boundaries.

"Sec. 2. Within any unit hereinbefore created, a special election may be held upon the question of whether the sale of intoxicating liquor shall be permitted within that unit, upon compliance with the

conditions hereinafter prescribed; thereafter no election upon the question of the sale of intoxicating liquor shall be held except on the day of the general county election. In the event that a special election is held in any unit hereunder, no other election under the provisions of this act upon the question of the sale of intoxicating liquor within such unit shall be held prior to the day of the general county election of 1910, and thereafter at the said general election biennially.

"Sec. 3. Any unit hereby created may hold a special election upon the question of whether the sale of intoxicating liquor shall be permitted within the boundaries of such unit, upon the filing with the clerk of any city or town unit, or the county auditor of any county unit, of a petition subscribed by qualified electors of the unit equal in number to at least thirty per cent. of the electors voting at the last general election within such unit. Such petition shall designate the unit in which the election is desired to be had, the date upon which the election is desired to be held, and the question that is desired to be submitted. The persons signing such a petition shall state their postoffice address, the name of the precinct in which they reside, and in case the subscriber be a resident of a city, the street and house number, if any, of his residence, and the date of signature. Said petition shall be filed not less than sixty days nor more than ninety days prior to the date upon which the election is desired to be held. No signature shall be valid unless the above requirements are complied with, and unless the date of signing the same is less than ninety days preceding the date of filing. No signature shall be withdrawn after the filing of such petition. Every signature appended to such petition shall be presumed to be genuine and validly affixed to such petition unless the genuineness and validity of the names subscribed thereto, or some of them, be attacked by a proper proceeding in a court of competent jurisdiction, by a qualified elector of the unit in which the election is sought to be held, within ten days after the filing of such petition. Any proceeding to test the genuineness or validity of any signature to any such petition shall be speedily heard by the court, and its decision therein shall be conclusive, and no appeal shall lie therefrom. Such petition may consist of one or more sheets and shall be fastened together as one document, filed as a whole, and when filed shall not be withdrawn or added to. Such petition shall be a public document and shall be subject to the inspection of the public. Upon the request of anyone filing such a petition and paying or tendering to the city or town clerk or county auditor one dollar for each one hundred names, or fraction thereof, signed thereto, together with a copy thereof, said clerk or county auditor shall immediately compare the original and copy and attach to such copy and deliver to such person his official certificate that such copy is a true copy of the original, stating the day when such original was filed in his office, and said officer shall furnish, upon the demand of any person, a copy of said petition, upon payment of said fees as above provided for.

"Sec. 4. Upon the filing of a petition as hereinbefore provided, the city or town clerk or county auditor with whom it is filed shall, in not

less than thirty days nor more than sixty days thereafter, cause notice of such election to be given, by publishing in not less than one, nor more than three daily or weekly newspapers having a general circulation in the unit within which the election is desired to be held, a notice stating the question that is to be submitted, the unit in which it is to be submitted, and the date for which the election is called. Such notice shall be published in each consecutive issue of such newspaper thereafter until the date of the election, if the paper in which the publication is made be a weekly paper, and not less than fifteen times, if the paper in which the publication is made be a daily paper. All provisions of the general election law relative to the designation of election officers, printing of ballots and designation of voting places, the conducting of elections and the return and canvass of votes, shall govern any special election held hereunder. The persons filing any such petition, and any organization or organizations opposed to the side represented by the petitioners, may each, within ten days prior to the holding of such election, file with the city or town clerk, if the unit where the election is to be held is a city or town, or with the county auditor, if such unit is a county, the names of two persons, one to act as challenger and one as a watcher at each precinct in the unit, and the challengers and watchers of the opposing interests shall have the right to be present in the polling room and exercise the powers which are conferred upon challengers by law. A certificate signed by the city or town clerk or the county auditor, as the case may be, certifying that any person is a challenger or watcher, duly designated as such, for the precinct in which he assumes to act, shall be sufficient evidence of his right to act as such.

“Sec. 5. The ballot to be used at any such election shall be of suitable size and proper paper, and shall have at the top thereof the question printed, “Shall the sale of intoxicating liquor be licensed within the (insert the name or description of the city, town or county unit in which the vote is to be taken)?” Immediately below said question shall be placed the alternative answers one above the other:

“For license
 “Against license

—each of said alternatives being followed by a square of convenient size. Persons desiring to vote in favor of licensing the sale of intoxicating liquor within the unit in which the election is to be held shall mark a cross within the square following the words “For license,” and those desiring to vote against the licensing of the sale of intoxicating liquor within said unit shall mark a cross in the square following the words “Against license,” and the ballots shall be counted accordingly.

“Sec. 6. The returns of any such election shall be canvassed in the manner provided by law for other city, town or county elections, and after such canvass the city or town clerk or county auditor, as the case may be, shall publicly certify the result of the election, and shall cause

notices of such result to be published in some newspaper circulating in the unit in which the election was held, within ten days after said canvass is completed, and shall record in a well bound book, to be kept in his office by him and his successors, the result tabulated by precincts of said vote; and said result may be proved in all courts and in all proceedings by such record or by the official certificate of such city or town clerk or county auditor, and where such a record or certificate shows that a majority of the qualified electors voting on said question voted "For license," the same shall be conclusive evidence that the political unit (city, town or county) to which such vote was applicable has voted in favor of licensing the sale of intoxicating liquor, unless the official certificate of the city or town clerk or county auditor shall be reversed after a contest of the election in accordance with the provisions of section 22 of this act. Thereupon, if the majority of the qualified electors voting upon said question at said election shall have voted in favor of the sale of intoxicating liquor within the unit in which the election was held, the sale of intoxicating liquor may be continued under license as theretofore, if it was theretofore licensed and sold within such unit: *Provided*, That no license for the sale of intoxicating liquors shall be granted to any person who is not of good moral character and is not a citizen of the United States; and if the sale of intoxicating liquor was not theretofore licensed within such unit, it shall be within the power of the city or town council or of the board of county commissioners, acting within the provisions and requirements of state laws or city or town charters, as the case may be, to issue licenses for the sale of intoxicating liquor within such unit, but such licenses shall not be granted to be in force earlier than January 1st following the vote at a general county election. If the majority of the qualified electors voting on such question at any such election shall have failed to vote "For license" the same shall be conclusive evidence that the political unit to which such vote was applicable has voted against the sale of intoxicating liquors within such unit, and, thereupon, ninety days after the day of such election, in the case of a special election, and on the first day of January following any general county election at which a vote has been taken under this act, such result shall become operative, and no intoxicating liquor, save as hereinafter provided, shall be sold within that unit until permission so to do be granted at an election held for that purpose under the provisions of this act. When a majority of the qualified electors in any unit wherein intoxicating liquor has theretofore been sold and licenses have been issued by the city council or by the board of county commissioners under existing laws shall fail to vote in favor of the sale of intoxicating liquor within such unit, upon such vote becoming operative as herein provided, the city or town council or the board of county commissioners, as the case may be, shall return to each person holding a valid, unexpired license for the sale of intoxicating liquor ninety per cent. of the unearned portion of the license fee which shall have been paid to such city, town or county.

"Sec. 7. At any election which shall be held under this act on the day of the general county election there may be submitted to the qualified electors of any unit the question whether the sale of intoxicating liquor shall be licensed and permitted therein. The method of procuring the submission of such question at any such election shall be the same as that prescribed for procuring the submission of such question at the special election hereinbefore provided for, and all provisions as to the manner of holding the special election, the ballots, the manner of counting the votes, the return and canvass shall, so far as applicable, govern in the submission of such question at the general election. The petition for the submission of such question at a general election shall state the general election at which it is to be submitted. The ballot to be voted upon that question shall be a separate ballot, but the election officers acting at the general election shall act as the election officers upon the election on the submission of such question, but they shall keep the ballots cast on such question in a separate ballot box, and shall make a separate canvass and return of the vote on that question, as though the vote were at a special election: *Provided, however,* That where any special election is held as hereinbefore provided, the question may not be submitted at a general election prior to the time provided in section 2 hereof. The result of the vote upon the question of licensing the sale of intoxicating liquor at any general election shall be publicly certified and shall have the same effect as hereinbefore prescribed in the case of a special election.

"Sec. 8. It shall be the duty of the city or town clerk or the county auditor, as the case may be, to furnish all ballot boxes, ballots, poll books and other necessary supplies for the holding of any special or general election hereunder, and the expense thereof, as well as the expenses of the election officers and other necessary expenses of the election, including all official publications herein required, shall be paid in the same manner that the expenses of general elections in any such city, town or county are paid. Voters at any such election shall have the same qualifications as voters at general elections, and the city clerk shall furnish to the election officers registration books showing the names of persons who are registered to vote thereat.

"Sec. 9. Whenever a majority of the qualified electors voting upon said question in any unit hereinbefore created, at an election held for that purpose, shall have failed to vote "For license" and it shall thereby have been decided by said vote that intoxicating liquor shall not thereafter be sold within that unit, and the city or town clerk or county auditor, as the case may be, shall have made public certificate of the result of such election, it shall not be lawful to grant or issue, or cause to be granted or issued, any license for the sale of intoxicating liquor within said unit; and after the lapse of ninety days from any special election or after the first day of January next following any general county election at which a vote has been taken, it shall not be lawful to sell, give away or in any manner dispose of intoxicating liquor, in any quantity whatever, within the limits of the unit in which the

election was held: *Provided*, That the words 'give away' shall not be construed to prohibit the giving of intoxicating liquor to guests by a person in his private dwelling or private apartments, unless such dwelling or apartments shall become a place of public resort. The phrase 'intoxicating liquor' as used in this act shall be construed to include whiskey, brandy, rum, wine, ale, beer or any spirituous, vinous, fermented, malt or any other liquor containing intoxicating properties, whether medicated or not, and which is capable of being used as a beverage, except preparations compounded by a registered pharmacist, the sale of which would not subject him to the payment of the special liquor tax required by the laws of the United States.

"Sec. 10. Within ten days after the date when the result of any election* under this act has become operative, every retail liquor dealer, except druggist, trafficking personally or by agent within any unit which shall have voted against the licensing of the sale of intoxicating liquor therein, shall remove, or cause to be removed, all intoxicating liquor from his place of business, its appurtenances or dependencies; and failure so to do shall be *prima facie* evidence that such liquor is kept therein for the purpose of being sold, given away or otherwise disposed of in violation of the provisions of this act.

"Sec. 11. Whoever shall, either as principal, agent, clerk or servant, directly or indirectly, sell, barter, exchange, give away or otherwise dispose of any intoxicating liquor in any quantity whatever, within the limits of a unit which has, by its vote, decided against the licensing of the sale of intoxicating liquor, or who shall keep or have in his possession any intoxicating liquor with intent to sell, give away or otherwise dispose of such liquor in violation of the provisions hereof, shall, upon conviction thereof, be fined not less than twenty dollars nor more than two hundred dollars, or be imprisoned in the county jail for not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment. Any person convicted of the violation of any provisions of this act who shall subsequently violate any provision hereof shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail for not less than ten days nor more than ninety days. If thereafter he shall again violate any provision of this act, for such third and each subsequent violation he shall, upon conviction thereof, be fined not less than two hundred dollars nor more than one thousand dollars, and be confined in the county jail for not less than three months nor more than one year. Prosecuting attorneys and justices of the peace having knowledge of any previous conviction of any person accused of violating the provisions hereof shall, in preparing warrants, informations or indictments for such offense or offenses, allege such previous conviction therein, and a certified transcript from the docket of any justice of the peace, or a certified copy of the record under seal of the clerk of any court of record, shall be sufficient evidence of any previous conviction or convictions of violations of this act.

"Sec. 12. The giving away, delivering or handling of any intoxicat-

ing liquor by any storekeeper at any place of business, or the taking or soliciting of orders, or the making of agreements for the sale or delivery, or for the giving away, of any intoxicating liquor within the limits of a unit which shall have voted against licensing the sale of intoxicating liquor therein, or any other device to evade the provisions hereof, shall be deemed an unlawful sale of intoxicating liquor, and any person guilty thereof shall be punished as provided in the preceding section.

"Sec. 13. All places where intoxicating liquor is sold in violation of the provisions of this act are common nuisances, and may be abated as such, and upon conviction of the keeper of any such place of the sale of intoxicating liquor in violation of the provisions hereof, the court shall order that such nuisance be abated and that such place be closed until the keeper, owner, lessor, lessee or other person occupying the same shall give bond with a sufficient surety to be approved by the court making the order in the penal sum of one thousand dollars, payable to the State of Washington, conditioned that intoxicating liquor will not thereafter be sold therein contrary to the law, and will pay all fines, costs and damages assessed against him for any violation thereof, and in case of violation of any condition of the bond the whole amount may be recovered as a penalty for the use of the county, city or town wherein the premises are situated.

"Sec. 14. The county commissioners of any county are hereby authorized to use any part of the penalties collected for the violation of this act for the purpose of employing persons to secure evidence for the enforcement of the same, and when there are no funds available from penalties collected for the violation of this act, the county commissioners or city or town council may appropriate a sum not exceeding two hundred dollars annually from the general fund of the county, city, or town for the purpose of enforcing its provisions.

"Sec. 15. Any city or town clerk, county auditor, inspector, judge of election, police officer or other officer of the law who shall wilfully refuse or neglect to discharge any duty imposed upon him by the provisions of this act, and anyone who signs any petition provided for herein, knowing he is not qualified so to sign, or who files with the city or town clerk or county auditor any petition or sheet or part thereof, knowing that it contains the signature of a person not qualified to sign the same, or any forged or fraudulent signature, or who unlawfully signs such petition, or who receives, requests, demands or gives, offers or promises any reward for the signing or the refraining from signing of any such petition, or who, by treating or giving of intoxicating liquor or anything else of value, or by threats to injure the person or property of another, or by betting or other device, either directly or indirectly influences or attempts to influence anyone to sign or refrain from signing any such petition or to withdraw his name from the same shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned in the county jail for not less than ten

days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court. If any person shall be convicted of violating any provisions of this section, and shall subsequently again violate any provision hereof, he shall, upon conviction thereof, be fined not less than twenty dollars nor more than two hundred dollars, and be imprisoned in the county jail for not less than ten days nor more than ninety days.

"Sec. 16. It shall be unlawful for any physician to issue a prescription for intoxicating liquor except in writing or in any case unless such physician has good reason to believe that the person for whom it is issued is actually sick and the liquor is required as medicine. Every prescription for intoxicating liquor shall contain the name and quantity of liquor prescribed, the name of the person for whom prescribed, the date on which the prescription is written and directions for the use of the liquor so prescribed. Every physician issuing a prescription in violation of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars. Any person who knowingly makes false statements to a physician or druggist for the purpose of wrongfully obtaining intoxicating liquor shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than two hundred dollars, and imprisoned in the county jail not longer than ninety days.

"Sec. 17. Nothing in this act shall be construed to forbid or prevent the sale within any unit which has voted against the sale of intoxicating liquor therein, by a druggist or pharmacist, of liquor upon prescription for medical purposes, or for sacramental purposes, or of alcohol for medicinal, mechanical or chemical purposes only, and any such liquor so sold shall not be drunk upon the premises under any circumstances. Any druggist or pharmacist selling liquor for the purposes above provided shall keep a true and exact record, in a book provided by him for that purpose, in which shall be entered at the time of every sale of intoxicating liquor made by him, or in or about his place of business, to any person whatsoever, the date of the sale, the name of the purchaser, his residence (stating the street and house number if there be such), the kind, quantity and price of such liquor, the purpose for which it is sold, and when the sale is for medicinal purposes the book shall also contain the name of the physician issuing the prescription therefor. Such entry shall be signed by the person purchasing the liquor. Every prescription for the sale of such liquor shall be canceled by writing the word 'canceled,' and the date on which it was presented and filled, and shall be kept on file, and no such prescription shall be filled the second time. This book and all prescriptions for intoxicating liquor filled shall be open to inspection by any prosecuting attorney of the county in which the liquor was sold, judge or justice of the peace having criminal jurisdiction therein, or any sheriff, constable, marshal or other police officer within such

county. Any druggist or pharmacist who shall fail to keep such record, or who shall destroy or alter in any way any such record or entry therein, or any prescription filled, or permit or procure the same to be destroyed or altered, or refuse inspection thereof to any person entitled to demand such inspection, or shall fail to cancel any such prescription, or shall refill any prescription, or shall sell intoxicating liquor for medicinal purposes except on a written prescription, or for sacramental purposes without an order signed by a clergyman, shall, for each such act, be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each such offense: *Provided*, That nothing herein contained shall be construed to prohibit the sale by a druggist or pharmacist of such intoxicating liquor as may be needed by or for a sick person in case of extreme illness where delay may be dangerous to the patient. No druggist or pharmacist who has been convicted of selling intoxicating liquor or of any other act in violation of this section shall thereafter sell intoxicating liquor for any purpose whatsoever, either personally or by agent, for two years within any unit in which the sale of intoxicating liquor is forbidden, and upon a second conviction for a violation of the provisions of this section such druggist or pharmacist shall forfeit his right to practice pharmacy, and the justice of the peace or superior judge before whom such druggist or pharmacist is convicted of a second violation of this act shall so order, and send a copy of such order to the board of pharmacy, who, upon receipt of such order, shall forthwith revoke such license, and no other license shall be issued by the board of pharmacy to any person so convicted, within one year from the date of such revocation.

"Sec. 18. It shall be unlawful for any person, or public or private carrier, to accept or receive for shipment, transportation or delivery to any person or place within any unit in which the sale of intoxicating liquor is forbidden under the provisions of this act, or to carry, bring into or transfer to any other person, carrier or agent, or handle, deliver or distribute in any such unit any intoxicating liquor of any sort or character whatsoever; and whoever shall, either as principal, agent or servant, knowingly violate any of the provisions of this section shall, upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars, and upon a subsequent violation of this section, in addition to the fine hereinbefore prescribed, he shall, if a natural person, be imprisoned in the county jail for not less than thirty days nor more than six months: *Provided, however*, That nothing herein contained shall be construed to apply to any individual who may bring into such unit upon his person or as his personal baggage and for his private use intoxicating liquor in quantity not to exceed one gallon of spirituous liquor or one case of malt liquor, nor to physicians or druggists to whom any public carrier may deliver such goods in unbroken packages, nor to deliveries to churches or the proper officers thereof of wine in unbroken packages for sacramental purposes, nor to shipments or deliveries at residences which are not places of

business or of public resort, by manufacturers or wholesalers in their own conveyances, or by any common carrier or otherwise, any unbroken packages of liquor, nor to shipments of liquor in continuous transit to a point outside of such unit, nor to shipments of commercially pure alcohol for mechanical or chemical purposes. This section shall apply to all packages of intoxicating liquor, whether broken or unbroken, and the carrying into or delivery of each such package of intoxicating liquor, regardless of the name by which it may be called, accepted, received, carried, transferred, handled, delivered or distributed in violation of the provisions of this section, shall constitute a separate offense, and any liquor so carried or delivered shall be forfeited and shall be destroyed by the officer seizing the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture of intoxicating liquor from the raw material in any no-license unit, nor the delivery of the same.

"It is further expressly provided that no provision of this section is intended or shall be construed to violate or be in conflict with any provision of the constitution and laws of the United States respecting interstate commerce, but this section and all parts of the same are intended to prohibit the acceptance, receiving, carrying, transferring, handling, delivery or distribution, as herein provided, of intoxicating liquor to such extent only as the same is not expressly permitted under the constitution and laws of the United States.

"If any provision of this section shall be held to be void or unconstitutional, it is hereby provided that all other portions of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

"Sec. 19. Prosecutions for violations of this act may be by information or indictment. In any such prosecution it shall not be necessary to state the kind of intoxicating liquor sold, nor to describe the place where sold, nor to show the knowledge of the principal in order to convict for the acts of an agent or servant, nor to state the name of any person to whom such liquor is sold, nor to set forth the evidence showing that the required number of qualified electors petitioned for the submission to the electors of the question whether intoxicating liquor should be sold in the unit where the violation is alleged to have occurred, nor that a majority of the qualified electors voted against the sale of liquor within such unit, but in all cases it shall be sufficient to state that the act complained of was committed in a unit in which the sale of intoxicating liquor was prohibited, and that such act was then and there prohibited and unlawful.

"Sec. 20. The issuance of an internal revenue special tax stamp or receipt by the United States to any person as a retail dealer in intoxicating liquor at any place within a unit in which, at the time of the issuance thereof, the sale of intoxicating liquor was forbidden, shall be *prima facie* evidence of the sale of intoxicating liquor by such person at such place, or at any place of business of such person within the unit where such stamp or receipt is posted if, at the time, the stamp

or receipt is in force and effect: *Provided*, That this section shall not apply to wholesalers, manufacturers or druggists.

"A copy of any such stamp or of the records of the United States internal revenue office, certified to by any United States internal revenue officer, or assistant, having charge of such records or stamps, which shows that the United States special liquor tax has been paid by any person charged with selling, giving away or otherwise disposing of intoxicating liquor in violation of this act in any unit in which, at the time of issuance of said special liquor tax stamp, the sale of liquor was prohibited, shall be competent and *prima facie* evidence that the person whose name appears on said records or stamp, as shown by said certified copy, has paid the special liquor tax for the time stated therein.

"Sec. 21. Any city or town which, under the provisions of its charter, may possess the power to vote upon the question of the issuance of licenses for the sale of intoxicating liquor within its limits may proceed to secure such vote and the results thereof under the provisions of such charter, or may apply the provisions of this act, as the petitioners in any such city may elect.

"Sec. 22. That any five qualified electors of any unit in which an election shall have been held as provided for in this act may, within ten days after the canvass of the returns of such election and upon filing a bond for costs in a penalty to be fixed by the presiding judge, and with a surety or sureties to be approved by him, contest the validity of such election by filing a verified petition in the superior court for the proper county in which such unit is situated, setting forth the ground for the contest. Upon the filing of such petition a summons shall forthwith issue from such court, signed by a judge thereof, and shall be served by the sheriff or his deputy of the county in which said unit is situated, addressed to the city or town clerk or county auditor with whom the petition for such election is filed, notifying such clerk or auditor of the filing of such petition and directing him to appear in such court on behalf of such unit at the time named in the summons, which time shall be not less than five nor more than fifteen days after the filing of such petition. The procedure in such cases shall be the same as that provided by law for contesting an election to a public office, so far as the same is applicable. The said court shall have final jurisdiction to hear and determine the merits of such cases. Any qualified elector in the unit in which such election shall have been held may be permitted by the court in its discretion to appear in person or by attorney, in any such contested election case, in defense of the validity of such election.

"Sec. 23. Nothing in this act shall be construed to repeal or affect the operation of any existing laws of the State of Washington, whereby the licensing and sale of intoxicating liquor is prohibited within certain specified areas surrounding certain state institutions and also within one mile outside of each incorporated city or town in the state, but said prohibitory laws shall continue in full force and effect."

Amendment to title:

Strike out the title and insert in lieu thereof the following: "An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder, defining offenses hereunder, and providing penalties therefor."

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Stevenson, the rules were suspended and all bills passed by the Senate thus far were transmitted to the House immediately.

On motion of Senator Williams, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 42, entitled "An act to establish and maintain a home for the indigent blind, aged and infirm, and making appropriations therefor."

The bill was considered in the Committee of the Whole, Senator Roberts in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments:

In section 7, line 1, after the word "of" strike the words "two hundred" and insert in lieu thereof the word "five."

In section 8, line 1, after the word "receive" strike the balance of the line, and line 2 up to and including the word "to."

On motion of Senator Roberts, the report of the Committee of the Whole was adopted.

On motion of Senator Williams, the rules were suspended, the reading of the bill had in the Committee of the Whole considered the third reading of the bill and the bill placed on final passage.

The secretary called the roll on final passage of Senate bill No. 42, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—31.

Voting nay: Senator Arrasmith—1.

Those absent or not voting were: Senators Booth, Davis,

Hutchinson, Huxtable, Kline, Knickerbocker, Presby, Rosenhaupt, Stevenson, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Potts withdrew his notice of motion to reconsider the vote by which Senate bill No. 335 passed the Senate.

On motion of Senator Nichols, the rules were suspended and Senate bill No. 335 and Senate bill No. 42 were ordered transmitted to the House immediately.

Senate bill No. 344, entitled "An act disclaiming title and interest in certain land in Snohomish county," was read the third time.

The secretary called the roll on final passage of Senate bill No. 344, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, McGregor, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—33.

Those absent or not voting were: Senators Booth, Davis, Huxtable, Knickerbocker, McGowan, Paulhamus, Presby, Rosenhaupt, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate substitute bill No. 65, entitled "An act relating to bills of lading," was placed on third reading.

The secretary called the roll on final passage of Senate substitute bill No. 65 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—35.

Those absent or not voting were: Senators Booth, Huxtable, Knickerbocker, Nichols, Presby, Rosenhaupt, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The House has passed Senate engrossed bill No. 233, entitled "An act requiring bonds from contractors contracting to do public work, etc.," with the following amendment: In line 7, section 1 of the printed bill, the same being in line 11 of the Senate engrossed bill, after the word "shall" insert the words "faithfully perform all the provisions of such contract and";

Senate bill No. 14, entitled "An act authorizing and directing the commissioner of public lands to certify certain shore lands to the governor, etc.;"

House bill No. 250, entitled "An act for the relief of Fred H. Green";
And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The House has concurred in Senate amendments to House bills Nos. 357, 113, 214, 310, 157, 269.

LOREN GRINSTEAD, *Chief Clerk.*

At 12 m., on motion of Senator Eastham, the Senate took a recess until 1:30 p. m.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, March 1, 1909.

To the Honorable the Senate of the State of Washington.

GENTLEMEN: I am directed by Acting Governor Hay to advise you that he has approved Senate bills as follows:

February 11: No. 11, entitled "An act for the relief of F. J. Collier, Adams county, State of Washington, and making an appropriation therefor."

No. 30, entitled "An act for the relief of R. E. Darnell, and making an appropriation therefor."

No. 34, entitled "An act making an appropriation for the payment of sundry expenses in the office of the secretary of state."

February 13: No. 124, entitled "An act making an appropriation for maintenance of the office of the commissioner of public lands and for the payment of sundry salaries and per diem of officers and for sundry expenses of said office."

February 16: No. 2, entitled "An act providing for seven judges of the superior court of the State of Washington, in and for King county, and fixing the term of office of the additional judge appointed, and providing for the election of a judge at the general election in November, 1910, and providing for the election of seven judges at the general election in November, 1912, and every four years thereafter, and declaring an emergency."

February 17: No. 73, entitled "An act to amend chapter 135 of the Session Laws of 1907, relating to the sale and distribution of grain sacks manufactured at the State Penitentiary, and declaring an emergency."

February 23: No. 18, entitled "An act amending an act relating to the deposit of public funds in banks by the several county treasurers of the state, and declaring an emergency."

February 24: No. 106, entitled "An act to empower municipal corporations of other states to acquire title to lands and water rights within the State of Washington by purchase or condemnation for the purpose of securing or protecting their water supply and to prevent the pollution of such water supply and prescribing penalties for the violation of the provisions of this act, and declaring an emergency."

February 26: No. 77, entitled "An act making an appropriation for the payment of sundry expenses in the office of the superintendent of public instruction."

No. 52, entitled "An act to amend section 1330 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the meeting of the presidential electors."

No. 99, entitled "An act for the appropriation of money to defray the expenses of the department of the railroad commission of the State of Washington for the fiscal year ending March 31, 1909."

No. 276, entitled "An act relating to the taking of food fishes, providing a penalty for the violation thereof, amending section 3 of chapter 247 of the Session Laws of 1907, and declaring an emergency."

March 2: No. 83, entitled "An act to promote the safety of employes on railroads by requiring and compelling railroads operating in this state to use suitable and proper caboose cars as prescribed in this act, and providing a penalty for the violation of this act."

No. 126, entitled "An act to amend section 3 of an act entitled 'An act to provide for the establishment of harbor lines, survey, platting

and appraisal of shore lands of the first class of Lakes Washington and Union, in King county, Washington, the sale and disposition of said shore lands, the creation of the Alaska-Yukon-Pacific Exposition fund and declaring an emergency,' approved February 4, 1907, and declaring an emergency."

No. 93, entitled "An act to establish retaliation and reciprocation between this state and others of the United States as regards insurance companies of such respective states."

No. 157, entitled "An act relating to the adulteration of foods, drinks and drugs, and amending section 9 of chapter 211 of the Session Laws of 1907."

No. 29, entitled "An act relating to the collection of assessments for local improvements and amending section 1 of chapter 70 of the Session Laws of 1907, and declaring an emergency."

No. 88, entitled "An act providing for and regulating the assignment of wages to be earned in the future."

No. 48, entitled "An act relating to actions brought to recover possession of real estate and amending section 5518 of Ballinger's Annotated Codes and Statutes of Washington."

No. 172, entitled "An act relating to hotels, inns and public lodging-houses, creating the office of state hotel inspector, and providing penalties for the violation thereof, and making an appropriation therefor."

No. 127, entitled "An act to authorize the boards of regents of the University of Washington and the State College of Washington to apply for participation in the fund of the Carnegie foundation for the advancement of teaching."

No. 102, entitled "An act to prohibit the throwing and placing of bottles, glass, glassware, tacks and nails in any road or highway in the State of Washington, and prescribing a penalty for the violation thereof."

February 26: No. 198, entitled "An act increasing the number of judges of the supreme court of the State of Washington, providing for the court *en banc* and for separate departments of such court, for the holding of terms thereof, for the method of hearing and determining causes therein, authorizing the making of such rules, and declaring an emergency."

Respectfully,

HOWARD G. COSGROVE, *Secretary to the Governor.*

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate bill No. 380, entitled "An act prohibiting the sale or disposition of intoxicating liquors on boats and in certain other places, and prescribing penalties," have had the same under consideration, and we respectfully

report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, Chas. E. Myers, J. A. Falconer, D. H. Cox.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred engrossed House bill No. 264, entitled "An act to regulate, restrain, license, or prohibit the maintenance or running of pool halls, billiard halls, and bowling alleys outside of incorporated cities and towns," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, Chas. E. Myers, J. A. Falconer, D. H. Cox.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred House bill No. 349, entitled "An act for the prevention of fraud by publishing or advertising, and providing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, Chas. E. Myers, J. A. Falconer, D. H. Cox.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred engrossed House bill No. 326, entitled "An act to prohibit the maintaining of a bucket shop, office, store, or other place wherein is conducted or permitted the pretended buying or selling of the shares of stock of corporations, or grain, provisions, cotton or other commodity or personal property either on margin or otherwise, without any intention of receiving or paying for the property so bought, or delivering the property so sold, defining a bucket shop, and providing a punishment

for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, Chas. E. Myers, J. A. Falconer, D. H. Cox.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Public Morals, to whom was referred Senate concurrent resolution No. 18, "Relating to race-track gambling," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

H. O. FISHBACK, *Chairman*.

We concur in this report: Geo. F. Cotterill, Chas. E. Myers, J. A. Falconer, D. H. Cox.

On motion of Senator Fishback, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on State Library, to whom was referred House bill No. 411, entitled "An act providing for the establishment and maintenance of public libraries and museums," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEORGE U. PIPER, *Chairman*.

We concur in this report: Will G. Graves, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 153, entitled "An act providing for the appointment of court commissioners and fixing their powers, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: P. L. Allen, Ralph D. Nichols, J. W. Bryan, Ralph Metcalf, W. B. Presby, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred House bill No. 184, entitled "An act amending section 3 of an act entitled 'An act amending section 29 of an act entitled 'An act amending an act entitled 'An act to provide for the assessment and collections of taxes in the State of Washington' approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97½, 119¼, 119½, 119¾, 120¼, 120½, 120¾, to said act, and declaring an emergency, approved March 15, 1899,' and amending sections 58, 83 and 104 of an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington' approved March 15, 1897,' and declaring an emergency,' approved March 9, 1903, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, Geo. F. Cotterill, E. C. Davis, J. D. Bassett, J. H. Smithson, D. H. Cox, H. H. Fatland, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 345, entitled "An act requiring the state board of tax commissioners to take charge of and superintend the enforcement of 'An act relating to the sale of intoxicating liquors, fixing the state license fee, and providing a punishment for the violation thereof,' approved March 15, 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, Geo. F. Cotterill, E. C. Davis, J. D. Bassett, D. H. Cox, J. H. Smithson, H. H. Fatland, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred House bill No. 47, entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern-keepers, livery and boarding stable keepers and other persons for herding, keeping, pasturing, feeding and caring for stock," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, Geo. F. Cotterill, E. C. Davis, D. H. Cox, J. H. Smithson, J. D. Bassett, H. H. Fatland, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred House bill No. 338, entitled "An act relating to the finances of counties and providing the time and manner in which moneys shall be paid to the county treasurer, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Ralph D. Nichols, Geo. F. Cotterill, E. C. Davis, J. H. Smithson, D. H. Cox, J. D. Bassett, H. H. Fatland, J. W. Bryan.

On motion of Senator Falconer, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1909.

MR. PRESIDENT:

We, your Committee on Mines and Mining, to whom was referred House bill No. 312, entitled "An act to amend sections 1, 2, 4, and 12 of an act relating to the proper ventilation and safety of coal mines, and prescribing the manner and appointment of inspectors," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended.

ARVID RYDSTROM, *Chairman*.

We concur in this report: A. W. Anderson, A. B. Eastham, W. H. Paulhamus, J. H. Smithson, S. T. Smith.

On motion of Senator Rydstrom, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 87, entitled "An act amending section 402a of Ballinger's Annotated Codes and Statutes of Washington, relating to the cancellation of county warrants," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: P. L. Allen, Ralph D. Nichols, J. W. Bryan, Ralph Metcalf, W. B. Presby, Harry Rosenhaupt.

On motion of Senator Graves, the report of the committee was adopted.

Senate bill No. 287, entitled "An act relating to the sale and removal of timber upon state, school or granted lands, etc.," was read third time.

Senator Falconer moved that the bill be indefinitely postponed.

Senator Falconer withdrew the above motion.

On motion of Senator Bassett, the bill was amended by striking in line 2 of section 4, beginning with the words "of any," the balance of line 2, and by striking line 3 to and including the words "sold and," and by striking after word "forester" all of line 4; strike all of line 5, and line 6 to and including the words "of such timber and," in said section 4.

Senator Minkler moved to amend the bill by adding to the end of section 4 the following:

Provided, That the provisions of this act shall not apply to any lands west of the summit of the Cascade mountains.

A roll call on the proposed amendment was demanded by Senators Graves, Minkler, Williams, Allen, Polson, Brown, Knickerbocker.

The secretary called the roll, and the amendment failed to carry by the following vote:

Those voting aye were: Senators Blair, Brown, Eastham, Falconer, Kline, Metcalf, Minkler, Polson, Rydstrom, Williams, Mr. President—11.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Myers, Nichols, Paulhamus, Piper,

Potts, Roberts, Rosenhaupt, Smith, Smithson, Stevenson, and Whitney—28.

Those absent or not voting were: Senators Booth, Presby, Stewart—3.

Senator Falconer moved that the bill be ordered re-referred to the Committee on Public Revenue and Taxation.

The motion was lost.

Senator Whitney moved to amend by adding to the end of section 4 the following:

Provided, That the provisions of this act shall not apply to that part of the State of Washington situated east of the Cascade range.

The motion failed to carry.

On motion of Senator Bassett, section 2 was stricken from the bill.

The secretary called the roll on final passage of Senate bill No. 287, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Knickerbocker, McGregor, Metcalf, Myers, Paulhamus, Potts, Roberts, Rosenhaupt, Smith, Smithson, Stevenson, Stewart—25.

Those voting nay were: Senators Allen, Brown, Eastham, Kline, McGowan, Minkler, Nichols, Piper, Rydstrom, Whitney, Williams, Mr. President—12.

Those absent or not voting were: Senators Booth, Cameron, Huxtable, Polson, Presby—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 147, entitled "An act to amend chapter 72 of the Session Laws of 1905, being 'An act to secure and perpetuate liens upon chattels for labor, etc.,'" was read third time.

On motion of Senator Graves, the bill was amended by striking the period at the end of section 1, substituting a semicolon, and adding the following:

Provided, however, That no such lien shall continue after the delivery of such chattel to its owner as against the rights of third persons who may have acquired an interest in, or the title to, such chattel in good faith for value, and without actual knowledge of the lien.

The secretary called the roll on final passage of House bill No. 147, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Voting nay: Senator Arrasmith—1.

Those absent or not voting were: Senators Booth, Minkler, Paulhamus, Presby, Smith—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 239, entitled "An act for the regulation of public warehouses," with the following amendments: Amend by striking from the end of section 9 the following: "but in all cases the charge for handling grain or hay shall be the same at all public warehouses in the State of Washington under similar conditions." Section 13, line 9 of the original bill, strike the words "one dollar" and insert in lieu thereof the words "seventy-five cents." Section 21, line 11 of the original bill, after the word "hay" strike the words "or as he may demand";

The House has passed House bill No. 419, entitled "An act authorizing the county commissioners of any county to acquire and operate quarries for road building, etc.";

House bill No. 434, "Relating to the right of cities to exercise the right of eminent domain, etc.";

House bill No. 370, "Providing for the establishment and construction of ditches for drainage purposes";

House bill No. 150, "Granting to the United States the use of certain tide and shore lands belonging to the State of Washington";

House bill No. 134, "For the relief of Harry Lawrence of Jefferson county, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 367, entitled "An act prescribing rules and regulations for the execution of the trusts arising under an act of congress entitled 'An act for the relief of inhabitants of

cities and towns upon the public lands, etc.," was placed on third reading.

The secretary called the roll on final passage of House bill No. 367, and it passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Those absent or not voting were: Senators Allen, Anderson, Bassett, Booth, Graves, Knickerbocker, McGregor, Presby, Rosenhaupt—9.

The secretary called the roll and the emergency clause passed by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Allen, Anderson, Bassett, Booth, Graves, Knickerbocker, McGregor, Myers, Presby, Rosenhaupt—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Resolution, by Senators Myers, Arrasmith and Fishback:

Be it resolved by the Senate of the State of Washington, That the sergeant-at-arms be instructed to remove the name signs from all senators' desks.

Senator Stevenson offered as a substitute that the sergeant-at-arms be instructed to remove the name signs from the desks of the Senators on March 12, 1909.

The motion of Senator Stevenson was adopted.

On motion of Senator Hutchinson, all bills passed by the Senate up to this time were ordered transmitted to the House immediately.

Engrossed House bill No. 305, entitled "An act providing for the protection and propagation of the fishes in the waters

of the State of Washington, relating to the catching thereof, etc.," was placed on third reading.

On motion of Senator McGowan, the bill was amended as follows:

In section 1, line 13, after the words "purse seine" strike the words "gill net," and after the word "like," in same line, strike the words "net or."

On motion of Senator McGowan, the bill was amended as follows:

In line 15 of section 1 strike the word "Indian" and insert in lieu thereof the word "person" and in line 16 strike the words "the use of" and insert in lieu thereof the following: "consumption by."

On motion of Senator McGowan, the bill was amended as follows:

Provided, That there shall be a closed season for the catching of salmon in the Skagit river from July 15th to September 15th of each year hereafter: *Provided further*, That there shall be no commercial fishing hereafter in the Snohomish river above the Snohomish wagon bridge, or above tide water in the Duwamish river."

On motion of Senator Minkler, the above amendment was amended by inserting between the words "hereafter" and "*Provided*" the following:

Provided, That this provision shall not apply to persons fishing with nets the meshes of which are not less than eight and one-half inches, stretch measure.

Senator McGowan offered the following amendment:

Strike the provision which has been inserted between lines 14 and 15, section 1 of the printed bill and insert the following:

It shall be unlawful to use any purse seine or purse net longer than five hundred feet, the meshes of which are less than two and one-half ($2\frac{1}{2}$) inches stretch measure.

The amendment was adopted.

On motion of Senator McGowan, section 2, line 7, was amended by inserting after the words "Puget Sound" the following: "except as provided in section 1 of this act."

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909,

MR. PRESIDENT:

The House has passed Senate bill No. 253, entitled "An act relating to railroads, express, telephone and telegraph companies, and providing for the regulation thereof, etc.;"

Senate substitute bill No. 109, being an act entitled "An act relating to the selection, exemption and services of jurors in the superior courts of the state";

Senate bill No. 161, entitled "An act relating to jury trials in the superior court," with the following amendment: In line 4 of section 1 of the printed bill, the same being line 6 of the original bill, after the words "Section 1," strike the remainder of the section, and insert in lieu thereof the following: "In all civil actions triable by a jury in the superior court any party to the action may, at or prior to the time the case is called to be set for trial, serve upon the opposite party or his attorney, and file with the clerk of the court a statement of himself, or attorney, that he elects to have such case tried by jury. At the time of filing such statement such party shall also deposit with the clerk of the court \$12.00, which deposit, in the event that the case is settled out of court prior to the time that such case is called to be heard upon trial, shall be returned to such party by such clerk. Unless such statement is filed and such deposit made, the parties shall be deemed to have waived trial by jury, and consented to a trial by the court: *Provided*, That, in superior courts of counties of the first class, such party shall serve and file such statement, in manner herein provided, at any time not later than two days before the time the case is called to be set for trial";

Senate bill No. 359, entitled "An act for the relief of Vaugh & Morrill Co.;"

Senate bill No. 38, "Creating the office of state commissioner of health";

Senate bill No. 326, entitled "An act to prohibit the sale of intoxicating liquors to Indians," with the following amendment: In line 16 of section 1, strike the words "one-eighth" and insert in lieu thereof the words "one-half";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator McGowan, the bill was amended by inserting in section 2, line 12, after the words "Puget Sound" and before the word "between" the words "or tributary thereof."

The secretary called the roll, and House bill No. 305 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—37.

Those absent or not voting were: Senators Booth, Kline, Potts, Presby, Rosenhaupt—5.

The emergency clause to House bill No. 305 was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham; Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—37.

Those absent or not voting were: Senators Booth, Potts, Presby, Rosenhaupt, Smith—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the rules were suspended and House bill No. 305 ordered immediately transmitted to the House.

Senator Graves moved that the Senate do not concur in House amendments to Senate bill No. 300.

Senator Cotterill moved as a substitute that the Senate do concur in House amendments to Senate bill No. 300.

The secretary called the roll, and the Senate refused to concur in House amendments to Senate bill No. 300 by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Myers, Paulhamus—16.

Those voting nay were: Senators Allen, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—22.

Those absent or not voting were: Senators Booth, Presby, Rosenhaupt, Stewart—4.

Senate bill No. 367, entitled "An act providing for the establishment of certain state roads," was read third time.

The secretary called the roll on final passage of Senate bill No. 367, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Bassett, Booth, Hutchinson, Huxtable, McGowan, Presby, Rosenhaupt, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Nichols, the rules were suspended, and all bills passed by the Senate were ordered immediately transmitted to the House, except such bills as were held in the Senate by notices of reconsideration.

House bill No. 201, entitled "An act repealing section 7319 and section 7320 of Ballinger's Annotated Codes and Statutes of Washington," was read third time.

The secretary called the roll on final passage of House bill No. 201, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Graves, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—31.

Voting nay: Senator Paulhamus—1.

Those absent or not voting were: Senators Booth, Cox, Davis, Hutchinson, Huxtable, Knickerbocker, Presby, Rosenhaupt, Smithson, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 310, entitled "An act relating to the sale of lands granted for public buildings, etc.;"

The House has passed engrossed Senate bill No. 20, entitled "An act in relation to garnishments in justice courts in the State of Washington," with the following amendments: Strike section 2, and advance

each succeeding section one number. In line 2 of section 10 of the printed bill, strike the word "like"; strike also in the same line the words "as are required on the bond for the writ of garnishments." In line 12 of section 14 of the printed bill, insert a colon after the word "plaintiff," and strike the words "and the sureties on his bond" immediately following. In section 22 of the printed bill, strike all that part of said section preceding the semicolon in line 8, ending with the words "superior lien thereon." Begin the next word "where" in line 8 with a capital letter. In line 10 of section 22 of the printed bill, strike the words "and the sureties on his," and from line 11 the word "bond." In line 10 of section 24 of the printed bill, strike the words "and the sureties on his bond," and from line 11 the words "as hereinbefore provided." Strike sections 26 and 27 of the engrossed bill. In line 16 of section 24 of the original bill, strike the word "tested" and insert in lieu thereof the word "attested";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 310 was signed by the president.

Senate bill No. 284, entitled "An act granting rights-of-way to electric light, power and street railway companies, etc.," was read third time.

On motion of Senator Cotterill, the bill was amended by inserting the words "municipal corporations, or to any" between the words "any" and "electric" in line 2 of section 1 of the printed bill.

On motion of Senator Allen, the word "both," in line 4 of section 3 of the printed bill, was stricken, and the words "or to be cut, all" substituted therefor.

On motion of Senator Cotterill, the words "municipal corporation" were inserted between the words "the" and "company" in section 2, line 1, of the printed bill.

The secretary called the roll on final passage of Senate bill No. 284, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Cox, Knickerbocker, Presby, Rosenhaupt, Smithson, Whitney, Stevenson—8.

On motion of Senator Cotterill, the title of the bill was amended by inserting the words "municipal corporation" between the words "to" and "electric" in line 1 of the title of the printed bill.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 23, entitled "An act prohibiting the sale or disposition of intoxicating liquors within three miles of the boundary of any government reservation or fort where soldiers or marines are stationed," was read third time.

On motion of Senator Bryan, the bill was amended by adding to the end of section 1 the following: "or to prohibit the lawful sale of such liquors under any license granted prior to the date this act goes into effect."

The secretary called the roll on final passage of Senate bill No. 23, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, Metcalf, Myers, Paulhamus, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Stevenson—24.

Those voting nay were: Senators Allen, Eastham, Huxtable, Knickerbocker, McGregor, McGowan, Minkler, Nichols, Piper, Potts, Smith, Whitney, Williams, Mr. President—14.

Those absent or not voting were: Senators Booth, Graves, Smithson, Stewart—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bryan, the rules were suspended, and Senate bill No. 23 was ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 300, with the following amendments:

Page 4, section 25, lines 3 and 4, strike the words "of which offer or intent to defraud is an element, or of petit larceny or any crime."

Page 5, section 25, line 5, strike the word "crime" and insert in

lieu thereof the word "felony," and strike the words "burglary in the first degree."

Page 6, section 32, line 5, after the word "removal" strike the period, insert a comma, and add the following: "but whenever a change is made in the location of any such inmate, a record open to the public shall be made and the relatives of such inmate shall be notified of the change."

Page 24, section 132, line 2, strike the words and figures "or 131."

Page 24, section 133, lines 2 and 3, strike the words and figures "131 or 132," and insert the figures "130."

Page 31, section 178 (as amended by Senate), lines 6 and 7 of section 177 of the bill as printed, strike the word "may" after the word "serial," and insert in lieu thereof the word "shall"; strike the word "either," insert a period after the word "published" and strike the rest of lines 7 and 8.

Page 34, section 190, line 10, after the word "place" insert a comma and add "and in the trial of such cause, the wife shall be competent to testify, and may testify, against her husband."

Page 34, section 194, line 3, after the word "house" insert "public pool or billiard hall"; line 3, after the word "place" insert a comma and the words "except a restaurant or dining-room"; line 6, after the word "years" strike the comma and the words "unless accompanied by his parent or guardian."

Page 37, section 210, line 11, after the word "with" insert the words "advertisement for," and insert a comma.

Page 38, section 211, strike everything after the title, and substitute the following: "Every person who shall publish, and every proprietor, manager or editor who shall permit to be published in any publication whatever, and every person who shall cause to be displayed or distributed in any public manner, any card or notice advertising any treatment or cure for any venereal disease or any disease or weakness of the sexual organs caused by sexual vice or abuse, shall be guilty of a misdemeanor."

Page 39, section 218, line 7, after the word "years" strike the colon, insert a period and strike the remainder of the section.

Page 42, section 232, line 2, after the word "first" insert the words "and second."

Page 44, section 243, line 6, strike the words "any public pool or billiard hall"; line 7, strike the words "or sell or offer for sale any real estate in a public manner"; insert a semicolon after the word "property" and add "or who shall give away or serve any intoxicating liquor except in a private home."

Page 59, section 325, line 2, strike the word "or" after the word "building," insert a comma, and after the word "structure" add the words "or any of the property mentioned in section 323 hereof."

Page 66, section 361, add subdivision 5 to read as follows: "No officer or person having the custody and control of the body or liberty of any person under arrest shall refuse permission to such arrested

person to communicate with his friends or with an attorney, nor subject any person under arrest to any form of personal violence, intimidation, indignity or threats for the purpose of extorting from such person incriminating statements or a confession. Any person violating the provisions of this section shall be guilty of a misdemeanor."

Page 81, section 443, strike the section and insert the following: "Sec. 443. Prohibiting drinking in public conveyances. Every person who shall drink any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, shall be guilty of a misdemeanor."

Page 81, section 444, strike the section and insert the following: "Sec. 444. Common carrier not to permit drinking in public conveyance. Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who shall knowingly permit any person to drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, shall be guilty of a misdemeanor."

Page 81, section 445, strike the section.

Page 81, section 446, strike the section.

Number the sections to read numerically.

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 211, entitled "An act to amend section 3 of an act entitled 'An act to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness,'" with the following amendments:

In line 5 of the title of the engrossed bill, strike out the figures "28" and insert in lieu thereof the figures "22."

In line 6 of the title of the engrossed bill, after the word "act" insert the following: "to amend section 3 of an act entitled 'An act.'"

In line 7 of the title of the engrossed bill, after the word "there" insert the word "outstanding."

In line 6 of section 1, after the word "act" where it appears the second time in said line insert "to amend section 3 of an act entitled 'An act.'"

In line 16 of section 1 of the engrossed bill, strike out the word "or" where it appears at the end of said line; also in line 17 of the engrossed bill, section 1, strike out the word "warrants."

Strike section 2, and number 3 section 2.

In line 15 of the engrossed bill, section 1, strike the word "of" and insert in lieu thereof the word "or."

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president called Senator Allen to the chair.

Senate bill No. 192, entitled "An act for the relief of the Tieton Water Users' Association for work done and charged to said association on state road No. 5, etc.," was read third time.

On motion of Senator Cameron, the word "commissipner" wherever it appears in the committee amendment to the bill, was ordered stricken and the word "engineer" substituted therefor.

The secretary called the roll on final passage of Senate bill No. 192, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Anderson, Blair, Booth, Huxtable, Myers, Paulhamus, Smithson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 267, entitled "An act to amend section 1 of chapter 55 of the Session Laws of 1905, and approved March 3d, 1905, being an act entitled 'An act to enable cities of the first, second and third classes, and other cities and towns, working under special charters and of sufficient population to authorize them to incorporate under the laws of the State of Washington, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 267, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rosenhaupt, Rydstrom, Smith, Stewart, Mr. President—32.

Voting nay: Senator Williams—1.

Those absent or not voting were: Senators Anderson, Booth,

Fatland, McGowan, Paulhamus, Roberts, Smithson, Stevenson, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Cotterill gave notice of a motion to reconsider the vote by which Senate bill No. 267 passed the Senate.

Senator Bryan also gave notice of a motion to reconsider the vote on Senate bill No. 267.

Senate bill No. 185, entitled "An act to establish a state trout hatchery on the east fork of the Lewis river, in Clarke county, Washington," was placed on its third reading.

On motion of Senator Eastham, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 185.

The bill was considered in the Committee of the Whole, Senator Allen in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendment:

Add to end of section 2 of the printed bill the words "and there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of three thousand dollars to erect, equip and maintain the same for two years."

The president resumed the chair.

On motion of Senator Allen, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended, and the reading had of Senate bill No. 185 in the Committee of the Whole was considered the third reading of the bill.

On motion of Senator Eastham, the title of the bill was amended by adding thereto the words "and making an appropriation therefor."

The secretary called the roll on final passage of Senate bill No. 185, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Myers, Piper, Polson, Potts, Roberts, Rydstrom, Smithson, Whitney, Williams, Mr. President—26.

Those voting nay were: Senators Brown, Stevenson—2.

Those absent or not voting were: Senators Anderson, Booth,

Bryan, Cameron, Graves, Huxtable, McGowan, Minkler, Nichols, Paulhamus, Presby, Rosenhaupt, Smith, Stewart—14.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Piper moved that the Senate do now adjourn.

The motion was lost.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 104, entitled "An act authorizing the board of state land commissioners to sell at public auction a portion of the southeast quarter of the northwest quarter of section 16 in township 11, north of range 43 east, W. M., and declaring an emergency";

The House has failed to pass engrossed Senate bill No. 111, entitled "An act to amend section 2 of an act entitled 'An act to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and prescribing penalties for the violation thereof, chapter 109, Session Laws of 1901.'"

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 360, entitled "An act amending sections 2 and 3 of an act entitled 'An act to provide for the drainage of cities of the second, third and fourth class by the construction of sewers and drains, etc.,'" was read third time.

On motion of Senator Fishback, the numbering of the second section of the bill was corrected to read "Section 2," the word and figure "Section 3" being stricken.

The secretary called the roll on final passage of Senate bill No. 360, and it passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Brown, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Mr. President—26.

Those absent or not voting were: Senators Allen, Anderson, Bassett, Booth, Bryan, Cox, Eastham, Graves, McGowan, Myers, Paulhamus, Presby, Stevenson, Stewart, Whitney, Williams—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 382, entitled "An act changing and defining the boundary line between the thirty-second and thirty-sixth senatorial districts and between the forty-second and forty-sixth representative districts in King county," was read third time.

The secretary called the roll on final passage of Senate bill No. 382, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Williams, Mr. President—29.

Those voting nay were: Senators Falconer, Graves, Knickerbocker, Metcalf—4.

Those absent or not voting were: Senators Anderson, Booth, Cox, Eastham, McGowan, Paulhamus, Presby, Stewart, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Williams, the rules were suspended, and Senate bill No. 382 was ordered immediately transmitted to the House.

The secretary read the House amendments to Senate bill No. 346.

Senator Cameron moved that the Senate refuse to concur in the House amendments to Senate bill No. 346 and that the House be requested to recede from its amendments to the bill.

The motion carried.

Senator Bryan withdrew his notice of reconsideration of Senate bill No. 267.

Senator Cotterill likewise withdrew his notice.

On motion of Senator Bryan, the rules were suspended, and Senate bill No. 267 was ordered immediately transmitted to the House.

Senator Falconer moved that the Senate do now adjourn.

The above motion was withdrawn.

The secretary read the House amendments to Senate bill No. 239.

Senator Cox moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Piper, Polson, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Williams, Mr. President—31.

Those absent or not voting were: Senators Blair, Booth, Eastham, Graves, Minkler, Paulhamus, Potts, Presby, Roberts, Stewart, Whitney—11.

The secretary read the House amendments to Senate bill No. 211.

Senator Falconer moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Nichols, Piper, Polson, Potts, Rosenhaupt, Rydstrom, Smith, Smithson, Mr. President—30.

Those absent or not voting were: Senators Booth, Eastham, Graves, McGowan, Minkler, Paulhamus, Presby, Roberts, Stevenson, Stewart, Whitney, Williams—12.

The secretary read the House amendments to Senate bill No. 233.

Senator Cotterill moved that the Senate concur in the House amendments to Senate bill No. 233.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, Metcalf, Myers, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Mr. President—31.

Those absent or not voting were: Senators Booth, Eastham, Graves, McGregor, McGowan, Minkler, Paulhamus, Smith, Stewart, Whitney, Williams—11.

On motion of Senator Huxtable, the following resolution was adopted:

WHEREAS, H. G. Niblett and Nick Miles have performed in addition to their duties as committee clerks, additional work in assisting the minute clerk; be it

Resolved, That the pay of H. G. Niblett and Nick Miles be increased from \$4 to \$5 per day each, effective March 1, 1909.

Engrossed House bill No. 434, entitled "An act to amend section 22 of an act entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited,' approved March 13, 1907."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, and referred to the Committee on Judiciary.

Engrossed House bill No. 419, entitled "An act amending section 1 of an act approved February 18, 1907, entitled 'An act authorizing the county commissioners of any county to acquire and operate quarries of suitable road-building rock and ground containing deposits of suitable road-building gravel, and to purchase rock-crushing machinery and appliances, and declaring an emergency.'"

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, and referred to the Committee on Revenue and Taxation.

House bill No. 250, entitled "An act for the relief of Fred H. Green."

The bill was read the first time, and on motion of Senator Rosenhaupt the rules were suspended, the bill was read the second time by title, and referred to the Committee on Appropriations.

Engrossed House bill No. 150, entitled "An act granting to

the United States for public purposes the use of certain tide and shore lands belonging to the State of Washington.”

The bill was read the first time, and on motion of Senator Fatland the rules were suspended, the bill was read the second time by title, and referred to the Committee on State Granted, School and Tide Lands.

Engrossed House bill No. 370, by Committee on Dikes, Drains and Drainage, entitled “An act amending sections 20 and 21 of chapter LXVI of the Laws of 1901, entitled ‘An act providing for the establishment and construction of ditches for drainage purposes,’ approved March 8, 1901, and declaring an emergency.”

The bill was read the first time, and on motion of Senator Minkler the rules were suspended, the bill was read the second time by title, and referred to the Committee on Dikes, Drains and Drainage.

Engrossed House bill No. 134, entitled “An act for the relief of Harry Lawrence, Jefferson county, State of Washington, and making an appropriation therefor.”

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill was read the second time by title, and referred to the Committee on Appropriations.

At 5:25 p. m., on motion of Senator Falconer, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, March 6, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senator Eastham, excused.

On motion of Senator Paulhamus, the reading of yesterday's journal was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Fisheries, to whom was referred Senate bill No. 302, entitled "An act relating to the establishment of fish hatcheries on the Columbia river or its tributaries," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. S. MCGOWAN, *Chairman.*

We concur in this report: F. L. Stewart, S. T. Smith, A. B. Eastham, B. D. Minkler.

On motion of Senator McGowan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 246, entitled "An act appropriating the sum of one hundred thousand dollars for the purpose of aiding in the construction of a drift barrier in King county, Washington, at or near a point where White river departs from its old channel," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. G. POTTS, *Chairman.*

We concur in this report: J. R. Stevenson, W. H. Paulhamus, A. W. Anderson, Harry Rosenhaupt, F. L. Stewart.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Labor and Labor Statistics, to whom was referred Senate bill No. 9, entitled "An act providing for the amendment of section 1 of article 2 of the constitution of the State of Washington, relating to the legislative department, and providing for the submission of laws and other measures to a vote of the people," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman*.

We concur in this report: Joseph Arrasmith, Geo. F. Cotterill, J. A. Falconer.

We do not concur: J. R. Stevenson, A. S. Ruth.

On motion of Senator Cotterill, the report of the committee was adopted.

GENERAL FILE.

Senate bill No. 299, entitled "An act authorizing cities of the first class owning cemeteries to provide, receive and invest funds, the income therefrom to be used in the betterment, care and improvement of such cemeteries," was placed on third reading.

The secretary called the roll on final passage of Senate bill No. 299, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Cameron, Cotterill, Cox, Davis, Falconer, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—31.

Those voting nay were: Senators Bassett, Booth, Bryan, Eastham, Fatland, Huxtable, Piper, Polson, Presby, Smithson, Stevenson—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 265, entitled "An act repealing sections 4128 and 4157 of Ballinger's Annotated Codes and Statutes of Washington, and sections 5843 and 5872 of Pierce's Washington Codes, and providing for the protection of structures and appliances used for irrigation, reclamation, or power purposes, etc.," was read the third time.

On motion of Senator Cameron, section 1, line 6 of the bill was amended by inserting after the word "corporation" the words "or by the United States."

On motion of Senator Cameron, a new section was added to the bill, as follows:

"Section 5. That sections 4128 and 4157 of Ballinger's Annotated Codes and Statutes of Washington, and sections 5843 and 5872 of Pierce's Washington Code be and the same hereby are repealed."

The secretary called the roll on final passage of Senate bill No. 265, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Falconer, Fishback, Graves, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Mr. President—29.

Voting nay: Senator Williams—1.

Those absent or not voting were: Senators Booth, Bryan, Eastham, Fatland, Hutchinson, Huxtable, Knickerbocker, Paulhamus, Polson, Presby, Smithson, Stevenson—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 208, entitled "An act relating to the prevention of disease in sheep, and prescribing penalties for the violation of its provisions," was read the third time.

The secretary called the roll on final passage of Senate bill No. 208, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fishback, Graves, Hutchinson, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those voting nay were: Senators Cox, Eastham, Fatland, Huxtable, Kline, Piper, Presby, Whitney—8.

The secretary called the roll and the emergency clause to Senate bill No. 208 passed by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Davis, Falconer, Fishback, Graves, Hutchinson, Kline, McGregor,

McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—30.

Those absent or not voting were: Senators Allen, Bryan, Cox, Eastham, Fatland, Huxtable, Knickerbocker, Piper, Polson, Presby, Stevenson, Whitney—12.

On motion of Senator Metcalf, the title of Senate bill No. 208 was amended by adding at the end of the title the words "and declaring an emergency."

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, Senate bill No. 213, entitled "An act relating to the adulteration of foods, drinks and drugs, and amending chapter 211 of the Session Laws of 1907," which was read the third time yesterday, was placed on final passage.

The secretary called the roll on final passage of Senate bill No. 213, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—33.

Those absent or not voting were: Senators Allen, Booth, Cameron, Eastham, Fatland, Huxtable, Minkler, Piper, Williams—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Brown, the vote by which House bill No. 221 failed to pass the Senate was reconsidered.

On motion of Senator Cotterill, a new section was added to the bill, as follows:

"Section 6. This act shall take effect on the second Monday in January, 1911."

The secretary called the roll on final passage of House bill No. 221, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fishback, Kline, Knickerbocker, McGregor, Myers, Minkler,

Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smithson, Whitney, Williams—26.

Those voting nay were: Senators Graves, McGowan, Presby, Rosenhaupt, Smith, Stevenson, Stewart, Mr. President—8.

Those absent or not voting were: Senators Anderson, Davis, Eastham, Fatland, Hutchinson, Huxtable, Metcalf, Nichols—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Knickerbocker, a bill submitted was substituted for Senate bill No. 246, which was next on the calendar, to be known as Senate substitute bill No. 246.

Senator Stevenson moved that the Senate go into a Committee of the Whole for the consideration of Senate substitute bill No. 246.

Senator Graves moved as a substitute that the Senate go into a Committee of the Whole for the purpose of considering Senate substitute bill No. 246 and Senate bill No. 248.

The substitute motion of Senator Graves carried.

Senate substitute bill No. 246 and Senate bill No. 248 were considered in the Committee of the Whole, Senator Williams in the chair, and reported back to the Senate with the following recommendations:

That Senate substitute bill No. 246 do pass.

That Senate bill No. 248 do pass with the following amendments:

In section 1, line 2, strike the figures "\$100,000.00" and insert in lieu thereof the figures "\$50,000.00."

Make the second section 2 read section 3.

Make section 3 read section 4.

Make section 4 read section 5.

Make section 5 read section 6.

On motion of Senator Williams, the report of the Committee of the Whole was adopted.

On motion of Senator Anderson, the rules were suspended, the reading had of Senate substitute bill No. 246 in the Committee of the Whole was considered the third reading of the bill, and the bill placed on final passage.

The secretary called the roll on final passage of Senate substitute bill No. 246, entitled "An act appropriating fifty thou-

sand dollars for the improvement of the Puyallup and Stuck rivers, in Pierce county, Washington, etc.," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Bryan, Cotterill, Cox, Davis, Falconer, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Brown, Cameron, Fishback—3.

Those absent or not voting were: Senators Eastham, Fatland, Hutchinson, Huxtable, Presby, Smith, Stevenson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Anderson, the rules were suspended, the reading had of Senate bill No. 248 in the Committee of the Whole was considered the third reading of the bill, and the bill placed on final passage.

The secretary called the roll on final passage of Senate bill No. 248, entitled "An act making an appropriation and creating a commission, to be known as the Columbia river improvement commission, for the purpose of the improvement of the Columbia river between Bridgeport and Kettle Falls," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Bryan, Cotterill, Cox, Davis, Falconer, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Williams—34.

Those voting nay were: Senators Brown, Cameron, Mr. President—3.

Those absent or not voting were: Senators Eastham, Fatland, Huxtable, Smith, Whitney—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

The House has refused to recede from its amendments to Senate bill No. 300, and the speaker has appointed Messrs. Palmer, Buchanan and Sparks as a conference committee.

LOREN GRINSTEAD, *Chief Clerk.*

The president appointed as a conference committee on Senate bill No. 300 Senators Presby, Graves and Knickerbocker.

Senator Falconer moved that the Senate do concur in House amendments to Senate substitute bill No. 121. .

Senator Cotterill entered the following protest and requested that it be shown on the journal:

MR. PRESIDENT:

This is probably the closing vote in connection with the local option matter at this session. It seems apparent that the House amendments to Senate substitute bill No. 121 will be concurred in, and that it will become the law for the next two years. If this were the last legislative session to be held in this state for many years, I should be tempted to vote for this amended bill. It is probably the best compromise bill that can be wrung from the political headquarters of the combined liquor interests of this state. I have labored too long and acquired too much experience in the great struggle of the home against the saloon to accept temperance legislation with brewery modifications. Even where saloons may be outlawed under the operation of this bill—and I sincerely hope they may and shall earnestly work to that end—the brewery wagon will still have the unrestricted right-of-way for its business everywhere throughout our state, and the express companies and other delivery agencies will do an unrestrained business in “booze”; all by the direct authorization of the amended bill now before us, and regardless of the will of the majority in any locality.

This bill may still be called a “local option” bill, but it is so “local” as to permit the fourth-class town, even down to 300 population, incorporated within one square mile, to be a unit to itself, and inflict its saloons and their consequences upon an unconsenting surrounding community which supports it and of which it is only the small business center. The “option” in this bill is all on the side of the brewery. Whatever may be the vote of the people in any locality, it stays and does business and sells its product where it pleases.

This amended bill may meet the elastic requirements of a political party platform as a “reasonable” local option bill, but I do not believe it will be so received. Two years is not a long time to wait. This bill, with its compromises and concessions, compelled by the influence of the liquor interests, with its loopholes for lawbreakers injected upon de-

mand of the brewery political agents, will serve one good purpose; it will so crystalize public sentiment that a legislature will assemble here in 1911 which will not be driven into compromises or concessions, but will give the people their full right to banish the manufacture and sale of intoxicating liquors from the entire state as a single voting unit.

I have voted for one local option bill at this session, the Falconer full county-unit bill, with its thorough law-enforcement features. Every effort and energy at my command have been exhausted to secure its enactment. I am content with that record, and refuse any responsibility for the amended bill now forced upon us as this last resort. I desire this protest against it to be entered upon the record, and when the roll is called upon the question of concurrence with the House amendments, I shall vote "No."

GEORGE F. COTTERILL.

Senator Cox requested the following to be printed in the record:

OLYMPIA, WASHINGTON, March 6, 1909.

MR. PRESIDENT:

I desire to enter my protest before voting on the House amendments to Senate substitute bill No. 121, which was prepared by the friends of the liquor interests. Some ten days ago I voted against this bill, because I believed it was drawn in the interest of the breweries and liquor dealers of this state, and since that time it has been in the hands of the friends of the liquor interests and had a great many amendments made to it which this Senate refuses to allow to be considered. I believe this bill, now, has so many holes shot into it that it will neither hold water nor whiskey, and I refuse to vote on any issue without knowing what I am voting on. I was deprived of knowing what these amendments were, which have been placed there by the enemies of the temperance cause, and, believing that the temperance forces of this state will sustain me in this decision, I therefore desire to vote "No."

D. H. Cox.

Senators Booth, Brown, Nichols, Falconer, Graves, demanded the previous question.

The secretary called the roll, and House amendments to Senate substitute bill No. 121 were adopted by the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Cameron, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—35.

Those voting nay were: Senators Anderson, Brown, Bryan, Cotterill, Cox—5.

Those absent or not voting were: Senators Eastham, Huxtable—2.

On motion of Senator Knickerbocker, Senate substitute bill No. 246 was ordered printed.

Senator Knickerbocker moved that the rules be suspended and Senate substitute bill No. 246 and Senate bill No. 248 be immediately transmitted to the House.

Senator Kline moved as a substitute that all bills passed by the Senate this morning be transmitted to the House immediately.

The substitute motion of Senator Kline carried.

House bill No. 353, entitled "An act amending section 225 of Ballinger's Annotated Codes and Statutes of Washington, relating to the salary of the reporter of the supreme court," was read the third time.

The secretary called the roll, and House bill No. 353 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Bryan, Cameron, Cox, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Those voting nay were: Senators Bassett, Brown, Cotterill, Hutchinson—4.

Those absent or not voting were: Senators Booth, Davis, Eastham, Minkler, Potts—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bassett, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 362 and Senate bill No. 363.

The bills were considered in the Committee of the Whole, Senator Rydstrom in the chair, and reported back to the Senate with the following recommendations:

That Senate bill No. 363 do pass with the following amendments: In line 1, section 11, change the figures "\$60,000" to "\$120,000."

In section 1, line 7 of the printed bill, insert in the blank in the figure column the figures "\$20,000."

In section 1, line 2, strike the words and figures "five hundred and forty thousand dollars (\$540,000)," and insert in lieu thereof the words and figures "six hundred and twenty thousand dollars (\$620,000)."

That Senate bill No. 362 do pass.

On motion of Senator Rydstrom, the report of the committee was adopted.

On motion of Senator Potts, the rules were suspended, the reading had of Senate bill No. 362 in the Committee of the Whole was considered the third reading of the bill and the bill placed on final passage.

The secretary called the roll on final passage of Senate bill No. 362, entitled "An act making an appropriation for the construction of state aid roads under the provisions of chapter 150, Laws of Washington, 1907," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fishback, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—31.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Anderson, Booth, Cox, Eastham, Fatland, Graves, Knickerbocker, Presby, Rosenhaupt, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bryan, the rules were suspended, the reading had of Senate bill No. 363 in the Committee of the Whole considered the third reading of the bill, and the bill placed on final passage.

The secretary called the roll on final passage of Senate bill No. 363, entitled "An act making an appropriation for the construction and maintenance of state roads and for the examination and survey of proposed state roads and extensions thereof and apportioning such appropriation," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Booth, Cox, Eastham, Fatland, Graves, Knickerbocker, Smith—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Nichols, all bills passed by the Senate thus far this morning, except those on which notice of reconsideration had been given, were ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

The House has passed Senate engrossed bill No. 176, entitled "An act relating to disbarment and suspension of attorneys and counsellors at law";

Senate engrossed bill No. 364, entitled "An act concerning the collection of taxes between old and new counties, etc.";

Senate bill No. 228, entitled "An act providing that all claims for damages sounding in tort, etc.," with amendments: Strike from line 9 of section 1 of the original bill the words and figures "one (1) year" and insert in lieu thereof the words "six months"; strike from line 4 of the title the words "one year" and insert in lieu thereof the words "six months";

House bill No. 371, entitled "An act amending section 4391 of Ballinger's Code, etc.";

House bill No. 374, entitled "An act relating to attorneys and counsellors at law";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Resolution, by Senator Cameron:

Resolved, That the sergeant-at-arms be instructed to purchase \$1.00 worth of stamps for each member of the Senate.

Senator Cameron moved the adoption of the resolution.

Senator Potts moved as a substitute that the resolution be referred to the Committee on Public Morals.

A roll call was demanded by Senators Nichols, Smith, Potts, Kline, McGregor, Piper, Williams.

The secretary called the roll, and the motion of Senator Potts was lost by the following vote:

Those voting aye were: Senators Allen, Cameron, Davis, Kline, McGregor, Paulhamus, Polson—7.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Falconer, Fatland, Fishback, Graves, Huxtable, McGowan, Metcalf, Myers, Minkler, Nichols, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Mr. President—25.

Those absent or not voting were: Senators Booth, Bryan, Cox, Eastham, Hutchinson, Knickerbocker, Piper, Stevenson, Whitney, Williams—10.

Senator Falconer moved that the Senate take a recess until 2 p. m.

Senator Potts moved as a substitute that the Senate adjourn until 10 a. m. Monday, February 8, 1909.

The motion of Senator Potts was lost.

The motion of Senator Falconer to take a recess until 2 p. m. was put and carried.

At 12:10 p. m. the Senate took a recess until 2 p. m.

AFTERNOON SESSION.

The Senate was called to order at 2 o'clock p. m. by President Ruth.

By unanimous consent, at the request of Senator Cotterill, Senate bill No. 227 was taken up at this time.

Senate bill No. 227, entitled "An act granting to cities owning their own waterworks, electric light, or power plants, a lien for delinquent charges, and providing for the enforcement thereof," was read third time.

On motion of Senator Cotterill, the bill was amended by inserting the word "only" after the word "cities" in line 1 of section 2 of the printed bill.

The secretary called the roll on final passage of Senate bill No. 227, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—27.

Those absent or not voting were: Senators Allen, Bassett, Booth, Eastham, Graves, Huxtable, Knickerbocker, Metcalf, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Whitney—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the rules were suspended and Senate bill No. 227 ordered immediately transmitted to the House.

On motion of Senator Williams, rule No. 64 was suspended.

Senate bill No. 231, entitled "An act to amend section 32 of an act entitled 'An act to provide for laying out, establishing, altering, changing the width of, or vacating any county road, etc.,'" was read third time.

The secretary called the roll on final passage of Senate bill No. 231, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Polson, Potts, Rosenhaupt, Smith, Smithson, Stevenson, Stewart, Mr. President—28.

Those absent or not voting were: Senators Booth, Cox, Eastham, Graves, Huxtable, Knickerbocker, Metcalf, Paulhamus, Piper, Presby, Roberts, Rydstrom, Whitney, Williams—14.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Rosenhaupt, Smith, Smithson, Stevenson, Williams, Mr. President—31.

Those absent or not voting were: Senators Booth, Eastham, Graves, Knickerbocker, Metcalf, Piper, Presby, Roberts, Rydstrom, Stewart, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate substitute bill No. 249, entitled "An act authorizing cities and towns to construct, condemn and purchase, acquire, add to, maintain, conduct and operate certain public utilities, etc.," was read third time.

The secretary called the roll on final passage of Senate substitute bill No. 249, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Rosenhaupt, Smith, Smithson, Stevenson, Stewart, Mr. President—29.

Those absent or not voting were: Senators Booth, Eastham, Graves, Huxtable, Knickerbocker, McGregor, Metcalf, Piper, Presby, Roberts, Rydstrom, Whitney, Williams—13.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Rosenhaupt, Smith, Smithson, Stevenson, Stewart, Mr. President—29.

Those absent or not voting were: Senators Booth, Eastham, Graves, Huxtable, Knickerbocker, McGregor, Metcalf, Piper, Presby, Roberts, Rydstrom, Whitney, Williams—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the rules were suspended and Senate bills Nos. 249 and 231 were ordered immediately transmitted to the House.

Senate bill No. 153, entitled "An act providing for the appointment of court commissioners and fixing their powers, duties and jurisdiction, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 153, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Smith, Smithson, Stewart, Williams, Mr. President—30.

Those voting nay were: Senators Anderson, Stevenson—2.

Those absent or not voting were: Senators Booth, Bryan, Eastham, Graves, Knickerbocker, Presby, Roberts, Rydstrom, Whitney, Metcalf—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 351, entitled "An act prohibiting the making, uttering, circulating, selling or offering for sale, any certificate of any warehouse, distillery or depository for intoxicating liquors, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 351 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Smith, Smithson, Stevenson, Williams, Mr. President—30.

Those absent or not voting were: Senators Booth, Eastham, Graves, Knickerbocker, Metcalf, Piper, Presby, Roberts, Rosenhaupt, Rydstrom, Stewart, Whitney—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

The House has passed House bill No. 73, entitled "An act prohibiting the taking, killing and having in possession, for other than breeding purposes, certain game birds in certain counties of the State of Washington prior to the first day of October, 1911";

House bill No. 421, entitled "An act relating to the boundaries of

the 25th, 26th, 27th, 28th and 29th senatorial districts and certain representative districts in Pierce county”;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

MESSAGE TO THE SENATE.

OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

The House has adopted the report of the conference committee on amended Senate bill No. 6 and has receded from its amendments to lines 2 and 3 of section 5, chapter 5, title 1, page 4, from that part of its amendment to paragraph 5 of the same section, commencing with the word “*Provided*” in line 23 and ending with the word “student” in line 25; from its amendment to section 1, article 10, chapter 4, title 3, page 45.

The House has concurred in the Senate amendments to House bills Nos. 147, 201, 257 and 305.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 331, entitled “An act requiring every city of the first class to include in its annual tax levy an amount sufficient to pay all unpaid assessments, etc.,” was read third time.

On motion of Senator Bryan, the bill was amended by inserting the words “second and third” after the word “first” in line 1 of section 1 of the printed bill.

The secretary called the roll on final passage of Senate bill No. 331, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Rosenhaupt, Smith, Smithson, Williams, Mr. President—28.

Those absent or not voting were: Senators Booth, Eastham, Graves, Huxtable, Knickerbocker, Metcalf, Paulhamus, Potts, Presby, Roberts, Rydstrom, Stevenson, Stewart, Whitney—14.

On motion of Senator Allen, the title of the bill was amended by inserting after the word “first” in line 1 of the printed title of the bill the words “second and third.”

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 370, entitled “An act relating to county printing, etc.,” was read third time.

The secretary called the roll on final passage of Senate bill No. 370, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Myers, Nichols, Polson, Presby, Smith, Williams, Mr. President—24.

Those absent or not voting were: Senators Booth, Cox, Eastham, Graves, Huxtable, Knickerbocker, Metcalf, Minkler, Paulhamus, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 355, entitled "An act to amend section 84 of chapter 71 of the Session Laws of 1897, relating to the assessment and collection of taxes in the State of Washington, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 355, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Smith, Stewart, Williams, Mr. President—27.

Those absent or not voting were: Senators Booth, Eastham, Graves, Hutchinson, Huxtable, Knickerbocker, Metcalf, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Whitney—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 354, entitled "An act to amend section 1 of chapter 178 of the Session Laws of 1903, the same being an act relating to revenue and taxation," was read third time.

The secretary called the roll on final passage of Senate bill No. 354, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Roberts, Smith, Smithson, Stewart, Williams, Mr. President—28.

Those absent or not voting were: Senators Booth, Eastham, Falconer, Graves, Hutchinson, Huxtable, Knickerbocker, Metcalf, Potts, Presby, Rosenhaupt, Rydstrom, Stevenson, Whitney—14.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—30.

Those absent or not voting were: Senators Booth, Eastham, Graves, Hutchinson, Huxtable, Knickerbocker, Metcalf, Presby, Roberts, Rosenhaupt, Rydstrom, Whitney—12.

On motion of Senator Cotterill, the title of the bill was amended by adding to the same the words "and declaring an emergency."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Cotterill, the rules were suspended and all bills passed by the Senate up to this time were ordered immediately transmitted to the House.

By unanimous consent, Senate bill No. 289 was taken up at this time in place of Senate bill No. 290, which appeared next on the calendar.

Senate bill No. 289, entitled "An act providing for the appointment of a commission for the purpose of preparing a code of insurance laws of the State of Washington, etc.," was placed on its third reading.

On motion of Senator Nichols, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 289.

The bill was considered in the Committee of the Whole, Senator Bassett in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Bassett, the report of the Committee of the Whole was adopted.

On motion of Senator Nichols, the rules were suspended and

the reading of the bill had in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 289, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Polson, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—27.

Those absent or not voting were: Senators Anderson, Booth, Eastham, Graves, Huxtable, Knickerbocker, Metcalf, Paulhamus, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Whitney—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 5, entitled "An act appropriating fifteen hundred dollars as compensation for services and reimbursement for expenses of E. C. McDonald, etc.," was placed on its third reading.

On motion of Senator Stevenson, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 5.

The bill was considered in the Committee of the Whole, Senator Cotterill in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendment:

In line 2 of section 1, strike the words "twenty-five" and substitute the words "thirty-five," and in line 1 of the title substitute the words "thirty-five" for the words "twenty-five."

On motion of Senator Cotterill, the report of the Committee of the Whole was adopted.

On motion of Senator Cotterill, the rules were suspended, and the reading had of Senate bill No. 5 in the Committee of the Whole was considered the third reading of the bill.

On motion of Senator Cotterill, section 1 of the printed bill was stricken and the following substituted therefor:

Section 1. That there be, and is hereby, appropriated out of any moneys in the treasury of the State of Washington not otherwise appropriated, the sum of three thousand five hundred dollars (\$3,500.00) to be paid to George Turner and E. C. Macdonald, upon proper voucher

or vouchers presented to the state auditor, as full compensation for their services and reimbursement for their expenses in presenting before the supreme court of the United States as special attorneys for the State of Washington, the Christ Nielson case, involving the claim of the State of Oregon to impose its police regulations on that portion of the Columbia river within the State of Washington, and also in the petition for a rehearing of the Columbia river boundary case between the States of Oregon and Washington."

On motion of Senator Cotterill, the preamble was stricken from the bill.

The secretary called the roll on final passage of Senate bill No. 5, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Smith, Smithson, Stevenson, Stewart, Mr. President—28.

Those absent or not voting were: Senators Allen, Booth, Davis, Eastham, Falconer, Hutchinson, Huxtable, Metcalf, Potts, Roberts, Rosenhaupt, Rydstrom, Whitney, Williams—14.

On motion of Senator Cotterill, the title of the bill was stricken and the following substituted therefor:

An act appropriating three thousand five hundred dollars (\$3,500.00) as compensation for services and reimbursement for expenses of George Turner and E. C. Macdonald as special attorneys for the state in certain litigation involving the interests of the State of Washington.

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Senate bill No. 225, entitled "An act to provide for submitting propositions to amend the constitution and other questions to the voters by separate ballots," was read third time.

The secretary called the roll on final passage of Senate bill No. 225, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Kline, McGregor, McGowan, Myers, Nichols, Piper, Polson, Smith, Stewart, Williams—22.

Voting nay: Mr. President—1.

Those absent or not voting were: Senators Anderson, Bas-

sett, Booth, Cameron, Eastham, Graves, Huxtable, Knickerbocker, Metcalf, Minkler, Paulhamus, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Whitney—19.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 206, entitled "An act relating to the introduction and use of medical expert testimony in civil actions or proceedings," was read third time.

The secretary called the roll on final passage of Senate bill No. 206, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Smith, Smithson, Stevenson, Stewart, Mr. President—29.

Voting nay: Senator Bryan—1.

Those absent or not voting were: Senators Booth, Cox, Eastham, Hutchinson, McGregor, Metcalf, Presby, Roberts, Rosenhaupt, Rydstrom, Whitney, Williams—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Blair, the rules were suspended and all bills passed by the Senate to this time, except Senate bill No. 370, were ordered immediately transmitted to the House.

Senate bill No. 297, entitled "An act relating to the finances of the State of Washington, providing the time when and the manner in which moneys shall be paid into the state treasury, etc.," was read third time.

Senator McGregor moved to amend the bill by striking all of section 1 after the word "treasurer" in line 14 of section 1 and inserting in lieu thereof the following:

Provided further, That this act shall not apply to the educational institutions of the state, but each of such educational institutions shall, at the end of every three months, file with the state auditor an itemized statement showing all moneys received by it from sources other than state legislative appropriations, the particular source from which the same was received, the purpose for which the same or any part thereof has been expended, and the balance on hand.

The president called Senator Presby to the chair.

Senator Cotterill moved as a substitute for the amendment proposed by Senator McGregor the following:

Substitute a comma for the period at end of section 1 and add the following: "to the extent that the managing boards thereof shall render reports and make remittance on the first day of each month for the month preceding."

The substitute motion of Senator Cotterill carried.

Senator McGregor moved that the bill be indefinitely postponed.

The motion was lost.

On motion of Senator Cotterill; the substitute amendment proposed by him and adopted by the Senate was stricken from the bill.

On motion of Senator Cotterill, the amendment proposed by Senator McGregor was adopted.

The secretary called the roll on final passage of Senate bill No. 297, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Anderson, Booth, Eastham, Metcalf, Roberts, Rosenhaupt, Rydstrom, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president resumed the chair.

Senate bill No. 292, entitled "An act fixing the tuition fees in the institutions of higher education," was read third time.

On motion of Senator Cotterill, the bill was amended by substituting the word "non-resident" for the word "resident" in line 1 of section 1 of the printed bill, and by substituting the word "fifty" for the word "twenty-five" in line 2 of section 1 of the printed bill, and by substituting the words "one hundred" for the word "fifty" in line 3 of section 1 of the printed bill and by striking all of section 1 after the word "year" in line 5.

The president called Senator Falconer to the chair.

The secretary called the roll on final passage of Senate bill No. 292, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Stevenson, Stewart, Whitney, Mr. President—25.

Those voting nay were: Senators Paulhamus, Potts—2.

Those absent or not voting were: Senators Anderson, Booth, Cameron, Davis, Eastham, Graves, Hutchinson, Metcalf, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Williams—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Ruth gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 292 passed the Senate.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 232, entitled "An act to amend section 23 of an act entitled 'An act to enable cities of the first class, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain, etc.'";

Senate bill No. 230, entitled "An act to amend section 15 of an act entitled 'An act to enable cities of the first, second and third class to exercise the right of eminent domain, etc.'";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate substitute bill No. 221, entitled "An act to amend section 3 of chapter 91 of the Session Laws of 1903, relating to land rented and assigned for the support and maintenance of the University of Washington," was read third time.

The secretary called the roll on final passage of Senate substitute bill No. 221, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Falconer, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGregor, Minkler,

Piper, Polson, Smithson, Stevenson, Stewart, Whitney, Mr. President—23.

Voting nay: Senator Paulhamus—1.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Davis, Eastham, Fishback, Hutchinson, McGowan, Metcalf, Myers, Nichols, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Williams—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 60, entitled "An act for the protection of liverymen, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: I. B. Knickerbocker, W. B. Presby, J. W. Bryan, Robt. Booth, Harry Rosenhaupt, Ralph Metcalf, Ralph D. Nichols.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred Senate bill No. 365, entitled "An act to allow minority stockholders in corporations representation on the board of trustees," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: I. B. Knickerbocker, W. B. Presby, J. W. Bryan, Robt. Booth, Harry Rosenhaupt, Ralph Metcalf, Ralph D. Nichols.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

We, your Committee on Elections and Privileges, to whom was referred Senate bill No. 372, entitled "An act relating to the nomination and election of county superintendents of schools," have had the same

under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: Harry Rosenhaupt, J. W. Bryan.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred House bill No. 84, entitled "An act relating to the levy of an annual tax for the purpose of advertising the advantages of the counties of the State of Washington, as a place for residence, or as a place for business purposes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. G. POTTS, *Chairman*.

We concur in this report: W. H. Paulhamus, A. W. Anderson, Harry Rosenhaupt, F. L. Stewart.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Public Revenue and Taxation, to whom was referred House bill No. 419, entitled "An act amending section 1 of an act approved February 18, 1907, entitled 'An act authorizing the county commissioners of any county to acquire and operate quarries of suitable road-building rock and ground containing deposits of suitable road-building gravel, and to purchase rock-crushing machinery and appliances, and declaring an emergency,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Geo. F. Cotterill, E. C. Davis, D. H. Cox, E. M. Williams.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

We, your Committee on State Granted, School and Tide Lands, to whom was referred House bill No. 150, entitled "An act granting to the United States for public purposes the use of certain tide and shore lands belonging to the State of Washington," have had the same under

consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. H. FATLAND, *Chairman*.

We concur in this report: S. T. Smith, J. D. Bassett, H. F. McGowan, Alex Polson.

On motion of Senator Fatland, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred House bill No. 313, entitled "An act for the protection of certain game birds in the counties of Asotin, Columbia, Garfield, Whitman, Spokane, Kitsap, Yakima, Clarke, Kittitas, Ferry, Stevens, Okanogan, Adams, Chelan, Benton, Klickitat, Franklin and Walla Walla, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED BROWN, *Chairman*.

We concur in this report: Chas. E. Myers, Arvid Rydstrom, John L. Blair.

On motion of Senator Brown, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred House bill No. 193, entitled "An act to prohibit the taking away, shipment or transportation of certain game birds from the islands of the State of Washington, comprising the present counties of San Juan and Island, and fixing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED BROWN, *Chairman*.

We concur in this report: Chas. E. Myers, Arvid Rydstrom, John L. Blair.

On motion of Senator Brown, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

We, your Committee on Dikes, Drains and Drainage, to whom was referred engrossed House bill No. 370, entitled "An act amending sections 20 and 21 of chapter LXVI of the Laws of 1901, entitled 'An act providing for the establishment and construction of ditches for drainage purposes,' approved March 8, 1891, and declaring an emergency,"

have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

B. D. MINKLER, *Chairman*.

I concur in this report: Ed Brown.

On motion of Senator Minkler, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

We, your Committee on Municipal Corporations, to whom was referred House bill No. 241, entitled "An act to amend sections 3, 42, 43 and 47 of an act entitled 'An act relating to cities of the second class and providing for the government of such cities, and repealing sections 24 to 91, inclusive, of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

I. B. KNICKERBOCKER, *Chairman*.

We concur in this report: J. W. Bryan, Geo. F. Cotterill.

On motion of Senator Knickerbocker, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 81, entitled "An act changing the limits of the 53d and 54th representative districts in Whatcom county, State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: I. B. Knickerbocker, W. B. Presby, J. W. Bryan, Robt. Booth, Harry Rosenhaupt, Ralph Metcalf, Ralph D. Nichols.

On motion of Senator Graves, the report of the committee was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

The House has passed House bill No. 440, entitled "An act providing for the survey and reservation of a portion of the state's tide lands for the Washington Veterans' Home, etc.;"

Senate bill No. 245, entitled "An act to provide for the establish-

ment and creation, and the construction and maintenance of a system of dikes and drainage, etc.”;

Senate amended engrossed Senate bill No. 155, entitled “An act relating to horticulture and prescribing penalties and declaring an emergency,” with the following amendments: :

In line 1, section 4 of the printed bill, strike the word “Kennewick” and insert the word “Tacoma.”

Sec. 2, line 1 of printed bill or line 2 of engrossed bill, after “horticulturist” insert “having the qualifications provided for in Sec. 45 of this act.”

Same section, line 3 of printed bill or line 5 of engrossed bill, strike “death,” and in line 4 of printed bill or line 7 of engrossed bill, after word “and” insert “he shall have been.”

Sec. 6, line 3 of printed bill or line 5 of engrossed bill, strike “\$2,000” and insert “\$1,500.”

Sec. 7, line 9 of printed bill or line 13 of engrossed bill, after “subjects” insert “the pests affecting.”

Sec. 8, line 7 of printed bill or line 12 of engrossed bill, strike “commissioner of horticulture” and insert “faculty of the Washington State College,” and in line 8 of printed bill or line 13 of engrossed bill, strike “commissioner of horticulture” and insert “faculty of the Washington State College.”

Add to Sec. 8: “*Provided*, That no applicant shall be required to take an examination as mentioned in this act if he be a graduate in horticulture from the Washington State College or some similar college with as high requirements.”

Sec. 12, line 6 of printed bill or line 9 of engrossed bill, after “diseases of” insert “or pests injurious to.”

Sec. 12, line 13 of printed bill or line 20 of engrossed bill, add “s” to “time.”

Sec. 12, line 18 of printed bill or line 28 of engrossed bill, after “disease” insert “or pest.”

Same section, line 32 of printed bill or line 49 of engrossed bill, after “diseases of” insert “or pests injurious to.”

Sec. 14, strike all of lines 3 to 31, inclusive, and insert in lieu thereof the following (lines 4 to 48, inclusive, of engrossed bill):

District No. 1 shall comprise and include Whatcom and San Juan counties.

District No. 2 shall comprise and include Yakima and Kittitas counties.

District No. 3 shall comprise and include Skagit, Snohomish and Island counties.

District No. 4 shall comprise and include Chelan, Douglas and Okanogan counties.

District No. 5 shall comprise and include Clallam, Jefferson and Kitsap counties.

District No. 6 shall comprise and include Grant, Benton, Franklin and Adams counties.

District No. 7 shall comprise and include Thurston, Mason and Chehalis counties.

District No. 8 shall comprise and include Spokane and Lincoln counties.

District No. 9 shall comprise and include King county.

District No. 10 shall comprise and include Ferry and Stevens counties.

District No. 11 shall comprise and include Pierce county.

District No. 12 shall comprise and include Whitman and Asotin counties.

District No. 13 shall comprise and include Lewis, Cowlitz, Pacific and Wahkiakum counties.

District No. 14 shall comprise and include Garfield, Columbia and Walla Walla counties.

District No. 15 shall comprise and include Clarke, Skamania and Klickitat counties.

Sec. 15, line 1 of printed bill or line 2 of engrossed bill, strike "on" after "continue" and insert "in."

Sec. 17, line 9 of printed bill or line 14 of engrossed bill, strike "2% of" and insert "5% of any variety in."

Sec. 19, line 1, strike "district" and in line 1 of printed bill or line 2 of engrossed bill, strike "state horticulture" and insert "horticultural."

Sec. 20, line 6 of printed bill or line 10 of engrossed bill, strike "two" and insert "five"; same line, strike "the stock" and insert "each variety."

Same section, line 7 of printed bill or line 11 of engrossed bill, insert period after "name" and strike remainder of section.

Sec. 22, line 3 of printed bill or line 5 of engrossed bill, strike "the" and insert "any."

Sec. 23, line 8 of printed bill or line 13 of engrossed bill, after "prevention of" insert "pests or"; in same line add "s" to "disease."

Same section, line 10 of printed bill or line 16 of engrossed bill, after "disease" insert "and pests" and in line 12 of printed bill or line 19 of engrossed bill, after "disease" insert "or pest."

Sec. 24, line 1, after "diseases of" insert "and pests injurious to."

Same section, line 3 of printed bill or line 5 of engrossed bill, after "diseases" insert "or pests."

Sec. 25, line 2 of printed bill or line 3 of engrossed bill, strike "for the foregoing named diseases or any new diseases."

Line 8 of printed bill or lines 12-13 of engrossed bill, strike "valid and in force."

Sec. 26, line 2 of printed bill or line 3 of engrossed bill, after "disease" insert "or pest."

Sec. 27, line 5 of printed bill or line 8 of engrossed bill, after "any" insert "part."

Line 6 of printed bill or line 9 of engrossed bill, after "diseases" insert "or pests."

Sec. 28, line 5 of printed bill or line 7 of engrossed bill, strike "of said" and after "diseases" insert "or pests."

Sec. 32, line 2 of printed bill or line 3 of engrossed bill, after "products or" insert "disinfect."

Sec. 34, line 3 of printed bill or line 4 of engrossed bill, after "company" insert "having."

Same section, line 22 of printed bill or line 35 of engrossed bill, insert period after "services" and strike remainder of section.

Sec. 36, line 5 of printed bill or line 7 of engrossed bill, after "diseases" insert "or pests," and in line 6 of printed bill or line 10 of engrossed bill, after "disease" insert "or pest."

Line 13 of printed bill or line 21 of engrossed bill, strike "and" and insert "or."

Sec. 37, line 3 of printed bill or line 5 of engrossed bill, strike "in" and insert "to."

Sec. 38, line 2 of printed bill or line 3 of engrossed bill, strike "and" and insert "or."

Sec. 39, line 1, strike "and" and insert "or."

Sec. 40, line 3 of printed bill or line 5 of engrossed bill, strike "therefore mentioned" and insert "or pests injurious to the same."

Sec. 41, line 4 of printed bill or line 6 of engrossed bill, strike "herein defined" and insert "or pest injurious to the same."

Sec. 42, line 3 of printed bill or line 5 of engrossed bill, after "disease" insert "or pest."

Sec. 43, line 2 of printed bill or line 3 of engrossed bill, strike "of" and insert "to" and in same line after "commissioner" insert "of horticulture."

Strike all of Sec. 45 and insert the following:

"Sec. 45. The faculty of the State College shall upon request of any person desiring to make application for appointment as state commissioner of horticulture or district horticultural inspector, provide and give such applicant an examination upon such general and special subjects relating to horticulture, horticultural plants and products, and the diseases and pests thereof, and methods of prevention and eradication of such diseases and pests, as they shall deem proper to test the qualifications of said applicant for said position, and, if said applicant shall pass said examination by seventy-five points out of a possible one hundred, said faculty shall issue to said applicant a certificate showing such fact and that he is qualified as a skilled horticulturist.

"A similar examination shall be held annually on the first day of each annual district horticultural inspectors' institute, which examination may be attended by the state commissioner of horticulture and by district horticultural inspectors and any other persons desiring to attend the same.

"All persons passing such annual examination by at least seventy-five points out of a possible one hundred shall receive a certificate from the faculty of the State College showing they possess the qualifications

of a skilled horticulturist, which certificate shall be good until the second annual examination thereafter.

"The subjects and questions submitted and propounded upon such examinations shall be changed from time to time, as the faculty of said college shall deem proper.

"Each district horticultural inspector shall take the first of such annual examinations given after his appointment, and thereafter shall take such examination at least once in two years, and, in event of the failure of any inspector to take such first examination after his appointment, and such examination at least once in two years thereafter, or in the event he shall take any of said examinations and shall fail to pass by seventy-five points out of a possible one hundred, he shall forfeit his office and shall be forthwith discharged without further cause: *Provided*, That failure to pass such examination shall not work a forfeiture of office if the person so failing holds a certificate held by reason of passing the next preceding annual examination: *And provided further*, That in case of sickness preventing the taking of any annual examination, the party shall have the right, as soon as able, to apply for a special examination and shall not forfeit his office or be discharged, if he successfully passes such special examination; but a certificate granted upon any special examination shall only be good until the next annual examination: *And provided further*, That no applicant shall be required to take an examination as mentioned herein if he be a graduate in horticulture from the Washington State College or some similar college with as high requirements."

Sec. 47, line 4 of printed bill or line 6 of engrossed bill, strike "disease" and insert "infected."

Sec. 49, line 3 of printed bill or line 4 of engrossed bill, strike the letter "s" at end of word "commissioners."

Sec. 50, add to section: "*Provided*, That such work shall be charged to the county in which such work is done."

Sec. 53, line 2 of printed bill or line 3-4 of engrossed bill, strike "failure to pass required examinations"; line 5-6 of printed bill or lines 8-9 of engrossed bill, strike "failure to pass the required examinations"; line 6 of printed bill or line 9 of engrossed bill, after "keep" insert "his."

Sec. 54, line 7 of printed bill or line 13 of engrossed bill, insert period after "ordered" and strike remainder of section.

Sec. 57, line 7 of engrossed bill, strike word "or" and insert "of."

After Sec. 57 insert new section to be numbered 58, as follows:

"Sec. 58. In event of the shipment into the State of Washington from a point without said state of any nursery stock, fruit trees, horticultural plants, shade trees, ornamental shrubbery, bushes or vines, by any person, firm or corporation not licensed as herein provided, the purchaser or the person receiving shipment of such trees, stocks, plants, ornamental shrubbery or vines shall have the same inspected in the same manner as is required upon the delivery of stock sold and delivered by licensed nurserymen or tree dealers, and shall pay as

inspector's fee ten per cent. of the invoice price, the minimum fee to be fifty cents."

Correct the numbers of sections following to and including Sec. 64.

Sec. 59, as printed, or Sec. 60 as corrected, line 7 of engrossed bill, strike "action" and insert "act" and make similar correction in line 5 of printed bill.

Sec. 60 as printed (Sec. 61 as corrected), line 4 of printed bill or line 6 of engrossed bill, strike letter "s" from end of "events."

Corrections to engrossed bill, same section: Line 8, engrossed bill, strike "present the" and insert "presented for." Line 9, engrossed bill, strike period at end of "treasurer" and insert comma and begin word "When" in same line with small "w." Line 10, engrossed bill, after "shall" insert "be."

Sec. 61 as printed (Sec. 62 as corrected), line 1, after "collected" insert "under the provisions of this act."

Strike all of Sec. 64 as printed.

Sec. 67, strike all after "effect" and insert "immediately."

In section 10, line 1, after the word "may" insert the words "with the consent of the board of county commissioners of any county."

In section 10, line 2, after the word "commissioner" insert the words "and county commissioners."

Amend section 58 as proposed by the committee amendment, by changing the period at the end of said section 58 to a colon, and add the following: "*Provided*, That nurserymen or tree dealers, licensed under the provisions of this act to do business in this state, shall not be required to pay the inspector's fees provided for in this section."

Engrossed Senate bill No. 8, entitled "An act to amend an act entitled 'An act to provide for the formation of banking corporations and to regulate the business of banking and securing state supervision thereof, etc.'" with the following amendment: Amend line 3 of section 3 by striking the word "treasurer" and inserting in lieu thereof the word "examiner";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

By unanimous consent, the Senate returned to the order of business "Introduction of Bills."

On motion of Senator Ruth, the rules were suspended, and all House bills received during the remainder of the session were ordered placed on general file, without being referred to a committee.

Engrossed House bill No. 421, entitled "An act relating to the boundaries of the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, and twenty-ninth senatorial districts, and the thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, and thir-

ty-ninth representative districts in Pierce county, State of Washington."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 371, entitled "An act amending chapter CXL of the Session Laws of 1901, approved March 18, 1901, the same being 'An act amending section 4391 of Ballinger's Annotated Codes and Statutes of Washington,' the same being section 5 of an act entitled 'An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this state, and for the purpose of driving, sorting, holding, and delivering logs and other timber products thereon, fixing maximum tolls therefor, approved March 18, 1895.' "

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and placed on general file.

Engrossed House bill No. 73, entitled "An act prohibiting the taking, killing, and having in possession for other than breeding purposes, certain game birds, in certain counties of the State of Washington prior to the first day of October, 1911."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 440, entitled "An act providing for the survey and reservation of so much of the state's tide land lying in front of lot 5, section 25, township 24, range 1, east of the Willamette meridian, as abuts upon or lies in front of the tract of ground purchased by the State of Washington for the Washington Veterans' Home, and providing for the sale of the remainder of said tide land lot and for the reservation for the use of said Washington Veterans' Home of so much of the tide lands of the first class and of the harbor area reserve as lies in front of the portion of the tide land lot so reserved."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 374, by the Judiciary Committee, as substitute

for Senate bill No. 175, entitled "An act relating to attorneys and counsellors at law."

The bill was read the first time, and on motion of Senator Graves the rules were suspended, the bill was read the second time by title, and placed on general file.

Senator Metcalf was given unanimous consent to introduce a resolution out of order.

Resolution by Senator Metcalf:

Resolved by the Senate, That the president and secretary be authorized to execute a voucher on the state auditor in favor of J. M. Hitt, in the sum of \$17.85, to repay him for the sum which he has spent for forwarding legislative bills to commercial clubs and other public organizations.

On motion of Senator Metcalf, the resolution was adopted.

The secretary read the House amendments to Senate bill No. 161.

Senator Knickerbocker moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred in the House amendments to Senate bill No. 161 by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Piper, Polson, Stevenson, Mr. President—22.

Those absent or not voting were: Senators Booth, Bryan, Davis, Eastham, Graves, Hutchinson, McGregor, Metcalf, Nichols, Paulhamus, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams—20.

At 5:05 p. m., on motion of Senator Piper, the Senate adjourned until Monday morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-SEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, March 8, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

Senator Falconer gave notice of a motion to reconsider the vote by which the Senate concurred in the House amendments to Senate substitute bill No. 121.

The secretary read the following communication and resolution:

To the Honorable President and Members of the Senate and the Honorable Speaker and Members of the House of Representatives of the Eleventh Legislature of the State of Washington:

I, W. H. Paulhamus, member of the Senate from the 25th senatorial district of the State of Washington, respectfully make the following statement and charges to your honorable body:

That Sam H. Nichols is the duly elected, qualified and acting secretary of state, and was for four years prior to the 13th day of January, 1909, such duly elected, qualified and acting secretary, and during such four years, by virtue of his office, was *ex officio* insurance commissioner; that during said four years preceding the 13th day of January, 1909, John H. Schively was the duly appointed and acting deputy insurance commissioner, and is at the present time the duly elected, qualified and acting insurance commissioner of the state; that unmindful of their duties as insurance commissioner and deputy insurance commissioner, the said Sam H. Nichols and John H. Schively have made examinations or purported examinations of the standing of the different insurance companies doing business in this state, both domestic and foreign, and have compelled and exacted from each of said companies an arbitrary sum for such examination, in most cases amounting to the sum of at least \$200.00, and have charged and collected an arbitrary sum for making the annual examination provided for in the statute on all foreign and domestic companies without regard to the ex-

pense connected with such examination; that the said Sam H. Nichols and John H. Schively have not treated such collections so made as fees due the state, nor have they made any account of such collections or paid the same over to any officer of the state, but have treated the same solely as an expense account and have converted the collections so made to their own use and benefit; that at no time during said four years last passed have they, or either of them, presented any bill in detail or otherwise to the company so examined showing the expenses incurred for traveling and other necessary expenses in making such examination, but in all instances such charge has been an arbitrary sum, and such sum has been extorted from such insurance companies without regard to the expense incurred in making such examination.

That on April 16th, 1907, the said Sam H. Nichols and John H. Schively demanded and received from the Walla Walla Fire Insurance company the sum of \$200 for examining the securities and assets of said company, and on July 29th, 1907, they demanded and received from the Walla Walla Fire Insurance company a further sum of \$200 for examining the assets of said company; that no account was rendered to any officer of the State of Washington showing the collections made, but the money was by the said parties converted to their own use; that no detailed statement showing the traveling expenses and other expenses was filed with the insurance company nor did the said collections purport to cover the expense incurred; that the necessary traveling and other expenses in making such examination, had the same been made without regard to any other examinations, would not have exceeded \$60.00 each.

That on or about the 31st day of July, 1907, the said John H. Schively, as deputy insurance commissioner, examined the assets of the Washington Hardware and Implement Dealers Mutual Fire Insurance Association in the city of Spokane, Washington, and at the same time examined the assets of the Western Live Stock Association, having its office in Spokane; that such examinations were each made within the space of one day; that said Schively demanded from the Washington Hardware and Implement Dealers Mutual Fire Insurance association the sum of \$200 for such examination; that said company demurred and declined to pay such sum, whereupon the said Schively reduced his charge in said company to the sum of \$100, and gave to the said company a receipt in the words and figures following, to-wit:

"Insurance Department, State of Washington.

"\$100.00.

OLYMPIA, Aug. 8th, 1907.

"Received of Wash. Hardware and Implement Dealers Mutual Fire Insurance Ass'n, one hundred and no-100 dollars, account of official examination.
J. H. Schively."

And at such time the said Schively charged the Western Live Stock Association for the examination so made the sum of \$100.00; that the necessary traveling and other expenses connected with such examination, provided the expenses were incurred solely in making the two ex-

aminations above referred to, would not have exceeded the sum of \$60.00.

That in each of the years 1905, 1906 and 1907 the said John H. Schively, as deputy insurance commissioner, made a purported examination of the Guardian Life Insurance Company, in the city of Seattle, and for each of such examinations charged a fee of \$50.00; that no detailed statement showing the expenses incurred was filed; that each of said examinations were made within a space of one day; that the traveling and other necessary expenses connected with the making of such examination could not have exceeded the sum of \$15.00.

That since the year 1905 the said John H. Schively has examined the Seattle Fire & Marine Insurance Company on three different occasions, charging therefor for the original examination the sum of \$200.00 and for each subsequent examination the sum of \$50.00; that no statement of expenses was furnished, and that such expenses could not in any of said cases have exceeded the sum of \$15.00.

That on December 22nd, 1906, the said Schively examined the Columbia Life and Trust Company, in the city of Portland, Oregon, and consumed in such examination a portion of one day; that he demanded and received from such Columbia Life and Trust Company for such examination the sum of \$150.00 and gave them no statement showing the expenses incurred; that the expenses incurred could in no event have exceeded the sum of \$50.00.

That between the 1st day of July, 1906, and the 1st day of October, 1906, the said John H. Schively was the deputy insurance commissioner as aforesaid and during all of said time drew his salary as such deputy insurance commissioner from the State of Washington.

That on or about the 10th day of July, 1906, the said John H. Schively was elected a trustee and president of the Pacific Live Stock Association and continued as such trustee and president down to on or about the 3rd day of October, 1906; that during the time, between the 10th day of July and the 3rd day of October, the said John H. Schively gave practically all of his time and attention to the affairs of the said Pacific Live Stock Association in soliciting insurance and otherwise representing such company, and received for his services and expenses connected therewith from the said company in such capacity the sum of \$2,597.35; that the said Schively solicited insurance in the State of Washington, and during all of said time, by reason of his acquaintance, and by reason of the fact that it was well known that he was deputy inspector of insurance, many persons throughout the state, relying upon said facts, subscribed for insurance in said company and had said company write insurance upon their property; that during all the time the said Schively was acting in such capacity the said insurance company was insolvent and was unable to meet its just debts and liabilities, and the insurance so written was worthless; that the said John H. Schively knew, or by the exercise of reasonable diligence, and in pursuance of the duties of his office, should have known that the said company was insolvent all of said time.

That during said four years said Sam H. Nichols, as insurance commissioner, and said John H. Schively, as deputy insurance commissioner, have demanded and collected from a large number of insurance companies, at least eight in number, sums of money which they insisted were to cover expenses in examinations to be made in the future, which examinations have never at any time been made, although such collections were made in some instances long prior to the termination of the term of office.

That since the election and qualification as insurance commissioner of the said John H. Schively he has demanded and collected money purporting to cover examinations to be hereafter made, and demanded and collected in such cases an arbitrary sum to cover his expenses, and such sums have been demanded by and paid to the said Schively, not for the purpose of applying upon expenses connected with any future examination, but as an arbitrary sum.

That there are more than 250 insurance companies authorized to do business in the State of Washington, and that an arbitrary annual fee purporting to cover expenses has been charged each of said insurance companies each year since their entry; that there was entered during the past two years, in addition to the companies whose certificates of authority were annually renewed, 87 companies, who were charged an arbitrary fee of at least \$200.00 for making such examination, and in addition thereto there was entered during said two years 18 fraternal societies.

Upon information and belief, I charge that the said Sam H. Nichols and John H. Schively have collected and received during the four years preceding the 13th day of January, 1909, in such arbitrary demands for the alleged purpose of paying expenses in making examinations of insurance companies, a sum exceeding \$25,000 in excess of requirements.

In view of the facts embodied in the foregoing charges, I offer the following resolution:

Senate concurrent resolution No. 26, by Senator Paulhamus:

WHEREAS, The foregoing charges having been made in writing and filed with the Senate of the Eleventh legislature, charging Secretary of State Sam H. Nichols, as *ex-officio* insurance commissioner, for the four years preceding the 13th day of January, 1909, and John H. Schively, as deputy insurance commissioner during such time, and said John H. Schively, as the present insurance commissioner of the State of Washington, with malfeasance in office; and

WHEREAS, There is no duly authorized body to investigate such charges; therefore, be it

Resolved, That the president of the Senate appoint two members who, together with three members of the House of Representatives, to be selected by the speaker of the House of Representatives, shall constitute a committee to investigate the charges herein made and to investigate the affairs, doings and conduct of the said John H. Schively as insurance commissioner for the present term, Sam H. Nichols as *ex-officio* insurance commissioner, and John H. Schively as

deputy insurance commissioner for the term ending January 13th, 1909. Said commission shall fully investigate the books, records and accounts of said departments, together with any other suggestions, data and conditions coming to its notice affecting such departments, and shall report the results of such investigation to the governor of this state and the next session of the Legislature convening in 1911. Said commission is vested with power to regulate the mode and manner of making such investigation; to require all state officials necessary to be examined to appear before it at hearings; is authorized to issue subpoenas for the appearance of witnesses and the production of papers, files, books, documents, accounts and testimony relating to or in any way concerning said departments, and in its discretion may employ expert accountants, stenographers and attorneys as it may deem necessary in furtherance of such investigation. Said commission shall elect one of its members chairman. The commission shall hold such meetings as it may desire and at such times and places as it may deem expedient and may determine upon. Any member of the commission is authorized to administer oaths. Said commission shall have power to investigate the books, records, documents of any insurance company either within or without the state and is empowered and authorized to issue commissions for the purpose of taking testimony or depositions without the state. Said committee is hereby given such power as may be necessary to institute any and all actions in the superior court for the purpose of aiding and assisting it to make such examination, and it shall be the duty of the superior courts to entertain jurisdiction for such purpose. Said committee is further authorized in its discretion to examine into the affairs and doings of any state officer, or any state office, either elective or appointive, both for the present term of such office or officer and for the term ending January 13th, 1909.

The members of the commission shall receive their per diem when actually engaged in such investigation, and their actual traveling expenses, to be paid out of money appropriated for the expenses of the Eleventh legislature, and to be paid in the same manner as the expenses and per diem for the Eleventh legislature is paid. All expenses of stenographers and fees of witnesses appearing before the commission on subpoena shall be audited by the commission and paid as other expenses incurred by the Eleventh legislature are paid.

Senator Paulhamus moved the adoption of the resolution.

The president ruled the resolution out of order on the ground that a resolution identical in subject-matter with the foregoing had been acted upon by the Senate, being indefinitely postponed early in the session.

Senators Paulhamus, Metcalf and Cotterill appealed from the decision of the chair.

A roll call on the appeal from the decision of the chair was

demanding by Senators Paulhamus, Falconer, Booth, Brown, Nichols, Myers, Knickerbocker, Cotterill.

The secretary called the roll on the question "Shall the decision of the chair stand as the judgment of the Senate?" with the following result:

Those voting aye were: Senators Allen, Blair, Eastham, Huxtable, Kline, Knickerbocker, Minkler, Piper, Potts, Roberts, Smith, Smithson, Stewart, Whitney, Williams—15.

Those voting nay were: Senators Arrasmith, Bassett, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Polson, Presby, Rosenhaupt, Rydstrom, Stevenson—24.

Absent or not voting were: Senators Anderson, Graves, Mr. President—3.

Senator Booth moved to amend the resolution by striking therefrom the following:

Said committee is further authorized, in its discretion, to examine into the affairs and doings of any state officer or any state office, either elective or appointive, both for the present term of such office or officer and for the term ending January 13, 1909.

Senator Falconer moved as a substitute to strike the words "in its discretion" and insert in lieu thereof the following: "upon signed charges being made by any taxpayer of the State of Washington, said taxpayer to first deposit \$100.00 in cash, same to be forfeited in event charges are not sustained."

Senator Falconer withdrew his substitute motion.

A roll call on the amendment proposed by Senator Booth was demanded by Senators Nichols, Falconer, Eastham, Fishback, Presby, Stevenson, Roberts.

Senator Cotterill moved as a substitute for the motion of Senator Booth that the following be inserted before the words proposed to be stricken in the Booth amendment: "and if the need therefore shall develop during this investigation."

A roll call on the substitute motion of Senator Cotterill was demanded by Senators Cotterill, Fatland, Stevenson, Bryan, Hutchinson, Cox, Knickerbocker, Rydstrom.

The secretary called the roll on the substitute motion of Senator Cotterill and it failed to carry by the following vote:

Those voting aye were: Senators Anderson, Brown, Bryan, Cotterill, Cox, Hutchinson, Metcalf, Paulhamus, Polson, Roberts, Mr. President—11.

Those voting nay were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Cameron, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Potts, Presby, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—30.

Absent or not voting: Senator Graves—1.

The secretary called the roll on the amendment proposed by Senator Booth and it was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Fatland, Fishback, McGowan, Nichols, Paulhamus, Presby, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart—16.

Those voting nay were: Senators Allen, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Piper, Polson, Potts, Roberts, Smith, Whitney, Williams, Mr. President—25.

Absent or not voting: Senator Cameron—1.

The president called Senator Presby to the chair.

Senator Booth moved that Senate concurrent resolution No. 26 be indefinitely postponed.

Senator Booth withdrew his motion to indefinitely postpone.

The previous question was demanded by Senators Cotterill, Falconer and Fatland.

The motion for the previous question was lost.

Senators Williams, Stevenson and Booth demanded the previous question.

The motion for the previous question carried.

The secretary called the roll on adoption of Senate concurrent resolution No. 26 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Polson, Presby, Rosenhaupt, Stevenson—20.

Those voting nay were: Senators Allen, Booth, Davis, East-

ham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—22.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

The House has passed House bill No. 356, entitled "An act providing for the appointment of guardians for minors, etc.";

House bill No. 277, "Relating to the acquisition, control, management and disposition of the granted school, tide, oyster and other lands, etc.";

House bill No. 268, "Relating to the registration of voters, etc.";

House bill No. 233, "An act to amend section 3 of an act entitled 'An act in relation to estrays, etc.'";

House bill No. 299, "An act to provide for registration and guarantee of composition of concentrated commercial feeding stuffs, etc.";

House bill No. 439, "An act prescribing the duties of sheriffs in certain matters, etc.";

House bill No. 147, entitled "An act to amend section 1 of an act entitled 'An act to secure and perpetuate liens upon chattels for labor, etc.'";

House bill No. 353, "An act amending section 225 of Ballinger's Annotated Codes and Statutes of Washington, relating to the salary of the reporter of the supreme court";

House bill No. 305, "An act providing for the protection and propagation of the fishes in the waters of the State of Washington, etc.";

House bill No. 367, "An act prescribing the rules and regulations for the execution of the trusts arising under an act of Congress, etc.";

House concurrent resolution No. 13, "Relating to the anthem "Washington";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Paulhamus gave notice of a motion to reconsider the vote by which Senate concurrent resolution No. 26 failed to pass the Senate.

At 12:17 p. m., on motion of Senator Cotterill, a recess was taken until 1:30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 p. m. by President Ruth.

On motion of Senator Allen, rule No. 64 was suspended for the remainder of the afternoon.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 14, entitled "An act authorizing and directing the commissioner of public lands to certify certain shore lands to the governor for deed, etc.," have compared the same with the engrossed bill and find it correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, D. H. Cox.

On motion of Senator Bryan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 245, entitled "An act to provide for the establishment and creation, and the construction and maintenance of a system of dikes, etc., and declaring an emergency";

Senate bill No. 230, entitled "An act to amend section 15 of an act entitled 'An act to enable cities, etc., to exercise the right of eminent domain, etc.'";

Senate bill No. 364, entitled "An act concerning the collection and division of taxes and property between old and new counties, etc., and declaring an emergency";

Senate bill No. 228, entitled "An act providing that all claims for damages sounding in tort against any city of the first class must set forth a statement of the actual residence of the claimant, etc.";

Senate bill No. 211, entitled "An act to amend section 3 of an act entitled 'An act to authorize counties, cities, etc., to issue bonds to fund their outstanding indebtedness, etc., and declaring an emergency'";

Senate bill No. 104, entitled "An act authorizing and directing the board of state land commissioners to sell, etc., a portion of northeast quarter of section 16, township 11 north, range 43 east W. M., and declaring an emergency";

Senate bill No. 359, entitled "An act for the relief of Vaughan and Morrill Co.";

Senate bill No. 176, entitled "An act relating to the disbarment and suspension of attorneys, etc.";

Senate bill No. 233, entitled "An act requiring bonds from contractors contracting to do public work, etc.";

Senate bill No. 38, entitled "An act creating the office of commissioner of health, fixing his qualifications, term of office, etc., and declaring an emergency";

Senate bill No. 109, entitled "An act relating to selection, exemption, etc., of jurors in the superior courts, etc.";

—have compared the same with the engrossed bill and find them correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: D. H. Cox, Geo. F. Cotterill.

On motion of Senator Bryan, the report of the committee was adopted.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 5, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred—

Senate bill No. 129, entitled "An act amending section 1 of an act entitled 'An act giving honorably discharged Union soldiers and sailors a preference to all public employment, etc.'";

Senate bill No. 319, entitled "An act relating to the compensation of judges of the supreme court";

Senate bill No. 37, entitled "An act providing for the issuance of a state Sunday liquor license, etc.";

Senate bill No. 364, entitled "An act concerning the collection of taxes between old and new counties, etc.";

Amended Senate bill No. 4, entitled "An act relating to, regulating and providing for the nomination of candidates for public offices, etc.";

Senate bill No. 23, entitled "An act prohibiting the sale or disposition of intoxicating liquors within three miles of the boundary of any government reservation, etc.";

Senate bill No. 185, entitled "An act to establish a state trout hatchery on the east fork of the Lewis river, etc.";

Senate bill No. 192, entitled "An act for the relief of the Tieton Water Users' Association, etc.";

Senate bill No. 284, entitled "An act granting rights-of-way to municipal corporations, etc.";

Senate bill No. 335, entitled "An act for the protection of game animals, etc.";

Senate bill No. 297, entitled "An act relating to the finances of the State of Washington, etc.";

Senate bill No. 299, entitled "An act authorizing cities to acquire, hold, and improve land for cemetery purposes, etc.";

Senate bill No. 292, entitled "An act fixing the tuition of the institutions of higher education";

Senate bill No. 5, entitled "An act appropriating three thousand and five hundred dollars as compensation for services and reimbursement of expenses of George Turner and E. C. MacDonald, etc.";

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman*.

We concur in this report: W. G. Potts, F. L. Stewart, H. H. Fatland.

On motion of Senator Myers, the report of the committee was adopted.

Senate bill No. 8, entitled "An act to amend sections 3, 5, 6, 8, 14, 15, 20, 32, 36, and 44 of an act entitled 'An act to provide for the formation of banking corporations, and to regulate the business of banking and securing state supervision thereof, etc.,'" was taken up for the purpose of concurring in House amendments thereto.

Senator Stewart moved that the Senate concur in House amendments to Senate bill No. 8.

The secretary called the roll, and the Senate concurred in House amendments to Senate bill No. 8 by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fishback, Graves, Hutchinson, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—27.

Those absent or not voting were: Senators Arrasmith, Booth, Cameron, Davis, Eastham, Fatland, Huxtable, Kline, McGregor, Paulhamus, Potts, Presby, Roberts, Rosenhaupt, Whitney—15.

MR. PRESIDENT:

We, your conference committee on the House amendments to Senate bill No. 300, recommend that the House amendments to pages 4, 5, 6, 24, 31, 34, 37, 38, 39 and 42 stand.

We recommend that the House amendments to section 243, on page 44, whereby there was inserted after the word "property," in line 7, the words "or who shall give away or serve any intoxicating liquor except in a private home" be stricken and that the House recede from said amendment.

We recommend that the remaining House amendments to said sec-

tion 243 shall stand and that the House amendments to sections 325, 361, 443 and 444 shall likewise stand.

We recommend that section 445, which was stricken from the bill by the House, be restored to the bill and amended to read as follows: "Sec. 445. Every person who, as principal, agent or otherwise, shall sell or offer for sale any spirituous or distilled intoxicating liquor known as whiskey (except Scotch or Irish whiskey), any part of which has not been aged for a period of four years in wooden barrels or casks, or who shall, as principal, agent or otherwise, sell or offer for sale any malt liquor that has not been aged for a period of more than sixty (60) days, or which contains more than eight (8) per cent. alcohol by weight, shall be guilty of a gross misdemeanor."

We recommend that section 446, which was stricken by the House, be restored to the bill and amended to read as follows: "Sec. 446. Every person who, by mixing, compounding or distilling low wines or ardent spirits, or who, by adding thereto any flavoring or other substance, shall produce; or who shall sell or offer for sale or have in his possession with intent to sell, any liquor known as whiskey, gin or brandy, so produced, shall be guilty of a gross misdemeanor.

Renumber sections to read consecutively.

W. B. PRESBY,
WILL G. GRAVES,
I. B. KNICKERBOCKER.

The secretary called the roll on the adoption of the report of the conference committee on House amendments to, and concurrence in House amendments to, Senate bill No. 300, with the following result:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cox, Davis, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—32.

Those absent or not voting were: Senators Booth, Cameron, Cotterill, Fatland, Myers, Potts, Roberts, Rosenhauph, Whitney, Williams—10.

Senator Stevenson moved that the amendments to Senate bill No. 300, as concurred in, be mimeographed and a copy placed on each Senator's desk.

Senator Stevenson withdrew his motion.

The president signed Senate bill No. 233, Senate bill No. 14, Senate bill No. 245, Senate bill No. 230, Senate bill No. 364, Senate bill No. 228, Senate bill No. 211, Senate bill No.

359, Senate bill No. 104, Senate bill No. 176, Senate bill No. 109, and Senate bill No. 38; also House bill No. 147, House bill No. 353, House bill No. 305, and House bill No. 367.

House bill No. 300, entitled "An act relating to revenue and taxation, etc.," was read third time.

On motion of Senator Graves, section 4 was stricken from the bill and section 5 was made section 4.

The secretary called the roll on final passage of House bill No. 300, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Mr. President—34.

Those voting nay were: Senators Eastham, Hutchinson, Presby, Smith—4.

Those absent or not voting were: Senators Kline, Rosenhaupt, Whitney, Williams—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Stewart, the rules were suspended and House bill No. 300 was ordered immediately transmitted to the House.

Engrossed House bill No. 144, entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, etc.," was read third time.

Senator Williams moved to amend the printed bill in section 6, line 35, by substituting a period for the colon and striking the balance of line 35, all of lines 36 and 37, and inserting the following in lieu thereof:

Provided, That in all cases where an applicant for a license under this act shall produce and exhibit to the examining board a certificate, dated not less than six months preceding its presentation in this state, from a board of medical examiners appointed under the laws of any state of the United States whose requirements are not less than those of this state, certifying to the fact that the person presenting said certificate is duly and well qualified to practice medicine and surgery in the state issuing said certificate, he or she shall, upon paying the fee herein prescribed and otherwise complying with all the requirements of this act, receive from the examining board provided for in this act

a license as if examination of said applicant was had in this state: *Provided, however,* If by the laws of any state or the rulings or decisions of the appropriate officers thereof, any burden, obligation, requirement, disqualification or disability is put upon physicians registered in this state or holding diplomas from medical colléges in this state which are in good standing therein, affecting the right of said physicians to be registered or admitted to practice in said state, then the same or like burdens, obligations, requirements, disqualifications or disability shall be put upon the registration in this state of physicians registered in said state or holding diplomas from medical colleges situated therein.

A roll call on the question of the adoption of the above amendment was demanded by Senators Williams, Roberts, Falconer, Myers, Blair, Knickerbocker, Nichols.

The secretary called the roll, and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Myers, Smith, Smithson, Whitney, Williams—18.

Those voting nay were: Senators Allen, Cox, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Stevenson, Stewart, Mr. President—21.

Those absent or not voting were: Senators Bassett, Booth, Rosenhaupt—3.

Senator Stevenson moved to amend the bill by striking from the committee amendment to line 11 of section 4 of the printed bill the words "the past."

Senator Cotterill moved as an amendment to the amendment that the committee amendment to section 4, line 11 of the printed bill be stricken.

The motion of Senator Cotterill was lost.

Senator Stevenson withdrew his proposed amendment.

Senator Cotterill moved to amend the bill by substituting the word "two" for the word "three" in the committee amendment to line 11 of section 4 of the printed bill.

A roll call on the proposed amendment was demanded by Senators Cotterill, Williams, Falconer, Smith, Whitney, Anderson, Graves, Fatland.

The secretary called the roll, and the amendment carried by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Smithson, Whitney, Williams—21.

Those voting nay were: Senators Allen, Booth, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Mr. President—19.

Those absent or not voting were: Senators Bassett, McGregor—2.

The secretary called the roll on final passage of House bill No. 144, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Booth, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Those voting nay were: Senators Anderson, Blair, Brown, Bryan—4.

Those absent or not voting were: Senators Myers, Presby—2.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Booth, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Those voting nay were: Senators Brown, Hutchinson, Rydstrom, Smithson—4.

Those absent or not voting were: Senators Anderson, Bassett, Blair, Presby, Metcalf, Myers, Rosenhaupt—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 309, entitled "An act providing for two judges of the superior court of the State of Washing-

ton, in and for Chehalis county, etc.," was taken up for consideration.

Senator Graves raised the point of order that this bill could not be considered by the Senate for the reason that a similar bill had already been defeated in the Senate.

The president held the point of order well taken.

Senator Cotterill appealed to the Senate from the decision of the president, and was seconded by Senators Bryan and Polson.

The Senate overruled the decision of the president.

The secretary called the roll on final passage of engrossed House bill No. 309, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Williams—32.

Those voting nay were: Senators Eastham, Falconer, Smith, Mr. President—4.

Those absent or not voting were: Senators Anderson, Bassett, Cotterill, Hutchinson, Nichols, Whitney—6.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 38, entitled "An act creating the office of state commissioner of health, etc.;"

Senate substitute bill No. 109, entitled "An act relating to the selection, exemption and service of jurors in the superior court of the state";

Senate bill No. 176, "Relating to the disbarment and suspension of attorneys";

Senate bill No. 104, "Authorizing and directing the state board of land commissioners to sell at public auction certain lands";

Senate bill No. 359, entitled "An act for the relief of Vaughan & Morrill Co.;"

Senate bill No. 211, entitled "An act to amend section 3 of an act entitled 'An act authorizing counties, cities and towns to issue bonds, etc.'";

Senate bill No. 228, entitled "An act providing that all claims for damages sounding in tort against any city of the first class, etc.;"

Senate bill No. 230, entitled "An act to amend section 15 of an act entitled 'An act to enable cities of the first, second and third classes, etc.'";

Senate bill No. 364, entitled "An act concerning the collection and division of taxes, etc.";

Senate bill No. 14, entitled "An act authorizing and directing the commissioner of public lands to certify certain shore lands, etc.";

Senate bill No. 233, entitled "An act requiring bonds from contractors, etc.";

Senate bill No. 245, entitled "An act to provide for the establishment and creation and the construction and maintenance of a system of dikes, etc.";

House bill No. 294, entitled "An act making a deficiency appropriation for public printing";

House bill No. 378, entitled "An act to confirm the title and character of conveyance of certain oyster lands heretofore sold in the state";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

The House has adopted the report of the conference committee on Senate bill No. 300 and has receded from its amendments as set out in the following report:

"We recommend that the House amendments to section 243 on page 44, whereby there was inserted after the word 'property,' in line 7, the words 'or who shall give away or serve any intoxicating liquor except in a private home' be stricken and that the House recede from said amendment.

"We recommend that the remaining House amendments to said section 243 shall stand and that the House amendments to sections 325, 361, 443 and 444 shall likewise stand.

"We recommend that section 445, which was stricken from the bill by the House, be restored to the bill and amended to read as follows: 'Sec. 445. Every person who, as principal, agent or otherwise, shall sell or offer for sale any spirituous or distilled intoxicating liquor known as whiskey (except Scotch or Irish whiskey), any part of which has not been aged for a period of four years in wooden barrels or casks, or who shall, as principal, agent or otherwise, sell or offer for sale any malt liquor that has not been aged for a period of more than sixty (60) days, or which contains more than eight (8) per cent. alcohol by weight, shall be guilty of a gross misdemeanor.

"We recommend that section 446, which was stricken by the House, be restored to the bill and amended to read as follows: 'Sec. 446. Every person who, by mixing, compounding or distilling low wines or ardent spirits, or who, by adding thereto any flavoring or other sub-

stance, shall produce, or who shall sell or offer for sale or have in his possession with intent to sell, any liquor known as whiskey, gin or brandy, so produced, shall be guilty of a gross misdemeanor."

LOREN GRINSTEAD, *Chief Clerk.*

The secretary called the roll on the emergency clause, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, McGregor, McGowan, Metcalf, Myers, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smithson, Stevenson, Stewart—24.

Those voting nay were: Senators Booth, Eastham, Huxtable, Knickerbocker, Piper, Rosenhaupt, Smith, Whitney, Williams, Mr. President—10.

Those absent or not voting were: Senators Allen, Bassett, Graves, Hutchinson, Kline, Minkler, Nichols, Potts—8.

On motion of Senator Bryan, the words "and declaring an emergency" were stricken from the title of the bill.

House bill No. 287, entitled "An act to regulate the hours of persons employed underground in coal mines, making a violation thereof a misdemeanor, and providing penalties," was placed on third reading.

Senator Cotterill moved to strike the committee amendments and make the bill read as printed.

The motion carried.

The secretary called the roll on final passage of House bill No. 287, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—40.

Those absent or not voting were: Senators Bassett, Roberts—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Stevenson, all bills passed by the Senate thus far today were transmitted to the House immediately.

Engrossed House bill No. 47, entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, livery and boarding stable keepers and other persons for herding, keeping, pasturing, feeding and caring for stock," was read the third time.

Senator Graves moved to amend by striking the period at the end of section 3, inserting a semicolon, and adding the following:

Provided, That such lien shall not attach to the interest nor affect the rights of a third person who may have acquired an interest in or title to an animal against which a lien is claimed, for value and without knowledge of the claimed lien, while such animal is not in the possession of the claimant.

A roll call on the adoption of the amendment was demanded by Senators Falconer, Graves, Fatland, Stevenson, Piper, Rydstrom, Nichols.

The secretary called the roll on the adoption of the amendment proposed by Senator Graves, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Brown, Bryan, Eastham, Fatland, Graves, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Piper, Presby, Roberts, Rydstrom, Smith, Stewart—20.

Those voting nay were: Senators Bassett, Blair, Cameron, Cotterill, Cox, Davis, Falconer, Fishback, Hutchinson, Huxtable, Kline, Minkler, Paulhamus, Polson, Smithson, Stevenson, Williams, Mr. President—18.

Those absent or not voting were: Senators Booth, Potts, Rosenhaupt, Whitney—4.

On motion of Senator Graves, section 3, line 6 of the printed bill was amended by striking the words "recover possession of" and inserting in lieu thereof the words "enforce his lien against."

On motion of Senator Nichols, section 3, line 3 of the printed bill was amended by striking the word "permanently" and inserting in lieu thereof the word "continuously."

The secretary called the roll on final passage of engrossed House bill No. 47, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutch-

inson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—37.

Voting nay: Senator Presby—1.

Those absent or not voting were: Senators Booth, Metcalf, Polson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president resumed the chair.

House bill No. 99, entitled "An act relating to justices of the peace and constables in cities having a population of 200,000 or more inhabitants, providing for their election and appointment, etc.," was read the third time.

Senator Booth moved to strike the word "four" in section 1, line 2 and insert the word "five" therefor.

The motion failed to carry.

The secretary called the roll on final passage of House bill No. 99, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—36.

Voting nay: Senator Whitney—1.

Those absent or not voting were: Senators Bassett, Cameron, Davis, Rosenhaupt, Stevenson—5.

The secretary called the roll, and the emergency clause was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cotterill, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—35.

Those absent or not voting were: Senators Bassett, Cameron, Cox, Davis, Polson, Rosenhaupt, Smithson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, all bills passed by the Senate thus far were ordered immediately transmitted to the House.

House bill No. 119, entitled "An act relating to railroad companies, authorizing them to sell, purchase, lease and consolidate with other railroads, and validating sales, purchases, leases and consolidations heretofore made, and declaring an emergency," was placed on third reading.

The secretary called the roll on final passage of House bill No. 119, and it passed the Senate by the following vote:

Those voting aye were: Senators Bassett, Blair, Booth, Brown, Cameron, Cox, Davis, Eastham, Falconer, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Anderson, Arrasmith, Hutchinson—3.

Those absent or not voting were: Senators Allen, Bryan, Cotterill, Fatland, Fishback, Polson, Rosenhaupt—7.

The secretary called the roll on passage of the emergency clause, and it was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Brown, Bryan, Cameron, Davis, Eastham, Falconer, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Voting nay: Senator Arrasmith—1.

Those absent or not voting were: Senators Cotterill, Cox, Fatland, Hutchinson, Rosenhaupt—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed House bill No. 294, Senate bill No. 232, Senate bill No. 161, and Senate bill No. 8.

Engrossed House bill No. 14, entitled "An act providing for the amendment of section 10, article 3, of the Constitution of the State of Washington, relating to the executive department

of the State of Washington, and providing for the succession to the office of governor," was read the third time.

Senator Knickerbocker moved to amend the bill as follows:

In section 1, line 9 of the printed bill, strike the period after the word "elected" and insert the following: "who shall be elected at the next biennial general state election."

The amendment carried.

The secretary called the roll on final passage of engrossed House bill No. 14, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—38.

Those absent or not voting were: Senators Booth, Nichols, Stevenson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Graves moved that Senate bill No. 342 be taken up out of order.

The motion was lost.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

The House has passed House bill No. 315, entitled "An act changing the corporate name of the town of LaCamas, in Clarke county, Washington, to 'Camas'";

House bill No. 365, entitled "An act to amend section 1016 of Balingier's Annotated Codes and Statutes of Washington, relating to local improvements in towns";

House bill No. 285, entitled "An act to amend section 1 of chapter 230 of the Session Laws of 1907, prohibiting stock running at large";

House bill No. 410, entitled "An act to amend sections 9 and 11 of an act entitled 'An act in relation to estrays, providing for their deten-

tion, registration and sale, and prescribing penalties for its violation, etc.'";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 20, entitled "An act in relation to garnishments in justice courts in the State of Washington," was taken up for the purpose of concurring in House amendments.

Senator Booth moved that the Senate concur in House amendments to Senate bill No. 20.

The secretary called the roll, and the Senate concurred in House amendments to Senate bill No. 20 by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—37.

Those absent or not voting were: Senators Paulhamus, Piper, Potts, Smithson, Stevenson—5.

Senate bill No. 228, entitled "An act providing that all claims for damages sounding in tort against any city of the first class must set forth a statement of the actual residence of the claimant at the date of presenting such claim, etc.," was taken up for the purpose of concurring in House amendments.

Senator Anderson moved that the Senate concur in House amendments to Senate bill No. 228.

The secretary called the roll, and the Senate concurred in House amendments to Senate bill No. 228 by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—36.

Voting nay: Senator Rosenhaupt—1.

Those absent or not voting were: Senators Huxtable, Minkler, Paulhamus, Smithson, Stevenson—5.

Senate bill No. 241, entitled "An act providing for the construction and improvement of county roads at the expense of

the lands specially benefited thereby, etc.," was read the third time.

On motion of Senator Kline, the bill was amended by changing the comma in section 2, line 5 to a period and striking the balance of the section.

On motion of Senator Cotterill, the sections were made to read consecutively.

On motion of Senator Cotterill, the words "county surveyor" wherever they appear in the bill were stricken and the words "county engineer" substituted therefor.

The secretary called the roll on final passage of Senate bill No. 241, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—34.

Voting nay: Senator Williams—1.

Those absent or not voting were: Senators Anderson, Bassett, Booth, Bryan, Eastham, Potts, Stevenson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, all bills passed by the Senate up to this time were transmitted to the House.

Senate bill No. 283, entitled "An act requiring insurance companies to pay expenses of examination, prescribing the method of such payment, and of the payment of all taxes, fees and charges, etc.," was read the third time.

Senator Cameron moved to amend the bill as follows:

At the end of line 3, section 2, insert the words "against the moneys received by the state treasurer from the insurance companies so examined."

Senator Cameron withdrew his motion.

On motion of Senator Cotterill, the bill was amended as follows:

At the end of section 2, change the period to a comma and add the following: "but the total amount of such warrants shall not exceed during the biennial term the total of the fees and payments made for investigation and examinations under this act."

On motion of Senator Stevenson, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 283.

The bill was considered in the Committee of the Whole, Senator McGowan in the chair, and reported back to the Senate with the recommendation that the words "state or" be inserted after the word "other" in line 2 of section 1 of the printed bill, and that the further consideration of the bill be made a special order for 10:30 o'clock tomorrow morning.

On motion of Senator McGowan, the report of the Committee of the Whole was adopted.

Senate bill No. 302, entitled "An act relating to the establishment of fish hatcheries on the Columbia river or its tributaries," was placed on its third reading.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 302.

The bill was considered in the Committee of the Whole, Senator Roberts in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Roberts, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended and the reading of the bill had in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 302, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—36.

Those absent or not voting were: Senators Booth, Cameron, Falconer, Paulhamus, Whitney, Williams—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator McGowan, the rules were suspended

and Senate bill No. 302 was ordered immediately transmitted to the House.

Senator Potts moved that the Senate do now adjourn.

Senator Stevenson moved as a substitute that the Senate, when it does adjourn, adjourn at 6 o'clock this evening.

The substitute motion carried.

House bill No. 371, entitled "An act amending chapter CXL, of the Session Laws of 1901, approved March 18, 1901, the same being an act amending section 4391 of Ballinger's Annotated Codes and Statutes of Washington, etc.," was read third time.

On motion of Senator Falconer, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 371.

The bill was considered in the Committee of the Whole, Senator Knickerbocker in the chair, and reported back to the Senate without recommendation.

On motion of Senator Cotterill, the bill was amended by inserting after the word "stream" in line 9 of section 1 of the printed bill a comma and the words "upon which it was not previously practicable to float logs or other timber products."

The secretary called the roll on final passage of House bill No. 371, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Brown, Cameron, Cox, Davis, Falconer, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Piper, Polson, Potts, Roberts, Rydstrom, Smithson, Stewart, Whitney, Mr. President—23.

Those voting nay were: Senators Anderson, Arrasmith, Bryan, Cotterill, Fatland, Fishback, Hutchinson, McGowan, Nichols, Presby, Rosenhapt, Stevenson, Williams—13.

Those absent or not voting were: Senators Booth, Eastham, Graves, Huxtable, Paulhamus, Smith—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 232, entitled "An act to amend section 23 of an act entitled 'An act to enable cities, etc., to exercise the right of eminent domain, etc.'";

Senate bill No. 161, entitled "An act amending section 1 of an act entitled 'An act relating to jury trials in the superior court, etc.'";

Senate bill No. 253, entitled "An act relating to railroads, express, telephone and telegraph companies, and providing for the regulation thereof, and amending, etc.";

Senate bill No. 8, entitled "An act to amend an act entitled 'An act to provide for the formation of banking corporations, etc.',"

—have compared the same with the engrossed bills and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: D. H. Cox, A. W. Anderson.

The president signed Senate bill No. 253.

House bill No. 411, entitled "An act providing for the establishment and maintenance of public and free libraries and museums, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 411, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Stewart, Williams, Mr. President—29.

Those voting nay were: Senators Hutchinson, Myers, Smithson—3.

Those absent or not voting were: Senators Arrasmith, Booth, Eastham, Graves, Huxtable, Paulhamus, Presby, Smith, Stevenson, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Bassett gave notice that at the proper time he would move to reconsider the vote by which House bill No. 411 passed the Senate.

The secretary read the House amendments to Senate bill No. 155.

Senator Cameron moved that the Senate concur in the House amendments to Senate bill No. 155, except the amendments made by the House to section 4 of the bill.

Senator Cameron withdrew his motion.

Senator Cameron moved that the Senate do not concur in the House amendments to Senate bill No. 155, and that the House be requested to recede from its amendments to the bill.

The motion carried.

The Senate adjourned at 6 o'clock, in accordance with the motion of Senator Stevenson.

W. M. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Tuesday, March 9, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. E. L. Swick offered prayer.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

The secretary called the roll, all members being present.

Senator Bassett withdrew his notice of motion to reconsider the vote by which House bill No. 411 passed the Senate.

On motion of Senator Bassett, the rules were suspended and House bill No. 411 was immediately transmitted to the House.

The secretary read House amendments to Senate concurrent resolution No. 24.

Senator Rosenhaupt moved that the Senate concur in House amendments to Senate concurrent resolution No. 24.

The secretary called the roll, and the Senate concurred in House amendments to the resolution by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Cotterill, Fatland, Hutchinson, Huxtable, Potts, Presby, Stevenson, Stewart—8.

Senate concurrent resolution No. 27, by Senator Booth:

WHEREAS, Charges having been made in writing and filed with the Senate of the Eleventh legislature, charging Secretary of State Sam H. Nichols, as *ex-officio* insurance commissioner for the four years preceding the 13th day of January, 1909, and John H. Schively, as deputy insurance commissioner during such time, and said John H. Schively, as the present insurance commissioner of the State of Washington, with malfeasance in office; and

WHEREAS, There is no duly authorized body to investigate such charges; therefore, be it

Resolved, That the president of the Senate appoint two members, who, together with three members of the House of Representatives to be selected by the speaker of the House of Representatives, shall constitute a committee to investigate the charges herein made and to investigate the affairs, doings and conduct of the said John H. Schively as insurance commissioner for the present term, Sam H. Nichols as *ex-officio* insurance commissioner, and John H. Schively as deputy insurance commissioner for the term ending January 13, 1909. Said commission shall fully investigate the books, records and accounts of said departments, together with any other suggestions, data and conditions coming to its notice affecting such departments, and shall report the results of such investigation to the governor of this state and the next session of the legislature, convening in 1911. Said commission is vested with power to regulate the mode and manner of making such investigation; to require all state officials necessary to be examined to appear before it at hearings; is authorized to issue subpoenas for the appearance of witnesses and the production of papers, files, books, documents, accounts and testimony relating to or in any way concerning said departments, and in its discretion may employ expert accountants, stenographers and attorneys as it may deem necessary in furtherance of such investigation. Said commission shall elect one of its members chairman. The commission shall hold such meetings as it may desire and at such times and places as it may deem expedient and may determine upon. Any member of the commission is authorized to administer oaths. Said commission shall have power to investigate the books, records, documents of any insurance company, either within or without the state, and is empowered and authorized to issue commissions for the purpose of taking testimony or depositions without the state. Said

committee is hereby given such power as may be necessary to institute any and all actions in the superior court for the purpose of aiding and assisting it to make such examination, and it shall be the duty of the superior courts to entertain jurisdiction for such purpose.

The members of the commission shall receive their per diem when actually engaged in such investigation and their actual traveling expenses to be paid out of money appropriated for the expenses of the Eleventh legislature, and to be paid in the same manner as the expenses and per diem for the Eleventh legislature is paid. All expenses of stenographers and fees of witnesses appearing before the commission on subpoena shall be audited by the commission and paid as other expenses incurred by the Eleventh legislature are paid.

Senator Booth moved the adoption of the resolution.

The president ruled the resolution out of order on the ground that it was an attempt to amend a pending resolution by substituting another resolution.

Senators Paulhamus, Metcalf and Booth appealed from the decision of the president.

A roll call on the appeal from the decision of the president was demanded by Senators Booth, Nichols, Stevenson, Falconer, Fishback, Paulhamus, Rydstrom, Fatland.

The secretary called the roll on the question "Shall the decision of the chair stand as the judgment of the Senate?" with the following result:

Those voting aye were: Senators Allen, Arrasmith, Bryan, Cameron, Cotterill, Davis, Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Smith, Smithson, Stewart, Whitney, Williams—27.

Those voting nay were: Senators Anderson, Bassett, Blair, Booth, Brown, Cox, Falconer, Fatland, Fishback, Nichols, Paulhamus, Rydstrom, Stevenson—13.

Those absent or not voting were: Senators Rosenhaupt, Mr. President—2.

By unanimous consent, Senate bill No. 327, entitled "An act providing for the collection, by the state dairy and food commissioner, of certain inspection fees as set forth herein, etc.," was taken up at this time and placed on third reading.

The secretary called the roll on final passage of Senate bill No. 327, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bas-

sett, Blair, Brown, Cameron, Cotterill, Eastham, Falconer, Fatland, Fishback, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—30.

Those absent or not voting were: Senators Allen, Booth, Bryan, Cox, Davis, Graves, Hutchinson, Huxtable, Paulhamus, Piper, Presby, Stewart—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Knickerbocker gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 327 passed the Senate.

Senate bill No. 353, entitled "An act relating to the reports of state officers, departments and institutions, and the printing thereof," was read the third time.

On motion of Senator Cotterill, the bill was amended as follows:

In section 3, line 2, strike the words "in one printed volume." In the same section, line 3, insert a period after the word "report" where it appears the second time and strike the words "not included in said volume," and in the same section, line 6, strike the words "one volume of."

On motion of Senator Anderson, section 1, line 3 of the bill was amended by striking the words "October fifteenth" and inserting in lieu thereof the words "November first."

The secretary called the roll on final passage of Senate bill No. 353, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—29.

Voting nay: Senator Presby—1.

Those absent or not voting were: Senators Allen, Graves, Hutchinson, Huxtable, Nichols, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Whitney, Booth—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Williams, the rules were suspended and Senate bill No. 353 ordered transmitted to the House immediately.

SPECIAL ORDER.

The hour of 10:30 a. m. having arrived, the Senate proceeded to consider Senate bill No. 283, which was a special order for this time.

On motion of Senator Cameron, House bill No. 401 was substituted for Senate bill No. 283.

House bill No. 401, entitled "An act relating to the examination of insurance companies," was read the third time.

The secretary called the roll on final passage of House bill No. 401, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—33.

Those absent or not voting were: Senators Allen, Anderson, Hutchinson, Huxtable, Nichols, Piper, Potts, Rosenhaupt, Whitney—9.

The secretary called the roll on the emergency clause to House bill No. 401, and it was adopted by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—33.

Those absent or not voting were: Senators Allen, Anderson, Booth, Hutchinson, Huxtable, Metcalf, Piper, Rosenhaupt, Whitney—9.

On motion of Senator Cameron, the title of the bill was amended by striking the words "in the State of Washington."

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cameron, the rules were suspended and House bill No. 401 transmitted to the House immediately.

The president called Senator Graves to the chair.

INTRODUCTION OF BILLS.

Engrossed House bill No. 277, entitled "An act relating to the acquisition, control, management and disposition of the granted school, tide, oyster and other lands and harbor areas of the State of Washington, and amending sections 1, 11, 12, 14, 25, 30, 65 and 67 of chapter 89 of the Session Laws of 1897."

The bill was read the first time, and on motion of Senator Minkler, the rules were suspended, the bill was read the second time by title, and placed on general file.

Engrossed House bill No. 356, entitled "An act providing for the appointment of guardians for minors, insane and mentally incompetent persons and repealing all acts in conflict herewith."

The bill was read the first time, and on motion of Senator Fishback the rules were suspended, the bill was read the second time by title, and placed on general file.

Engrossed House bill No. 268, entitled "An act relating to the registration of voters and amending section 1 of chapter 118 of the Session Laws of 1907 of the State of Washington."

The bill was read the first time, and on motion of Senator Booth the rules were suspended, the bill was read the second time by title, and placed on general file.

Engrossed House bill No. 233, entitled "An act to amend section 3 of an act entitled 'An act in relation to estrays, providing for their detention, registration and sale, and prescribing penalties for its violation,' approved February 16, 1905."

The bill was read the first time, and on motion of Senator Arrasmith the rules were suspended, the bill was read the second time by title, and placed on general file.

Engrossed House bill No. 439, entitled "An act prescribing the duties of sheriffs in certain matters, and prescribing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Graves, the rules were suspended, the bill was read the second time by title, and placed on general file.

Engrossed House bill No. 299, entitled "An act to provide for registration and guarantee of composition of concentrated commercial feeding stuffs, and for fees for such regis-

tration, providing against the adulteration of such feeding stuffs, declaring violation of its provisions to be a misdemeanor and providing a penalty therefor and requiring the attorney general and prosecuting attorneys to prosecute violations thereof."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 378, by Committee on Tide Lands, entitled "An act to confirm the title and character of conveyance of certain oyster lands heretofore sold in the State of Washington."

The bill was read the first time, and on motion of Senator Myers the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 285, by Mr. Erickson, entitled "An act to amend section 1 of chapter 230 of the Session Laws of 1907, prohibiting stock running at large."

The bill was read the first time, and on motion of Senator Stewart, the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 365, entitled "An act to amend section 1016 of Ballinger's Annotated Codes and Statutes of Washington, relating to local improvements in towns, and declaring an emergency."

The bill was read the first time, and on motion of Senator Arrasmith the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 315, entitled "An act changing the corporate name of the town of LaCamas, in Clarke county, Washington, to 'Camas'."

The bill was read the first time, and on motion of Senator Fishback the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 410, entitled "An act to amend sections 9 and 11 of an act entitled 'An act in relation to estrays, providing for their detention, registration and sale, and prescribing penalties for its violation, approved February 16, 1905.'"

The bill was read the first time, and on motion of Senator

Huxtable the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 277, entitled "An act relating to the acquisition, control, management and disposition of the granted school, tide, oyster and other lands and harbor areas of the State of Washington, etc.," was read the third time.

Senator Bassett moved to amend section 3, line 22 of the printed bill by inserting after the word "years" the following: "where the timber was sold prior to March 1, 1907, and two years where the timber was sold subsequent to March 1, 1907."

The motion was lost.

Senator Fishback moved to amend section 1, line 3 of the printed bill by striking the words "the state fire warden and forester" and substituting therefor the words "state auditor."

The amendment failed to carry.

Senator Cotterill moved to amend House bill No. 277, as follows:

In section 2, line 33 of the printed bill, after the word "authorized" insert the following words: "to approve or veto the action of any board of county commissioners, which has been taken pursuant to the general provisions of law governing vacation of public streets, and thereby," and also by inserting in the same line after the word "annul" the words "or refuse to vacate and annul."

The motion was lost.

Senator Cotterill moved to amend the bill as follows:

In line 33, section 2 of the printed bill, after the word "authorized" insert the following: "after receiving proper petition, giving due notice, and in all respects acting in conformity with the general provisions of law governing the vacation of public streets by city councils or boards of county commissioners."

The amendment failed to carry.

Senator Cotterill moved to strike the words "commissioner of public lands" in line 62 of section 3 of the printed bill and insert in lieu thereof the words "state fire warden and forester."

The previous question was demanded by Senators Falconer, Piper and Ruth.

The motion for the previous question carried.

Senator Stevenson moved to amend the bill by substituting the word "two" for the word "four" and by inserting after the word "o'clock" the words "standard time," in line 38 of section 4 of the printed bill.

The amendment was lost.

The previous question was demanded by Senators Falconer, Ruth and Piper.

The motion for the previous question carried.

The president resumed the chair.

The secretary called the roll on final passage of House bill No. 277, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Piper, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—29.

Those voting nay were: Senators Cotterill, Nichols, Polson—3.

Those absent or not voting were: Senators Booth, Bryan, Cox, Huxtable, Kline, McGregor, Paulhamus, Presby, Rosenhaupt, Stevenson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House bills Nos. 221 and 144.

The House has refused to concur in the Senate amendments to House bill No. 99, and asks the Senate to recede therefrom.

The speaker has signed Senate bill No. 161, entitled "An act amending section 1 of an act entitled 'An act relating to jury trials in the superior courts, etc.'";

Senate bill No. 232, entitled "An act to amend section 23 of an act entitled 'An act to enable cities of the first, second and third class to exercise the right of eminent domain, etc.'";

Senate bill No. 8, entitled "An act to amend an act entitled 'An act to provide for the formation of banking corporations and to regulate the business of banking, etc.'";

House bill No. 357, entitled "An act relating to the state militia, providing for the organization, regulation, maintenance, and discipline of the National Guard of Washington, etc.'";

The House has passed House bill No. 78, entitled "An act to amend

section 1455 of Ballinger's Annotated Codes and Statutes of Washington, etc.”;

House bill No. 267, “An act to provide for the appointment of a female as assistant commissioner of labor, etc.”;

House bill No. 362, “An act relating to the biennial reports of state officers”;

House bill No. 412, “An act to provide for the refund and rebate of the amount collected by corporations for local improvements, etc.”;

House bill No. 316, “An act relating to the formation and management of road districts and appointment of supervisors therefor, etc.”;

House bill No. 207, “An act authorizing cities of the second class to provide for lighting the public streets, etc.”;

Senate substitute bill No. 246, entitled “An act appropriating fifty thousand dollars for the improvement of Puyallup and Stuck rivers, in Pierce county, Washington, etc.”;

Senate bill No. 248, entitled “An act making appropriation and creating a commission, to be known as the Columbia river improvement commission, for the purpose of the improvement of the Columbia river between Bridgeport and Kettle Falls”;

Senate bill No. 244, entitled “An act appropriating the sum of \$30,000 to the National Irrigation Congress meeting at Spokane”;

Engrossed Senate bill No. 67, entitled “An act providing for the purchase of the highway bridge across the Columbia river, at Wenatchee, Washington, by the State of Washington, from the Washington Bridge Company, etc.”;

House bill No. 344, entitled “An act creating the Southwest Washington Fair Association and making appropriation therefor”;

Senate bill No. 203, entitled “An act authorizing and directing the commissioner of public lands to certify certain tide lands to the governor for deed, etc.,” with the following amendments: Section 3, in line 4 of the original bill, the same being line 3 of the printed bill, insert the word “public” between the words “for” and “streets”; also insert the words “and dock” between the words “street” and “purposes.” Section 1, in line 92, of the original bill, the same being line 67 of the printed bill, strike the word “northeast” and insert in lieu thereof the word “northwest.”

Engrossed Senate bill No. 197, entitled “An act relating to practice and proceedings in the trial of actions, and amending section 1 of chapter 81 of the Session Laws of 1903,” with the following amendments: Amend line 23 of the printed bill by striking the comma after the word “him” and adding the words “and a copy for each of the parties plaintiff and defendant.” Amend section 1 by adding the following: “Either party at any time before the hearing of a motion for a new trial may except to the instructions given by the court, and any part thereof.”

Senate bill No. 325, entitled “An act repealing chapter 1 of the Session Laws of 1893, etc.”;

Senate bill No. 227, entitled “An act granting to cities owning their

own water-works, electric light or power plants a lien for delinquent charges, etc.”;

Senate substitute bill No. 168, entitled “An act granting to municipal corporations the right to cross state waterways with trestles or bridges for highway purposes, etc.”;

Senate bill No. 36, entitled “An act relating to the public highway fund, etc.”;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Cotterill moved that the Senate refuse to recede from its amendments to House bill No. 99 and that the House be requested to appoint a conference committee.

The motion carried.

The president signed amended Senate bill No. 6.

Senate bill No. 223, entitled “An act to amend article VII of the Constitution of the State of Washington, relating to the assessment and taxation of property within the state,” was read third time.

The previous question was demanded by Senators Roberts, Rydstrom and Cameron.

The motion for the previous question carried.

The secretary called the roll on final passage of Senate bill No. 223, and it failed to passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Brown, Bryan, Cotterill, Falconer, Fishback, Metcalf, Myers, Nichols, Polson, Stevenson—12.

Those voting nay were: Senators Allen, Arrasmith, Blair, Cameron, Cox, Davis, Eastham, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Minkler, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—27.

Those absent or not voting were: Senators Booth, Huxtable, Paulhamus—3.

The president signed House bill No. 367.

At 12:05 p. m., on motion of Senator Bryan, a recess was taken until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

House bill No. 419, entitled "An act amending section 1 of an act approved February 18, 1907, entitled 'An act authorizing the county commissioners of any county to acquire and operate quarries of suitable road-building rock, etc.," was read third time.

On motion of Senator Falconer, the bill was amended by striking all that portion of section 1 of the printed bill after the word "act" in line 6 of said section, and inserting in lieu thereof the following:

"Then and in that case the proceedings to be taken shall be in accordance with the provisions of the law providing for viewing, laying out, surveying and establishing county roads, in so far as such provisions shall be applicable."

The secretary called the roll on final passage of House bill No. 419, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Eastham, Falconer, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, Minkler, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Williams, Mr. President—27.

Those absent or not voting were: Senators Booth, Cameron, Cotterill, Cox, Davis, Fatland, Hutchinson, McGowan, Metcalf, Myers, Nichols, Paulhamus, Potts, Smithson, Whitney—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Falconer, the motion that House bill No. 371 be, under a suspension of the rules, immediately transmitted to the House, was ordered expunged from the records.

Senator Falconer gave notice of a motion to reconsider the vote by which House bill No. 371 passed the Senate.

On motion of Senator Allen, rule No. 64 was suspended.

House bill No. 335, entitled "An act relating to claims for damages against cities and towns of the second, third and fourth classes," was read third time.

The secretary called the roll on final passage of House bill No. 335, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Falconer, Fishback, Huxtable, Knickerbocker, McGregor, McGowan, Nichols, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—26.

Those absent or not voting were: Senators Booth, Bryan, Cotterill, Cox, Davis, Eastham, Fatland, Graves, Hutchinson, Kline, Metcalf, Myers, Minkler, Paulhamus, Rosenhaupt, Stewart—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 247, entitled "An act making an appropriation for the maintenance and sundry expenses of the state normal schools, etc.," was placed on its third reading.

On motion of Senator Stevenson, the Senate resolved itself into a Committee of the Whole to consider House bill No. 247.

The bill was considered in the Committee of the Whole, Senator Knickerbocker in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Knickerbocker, the report of the committee was adopted.

On motion of Senator Smith, the rules were suspended and the reading of the bill had in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of House bill No. 247, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—25.

Voting nay: Senator Eastham—1.

Those absent or not voting were: Senators Allen, Booth, Cotterill, Cox, Davis, Falconer, Fatland, Hutchinson, McGregor, Metcalf, Nichols, Paulhamus, Presby, Rosenhaupt, Stevenson, Stewart—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 195, entitled "An act relating to the rendition of judgments against sureties on costs bonds filed in any court," was read third time.

The secretary called the roll on final passage of House bill No. 195, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Eastham, Falconer, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Roberts, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—29.

Those absent or not voting were: Senators Allen, Booth, Cotterill, Cox, Davis, Fatland, Hutchinson, Metcalf, Paulhamus, Potts, Presby, Rosenhaupt, Stewart—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 318, entitled "An act for the protection of salmon and salmon trout within the limits of townships 18 and 19, N. R. 2 and 3 west W. M., in the State of Washington, and declaring an emergency," was read third time.

On motion of Senator McGowan, the bill was amended by adding to the end thereof the following section:

Section 3. It shall be lawful at all times for the state fish commissioner, the general superintendent of state fish hatcheries and assistants, to take trout and other game fish by means of hook and line or nets at any place within one mile of any state fish hatchery operated for the propagation of salmon: *And provided*, That the provisions of this section shall also apply to superintendents of salmon hatcheries operated by the United States bureau of fisheries in this state.

The secretary called the roll on final passage of the bill, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Piper, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—28.

Those voting nay were: Senators Falconer, Myers—2.

Those absent or not voting were: Senators Cotterill, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Paulhamus, Polson, Potts, Rosenhaupt, Stevenson, Williams—12.

On motion of Senator Graves, the emergency clause was stricken from the bill.

On motion of Senator Graves, the title was stricken and the following substituted therefor:

An act relating to the taking of game and food fishes, defining offenses, and prescribing penalties.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Graves, the rules were suspended and House bill No. 318 was ordered immediately transmitted to the House.

Senator Allen was granted unanimous consent to introduce a resolution out of order.

Resolution by Senator Allen:

WHEREAS, At the close of the session of the legislature of 1907, certain printing was ordered by the Senate, and the same was completed by the printer, the bills therefor being properly approved by the auditing committee and by the president and secretary of said session, amounting to \$385.90; and

WHEREAS, Upon the presentation of said bill to the state auditor it was found that the appropriation for legislative printing had become exhausted; therefore, be it

Resolved, That the auditing committee and proper officers of this body be and are hereby authorized to approve said bill for payment out of the appropriation for printing for this session, said appropriation being more than sufficient to meet the requirements of this session and take care of said bill.

On motion of Senator Allen, the resolution was adopted.

House bill No. 236, entitled "An act to amend section 703 of Ballinger's Annotated Codes and Statutes of Washington, in relation to proceedings to reincorporate cities," was read third time.

Senator Stevenson moved to amend the bill by substituting the words "six weeks" for the words "three months" in line 26 of section 1 of the printed bill.

Senator Stevenson withdrew his motion to amend.

On motion of Senator Graves, the bill was amended as follows:

After the word and figure "Section 1" in line 1 of section 1 of the printed bill, insert the following: "That section 703 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: 'Section 703'."

The secretary called the roll on final passage of House bill No. 236, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cox, Falconer, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Polson, Roberts, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—29.

Those absent or not voting were: Senators Bryan, Cotterill, Davis, Eastham, Fatland, Fishback, Graves, Paulhamus, Piper, Potts, Presby, Rosenhaupt, Stewart—13.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cox, Eastham, Falconer, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—30.

Voting nay: Senator Nichols—1.

Those absent or not voting were: Senators Cameron, Cotterill, Davis, Fatland, Fishback, Minkler, Paulhamus, Piper, Presby, Rosenhaupt, Stewart—11.

On motion of Senator Graves, the title was stricken and the following substituted therefor:

An act relating to the reincorporation of cities and towns, and amending section 703 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Senators Piper, Rydstrom and Knickerbocker moved a call of the Senate.

The motion for a call of the Senate was carried.

The secretary called the roll.

On motion of Senator Falconer, further proceedings under the motion for a call of the Senate were dispensed with.

House bill No. 73, entitled "An act prohibiting the taking, killing or having in possession for other than breeding purposes any pheasant, grouse or quail in Skagit county, Washington, prior to the 1st day of October, 1911," was read third time.

The secretary called the roll on final passage of House bill No. 73, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—36.

Voting nay: Senator Bryan—1.

Those absent or not voting were: Senators McGregor, Paulhamus, Presby, Rosenhaupt, Stewart—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 268, entitled "An act relating to the registration of voters and amending section 1 of chapter 118 of the Session Laws of 1907 of the State of Washington," was read third time.

The secretary called the roll on final passage of House bill No. 268, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cox, Davis, Eastham, Falconer, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Whitney, Mr. President—32.

Those absent or not voting were: Senators Cameron, Cotterill, Fatland, Fishback, McGregor, Paulhamus, Presby, Stevenson, Stewart, Williams—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 188, entitled "An act permitting county and city officers of the first class to close their respective offices on Saturday afternoon," was read third time.

Senator Graves moved to amend the bill by striking the period at the end of the section and adding the words "during the months of May, June, July, August, September, and October."

The motion carried.

Senator Brown moved to strike in line 2 of section 1 of the

engrossed bill the words "to tenth classes inclusive" and substitute therefor the word "class."

Senator Potts moved as an amendment to the above amendment that the word "cities" be substituted for the word "counties."

The motion of Senator Potts to amend the amendment failed to carry.

Senator Rosenahupt moved as a substitute for the motion of Senator Brown that all following the period after the letter "M" in line 3 of section 1 of the printed bill be stricken.

The substitute motion was lost.

The amendment proposed by Senator Brown carried.

The previous question was demanded by Senators Williams, Cameron and Huxtable.

The motion for the previous question carried.

The secretary called the roll on final passage of House bill No. 188, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Brown, Bryan, Eastham, Graves, Hutchinson, Huxtable, McGowan, Metcalf, Myers, Nichols, Piper, Stewart, Whitney, Williams—16.

Those voting nay were: Senators Anderson, Arrasmith, Blair, Booth, Cameron, Cox, Davis, Falconer, Fatland, Kline, Knickerbocker, McGregor, Minkler, Potts, Polson, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Mr. President—21.

Those absent or not voting were: Senators Cotterill, Fishback, Paulhamus, Presby, Roberts—5.

Senator Booth gave notice that at the proper time he would move to reconsider the vote by which House bill No. 188 failed to pass the Senate.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

The speaker has appointed Messrs. Lambert, Hanson (Ole) and Tennant as a conference committee on House bill No. 99;

The House has refused to recede from its amendments to Senate bill No. 155, and the speaker has appointed Messrs. Holm, Beach and Calkins as a conference committee thereon.

The speaker has signed Senate bill No. 253, entitled "An act relating to railroads, express, telephone and telegraph companies, and providing for the regulation thereof, etc.";

Amended Senate bill No. 6, entitled "An act establishing, providing for the maintenance of, and relating to a general and uniform public school system of the State of Washington";

Senate bill No. 238, entitled "An act to provide for the making of topographic maps within the State of Washington, etc.";

Senate bill No. 146, entitled "An act authorizing and directing the state auditor to audit, and the state treasurer to pay bills or expenses which hereafter may be incurred by the bureau of plant industry of the department of agriculture of the United States, etc.";

Senate bill No. 243, entitled "An act requiring judges of the supreme court and superior courts to wear gowns while sitting in the hearing of causes";

Senate engrossed bill No. 37, entitled "An act providing for the issuance of a state Sunday liquor license, permitting the sale of liquors on Sunday to guests by hotels holding such licenses, etc.," with the following amendment: Amend line 1 of section 3 by striking the words "one hundred" and inserting in lieu thereof the word "fifty" in the engrossed bill;

House concurrent resolution No. 14, "Relating to the consideration of bills on the last day of the session";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Falconer moved that the vote by which House amendments to Senate substitute bill No. 121 were concurred in by the Senate be now reconsidered.

The motion was lost.

Senator Potts moved that the Senate concur in House amendments to Senate bill No. 37.

The secretary called the roll, and the Senate concurred in House amendments to Senate bill No. 37 by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Booth, Brown, Cameron, Eastham, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Bryan, Cotterill, Davis, Myers—4.

Those absent or not voting were: Senators Blair, Cox, Fishback, Paulhamus, Polson, Stewart—6.

Senator Falconer moved that the explanations of votes relative to the adoption of House amendments to Senate substitute bill No. 121, filed by several members, be stricken from the record.

A roll call was demanded on the motion by Senators Falconer, Smith, Piper, Whitney, Williams, Fatland.

Senator Falconer withdrew his motion.

Senate bill No. 295, entitled "An act to provide for the protection of game fish, limiting the catch, the size taken, etc.," was read the third time.

On motion of Senator Anderson, the bill was amended as follows:

In section 3, line 1, after the word "trout" insert the following: "except native mountain brook trout."

Senator Stevenson moved to amend by striking the word "May" in section 1, line 5, and substituting therefor the word "April."

Senator Stevenson withdrew his motion.

Senator Stevenson moved to add a new section, as follows:

Section 7. *Provided*, That this act shall not apply to Garfield or Columbia counties.

The amendment was adopted.

On motion of Senator Stevenson, the emergency clause was made section 8.

On motion of Senator Myers, the emergency clause was stricken.

The secretary called the roll on final passage of Senate bill No. 295, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Cox, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Stewart, Mr. President—27.

Those absent or not voting were: Senators Allen, Booth, Bryan, Cameron, Cotterill, Fishback, Huxtable, McGowan, Metcalf, Potts, Smith, Smithson, Stevenson, Whitney, Williams—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Brown, Senate bill No. 280, which was next on the calendar, was held over for the present.

House bill No. 245, entitled "An act authorizing the board of regents of the University of Washington to confirm a right-of-way to any railroad company now having in operation a line of railroad, or branches, or sidings, or spurs thereof, or to grant an easement for a right-of-way to any railroad company or street car company hereinafter desiring to construct a railroad or line, etc.," was read the third time.

The secretary called the roll on final passage of House bill No. 245, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Davis, Eastham, Falconer, Fatland, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Williams, Mr. President—29.

Those voting nay were: Senators Anderson, Hutchinson—2.

Those absent or not voting were: Senators Bryan, Cotterill, Cox, Fishback, Graves, Huxtable, Myers, Paulhamus, Stevenson, Stewart, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president appointed Senators Whitney, Cameron and Williams as a conference committee on House bill No. 155.

The president appointed Senators Potts, Williams and Cotterill as a conference committee on Senate bill No. 99.

House bill No. 42, entitled "An act amending section 41 (Pierce's Code, Sec. 4522) of an act entitled 'An act to provide for the establishment and creation of diking districts, etc.," was placed on third reading.

The secretary called the roll on final passage of House bill No. 42, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Davis, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Williams, Mr. President—26.

Those absent or not voting were: Senators Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Myers, Paulhamus, Polson, Presby, Stevenson, Whitney—16.

Senate bill No. 342, entitled "An act relating to the change of venue of actions in the superior court, disqualification of judges of such courts, and the change of venue or changes of judges on account thereof," was read the third time.

On motion of Senator Bassett, section 2, line 3 of the bill was amended by striking the words "or any attorney appearing therein."

The secretary called the roll on final passage of Senate bill No. 342, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cox, Davis, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Whitney, Mr. President—30.

Voting nay: Senator Myers—1.

Those absent or not voting were: Senators Anderson, Booth, Cotterill, Eastham, Falconer, Fishback, Huxtable, Piper, Potts, Stewart, Williams—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 50, entitled "An act to amend section 48 of an act of the legislature of the State of Washington, entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, etc.," was read the third time.

On motion of Senator Metcalf, the title of the bill was amended by changing the period after the figures "1907" to a comma and adding the words "and declaring an emergency."

The secretary called the roll on final passage of Senate bill No. 50, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Davis, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—32.

Those absent or not voting were: Senators Booth, Cotterill,

Cox, Eastham, Falconer, Fishback, Huxtable, Potts, Rosenhaupt, Williams—10.

The secretary called the roll on the emergency clause to Senate bill No. 50, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Davis, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—31.

Those absent or not voting were: Senators Booth, Cotterill, Cox, Eastham, Falconer, Fishback, Huxtable, Nichols, Piper, Rosenhaupt, Williams—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed Senate bill No. 20.

On motion of Senator Metcalf, the rules were suspended and Senate bill No. 50 and Senate bill No. 342 were ordered immediately transmitted to the House.

Senate bill No. 174, entitled "An act regulating the filing and approval of plats of land within and without cities of the first and second class and other cities and towns with special charters having sufficient population to authorize them to incorporate as a city of the first or second class, and prescribing commons and playgrounds therein," was read the third time.

Senator Metcalf offered the following amendments:

In the first line of title after the word "First" strike out the word "and."

In second line of title after the word "second" add the words "and third."

Strike out the word "or" in third line of the title and add after the word "second" the words "or third."

Under section 1, line 2, strike out the word "or" and add after the word "second" the words "or third."

Strike out the word "or" in line 4 and add after the word "second" the words "or third."

The amendments failed to carry.

The secretary called the roll on final passage of Senate bill No. 174, and it failed to pass by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett,

Blair, Brown, Cameron, Cotterill, Davis, Huxtable, Metcalf, Minkler, Paulhamus, Polson, Potts, Presby, Smith—16.

Those voting nay were: Senators Arrasmith, Cox, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Nichols, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Mr. President—17.

Those absent or not voting were: Senators Booth, Bryan, Eastham, Falconer, Fishback, Myers, Piper, Rosenhaupt, Williams—9.

Senator Nichols gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 174 failed to pass the Senate.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 93, entitled "An act to regulate the practice of embalming and licensing of persons to carry on such practice, etc.";

House bill No. 214, entitled "An act to create a bureau of inspection and supervision of public offices, etc.";

House bill No. 201, entitled "An act repealing section 7319 and section 7320 of Ballinger's Annotated Codes and Statutes of Washington, relating to enticing seamen to desert from any vessel while lying within the waters of this state, etc.";

House bill No. 113, entitled "An act to encourage the exhibiting of poultry, live stock or agricultural products, etc.";

House bill No. 257, entitled "An act authorizing any county in the State of Washington to join with any city of the first, second or third class in such county in paying for the construction of any bridge, trestle or any structure which crosses any stream, etc.";

House bill No. 208, entitled "An act empowering cities of the second and third class to fill low lands within their borders, etc.";

House bill No. 309, entitled "An act providing for two judges of the superior court of the State of Washington in and for Chehalis county, etc.";

House bill No. 348, entitled "An act to amend sections 4, 5, 6, 8, 10, 12, 13, 15 and 17 of an act relating to drugs, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 303, entitled "An act to divide the militia reserve of the State of Washington into two classes, and to provide for the enrollment, organization, maintenance and discip-

line of the First Militia Reserve of the State of Washington," was placed on third reading.

The president called Senator Allen to the chair.

The secretary called the roll on final passage of Senate bill No. 303, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Fatland, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smithson, Stevenson, Mr. President—24.

Those voting nay were: Senators Cameron, Cotterill, Davis, Graves, Smith, Whitney, Williams—7.

Those absent or not voting were: Senators Anderson, Booth, Cox, Eastham, Falconer, Fishback, Huxtable, Nichols, Piper, Rosenhaupt, Stewart—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 157, entitled "An act relating to the correction of the survey and supplemental plat of the tide and shore lands in front of and adjacent to the city of Vancouver, Washington";

House bill No. 53, entitled "An act regulating marriages and the issuance of licenses, etc.";

Senate bill No. 20, entitled "An act in relation to garnishments in justices' courts in the State of Washington."

The House has passed engrossed Senate bill No. 119, entitled "An act to amend an act entitled 'An act authorizing the formation of metropolitan park districts, etc.'";

Senate bill No. 80, entitled "An act to amend section 3 of an act entitled 'An act relating to the special Alaska-Yukon-Pacific Exposition fund, etc.'";

Senate engrossed bill No. 81, entitled "An act creating the state shore land improvement fund, etc.";

And the same are herewith transmitted.

The House has refused to concur in the Senate amendment to House bill No. 14, and the speaker has appointed Messrs. Todd, Edge and Sparks as a conference committee thereon.

The House has receded from its amendments to Senate bill No. 326.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Stevenson, the rules were suspended and Senate bill No. 303 ordered immediately transmitted to the House.

Senator Cotterill moved that the Senate do not recede from its amendments to House bill No. 14 and that a conference committee be appointed.

The motion carried.

Senate bill No. 315, entitled "An act authorizing cities of the first class to construct auxiliary water systems for fire protection purposes, etc.," was read the third time.

The secretary called the roll on final passage of Senate bill No. 315, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Fatland, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Paulhamus, Piper, Polson, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Mr. President—26.

Those absent or not voting were: Senators Anderson, Booth, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Huxtable, Myers, Nichols, Potts, Rosenhaupt, Stewart, Whitney, Williams—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Brown, the rules were suspended and all bills passed by the Senate thus far on which no notice of reconsideration had been given were ordered immediately transmitted to the House.

House bill No. 155, entitled "An act relating to the election of county commissioners by districts, etc.," was read the third time.

Senators Brown, Paulhamus and Knickerbocker offered the following amendments:

Strike section 1 of House engrossed bill, and insert in lieu thereof the following:

"Section 1. The qualified electors of each county commissioner district, and they only, shall nominate from among their own number candidates for the office of county commissioner of such commissioner district, to be voted for at the following general biennial election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated, except as above provided."

Strike the title and insert in lieu thereof the following:

"An act relating to nomination of candidates for county commissioner."

The amendments were adopted.

Senator Cotterill offered the following amendment:

Add to section 1 the following: "*Provided*, That in counties of the first class, nominations shall be made by the voters of the entire county as between candidates from the several districts."

Senator Knickerbocker raised the point of order that amendments had been called for and none offered and that it had been announced that he had closed the debate.

The chair overruled the point of order, stating that amendments are in order at any time previous to final passage of the bill.

The amendment of Senator Cotterill failed to carry.

The president signed House bills Nos. 157, 53, 93, 214, 201, 113, 257, 208, 309, 348.

Senator Bryan offered the following amendment:

After the word and figure "Section 1" in line 1, insert the words "in counties containing cities of the first class."

The amendment was lost.

The secretary called the roll on final passage of House bill No. 155, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Fishback, Kline, Knickerbocker, McGregor, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Smith, Whitney, Williams, Mr. President—27.

Those voting nay were: Senators Bryan, Fatland, Graves, Hutchinson, Huxtable, McGowan, Metcalf, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart—12.

Those absent or not voting were: Senators Booth, Eastham, Falconer—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Cotterill gave notice that at the proper time he would move to reconsider the vote by which House bill No. 155 passed the Senate.

The president signed Senate substitute bill No. 121.

Engrossed House bill No. 313, entitled "An act for the protection of certain game birds, and beaver, etc.," was placed on third reading.

Senator Cox moved to amend section 1, line 2 of the bill by striking the words "prairie chicken."

Senator Stevenson moved as a substitute that a new section be added to the bill, as follows:

Section 4. *Provided*, That this act shall not apply as to Garfield, Columbia or Walla Walla counties as to prairie chickens.

Senator Stevenson withdrew his motion.

The motion of Senator Cox was put and carried.

On motion of Senator Myers, the word "Lincoln" was included in the counties mention in section 1.

Senator Paulhamus moved to include the word "Pierce" in the counties mentioned in section 1.

The motion was lost.

Senator Paulhamus moved to strike all the counties named in section 1 and insert in lieu thereof the words "State of Washington."

Senator Hutchinson moved as a substitute motion that the words "except Spokane county" be inserted.

The substitute motion of Senator Hutchinson was lost.

The motion of Senator Paulhamus was put and carried.

On motion of Senator Allen, section 1, line 4 was amended by striking the figures "1914" and substituting therefor the figures "1912."

The secretary called the roll on final passage of House bill No. 313, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Hutchinson, Huxtable, Kline, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Stevenson, Stewart, Whitney, Mr. President—26.

Those voting nay were: Senators Rydstrom, Stewart, Whitney—3.

Those absent or not voting were: Senators Booth, Eastham, Falconer, Fatland, Fishback, Graves, Knickerbocker, McGregor, McGowan, Potts, Smith, Smithson, Williams—13.

On motion of Senator⁶ Bryan, the title of the bill was amended by striking the words "counties of Asotin, Garfield, Columbia, Walla Walla" and inserting in lieu thereof "State of Washington."

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Davis, the rules were suspended and House bill No. 313 ordered immediately transmitted to the House.

House bill No. 241, entitled "An act to amend sections 3, 42, 43, and 47 of an act entitled "An act relating to cities of the second class and providing for the government of such cities, and repealing sections 24 to 91 inclusive of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' approved March 27, 1890, etc.," was placed on third reading.

The secretary called the roll on final passage of House bill No. 241, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Smith, Mr. President—25.

Those absent or not voting were: Senators Anderson, Blair, Booth, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, Myers, Potts, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams—17.

The secretary called the roll on adoption of the emergency clause, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Roberts, Rosenhaupt, Smith, Stewart, Mr. President—28.

Those absent or not voting were: Senators Anderson, Booth, Eastham, Falconer, Fishback, Graves, Hutchinson, Potts, Presby, Rydstrom, Smithson, Stevenson, Whitney, Williams—14.

There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF BILLS.

House bill No. 207, entitled "An act authorizing cities of the second class to provide for the lighting of the public streets and public places within such cities, and to install lighting fixtures, apparatus and appliances at the expense of the property benefited and to levy local assessments to pay for the cost of such installation, and declaring an emergency."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, ordered placed on general file and taken up immediately.

The bill was read the third time.

The secretary called the roll on final passage of House bill No. 207, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Fatland, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Mr. President—28.

Those absent or not voting were: Senators Arrasmith, Bassett, Cotterill, Eastham, Falconer, Fishback, Graves, Hutchinson, McGregor, Potts, Smithson, Stevenson, Whitney, Williams—14.

The secretary called the roll on the adoption of the emergency clause to House bill No. 207, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Mr. President—31.

Those absent or not voting were: Senators Booth, Eastham, Falconer, Fishback, Graves, Hutchinson, Potts, Smithson, Stevenson, Whitney, Williams—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred House bill No. 134, entitled "An act for the relief of Harry Lawrence, Jefferson county, State of Washington, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. G. POTTS, *Chairman*.

We concur in this report: J. R. Stevenson, W. H. Paulhamus, H. O. Fishback.

On motion of Senator Potts, the report of the committee was adopted.

On motion of Senator Bryan, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 134.

The bill was considered in the Committee of the Whole, Senator Huxtable in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Metcalf, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the reading of the bill had in the Committee of the Whole was considered the third reading of the bill, and the bill placed on final passage.

The secretary called the roll on final passage of House bill No. 134, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Mr. President—28.

Those absent or not voting were: Senators Anderson, Booth, Eastham, Falconer, Fishback, Graves, Hutchinson, Minkler, Nichols, Presby, Smithson, Stevenson, Whitney, Williams—14.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Polson, the rules were suspended and House bill No. 134, House bill No. 207 and House bill No. 241 were ordered immediately transmitted to the House.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

We, your Committee on Judiciary, to whom was referred engrossed House bill No. 434, entitled "An act to amend section 22 of an act entitled 'An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

WILL G. GRAVES, *Chairman*.

We concur in this report: Robert Booth, Ralph Metcalf, I. B. Knickerbocker, W. B. Presby, J. W. Bryan.

On motion of Senator Graves, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1909.

MR. PRESIDENT:

We, your Committee on Counties and County Boundaries, to whom was referred House bill No. 375, entitled "An act relating to the compensation of public officers and providing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

PETER MCGREGOR, *Chairman*.

We concur in this report: Ed Brown, E. M. Williams, S. J. Cameron, John L. Blair.

On motion of Senator Rosenhaupt, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred House bill No. 250, entitled "An act for the relief of Fred H. Green," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. G. POTTS, *Chairman*.

We concur in this report: W. H. Paulhamus, H. O. Fishback, Chas. E. Myers.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 125, entitled "An act amending section 1 of

chapter 113, Laws of 1905, entitled 'An act regulating and fixing the maximum railroad passenger rates in the State of Washington, and providing for the due enforcement and observance of the rates so fixed,' have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman.*

We concur in this report: J. D. Bassett, Jesse Huxtable, Alex Polson, Joseph Arrasmith, Chas. E. Myers, D. H. Cox.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 226, entitled "An act to promote the safety and comfort of passengers on street railway cars and compelling persons, companies and corporations owning and operating such cars within this state to provide safe and convenient steps for ingress to and egress from said cars, and providing a penalty for the violation of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman.*

We concur in this report: J. D. Bassett, Jesse Huxtable, Alex Polson, Joseph Arrasmith, Chas. E. Myers, D. H. Cox.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

We, your Committee on Railroads and Transportation, to whom was referred Senate bill No. 113, entitled "An act declaring it to be a part of the public policy of the State of Washington that all public work for it or any political subdivision created by its laws, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Chairman.*

We concur in this report: J. D. Bassett, Jesse Huxtable, Alex Polson, Joseph Arrasmith, Chas. E. Myers, D. H. Cox.

On motion of Senator Paulhamus, the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 121, entitled "An act providing for the submission of the

question whether the sale of intoxicating liquor shall be licensed or prohibited, etc.," have compared the same with the engrossed bill and find it correctly enrolled. Respectfully submitted,

J. W. BRYAN, *Chairman*.

We concur in this report: H. O. Fishback, D. H. Cox, A. W. Anderson.

On motion of Senator Bryan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 20, entitled "An act in relation to garnishments in justices' courts in the State of Washington," have compared the same with the engrossed bill and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman*.

We concur in this report: D. H. Cox, H. O. Fishback.

On motion of Senator Bryan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 6, entitled "An act establishing and providing for a uniform public school system in the State of Washington, etc.," have compared the same with the engrossed bill and find the same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman*.

We concur in this report: Geo. F. Cotterill, A. W. Anderson.

On motion of Senator Bryan, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

We, your Committee on Appropriations, to whom was referred Senate bill No. 187, entitled "An act relating to the construction of a state historical building for the use of the Washington State Historical Society, and making an appropriation from the general fund for the construction thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

W. H. PAULHAMUS, *Acting Chairman*.

We concur in this report: J. R. Stevenson, H. O. Fishback, A. W. Anderson, W. G. Potts.

On motion of Senator Potts, the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

We, your Committee on Labor and Labor Statistics, to whom was referred Senate bill No. 217, entitled "An act relating to the liability of employers to their workmen for injuries while in the course of their employment," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

By striking section 1 of the original bill and substituting the following:

"Section 1. When a personal injury is received by a servant or employe in the service or business of the master or employer, the master or employer is liable to answer in damages to such servant or employe, as if he were a stranger, and not engaged in such service or employment, in the cases following:

"1. When the injury is caused by reason of any defect in the condition of the ways, works, machinery, or plant connected with or used in the business of the master or employer.

"2. When the injury is caused by reason of the negligence of any person in the service or employment of the master or employer, who has any superintendency entrusted to him, whilst in the exercise of such superintendency.

"3. When such injury is caused by reason of the negligence of any person in the service or employment of the master or employer, to whose orders or directions the servant or employe, at the time of injury, was bound to conform, if such injuries resulted from his having so conformed.

"4. When such injury is caused by reason of the act or omission of any person in the service or employment of the master or employer, done or made in obedience to the rules and regulations or by laws of the master or employer, or in obedience to particular instructions given by any person delegated with the authority of the master or employer in their behalf.

"5. When such injury is caused by reason of the negligence of any person in the service or employment of the master or employer, who has the charge or control of any signal points, locomotive, engine, donkey engine, stationary engine, winch, hoist, electric motor, switch, car, or train upon a railway, or any part of the track of a railway: *Provided*, That the master or employer is not liable under this section if the servant or employe knew of the defect or negligence causing the injury and failed in a reasonable time to give information thereof to the master or employer; or to some person superior to himself engaged in the service or employment of the master or employer, unless the master or employer or such superior already knew of such defect or negli-

gence; nor is the master or employer liable under subdivision 1, unless the defect therein mentioned arose from, or had not been discovered or remedied owing to the negligence of the master or employer, or of some person in the service of the master or employer, and intrusted by him with the duty of seeing that the ways, works, machinery, or plant were in proper condition: *Provided*, That in no event shall it be contributory negligence or an assumption of the risk on the part of a servant to remain in the employment of the master or employer after knowledge of the defect or negligence causing the injury, unless he be a servant whose duty it is to remedy the defect or who committed the negligent act causing the injury complained of."

Add Section 7: "Provisions of this act shall not apply to injuries caused to domestic servants or farm laborers by fellow employes."

JESSE HUXTABLE, *Chairman*.

We concur in this report: Joseph Arrasmith, Geo. F. Cotterill.

On motion of Senator Huxtable, the report of the committee was adopted.

INTRODUCTION OF BILLS.

House bill No. 362, entitled "An act relating to the biennial reports of state officers."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 78, entitled "An act to amend section 1455 of Ballinger's Annotated Codes and Statutes of Washington, as amended by section 3 of chapter 171 of the Session Laws of 1905, the same being section 4895 of Pierce's Washington Code (1905 edition)."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 316, entitled "An act relating to the formation and management of road districts and the appointment of supervisors therefor, and amending sections 7 and 12 of chapter 119 of the Session Laws of 1903, and repealing sections 1 and 2 of chapter 246 of Session Laws of 1907."

The bill was read the first time, and on motion of Senator Bryan the rules were suspended, the bill read the second time by title, and placed on general file.

House bill No. 344, entitled "An act creating the Southwest Washington Fair Association, and making appropriation therefor."

The bill was read the first time, and on motion of Senator Paulhamus the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 412, entitled "An act to provide for the refund and rebate of the amount collected by municipal corporations to pay for local improvements above the cost of the improvement."

The bill was read the first time, and on motion of Senator Cotterill the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 267, entitled "An act to provide for the appointment of a female as assistant commissioner of labor, defining her duties and fixing her compensation."

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, and placed on general file.

Senate concurrent resolution No. 28, by Senator Potts:

Be it resolved by the Legislature of the State of Washington, That consent is hereby given for the introduction of the omnibus appropriation bill and for the military appropriation bill.

Senator Metcalf moved the adoption of the resolution.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—33.

Those absent or not voting were: Senators Anderson, Booth, Eastham, Falconer, Fishback, Graves, McGregor, Paulhamus, Stevenson—9.

On motion of Senator Potts, the rules were suspended and Senate concurrent resolution No. 28 was ordered immediately transmitted to the House.

Senator Fatland moved that the Senate adjourn.

The motion was lost.

House bill No. 370, entitled "An act amending sections 20 and 21 of chapter LXVI of the Laws of 1901, entitled 'An act providing for the establishment and construction of ditches for

drainage purposes, etc.," was read the third time.

The secretary called the roll on final passage of House bill No. 370, and it passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Fatland, Kline, Knickerbocker, McGowan, Metcalf, Myers, Piper, Polson, Potts, Presby, Roberts, Smithson, Whitney, Williams, Mr. President—23.

Those absent or not voting were: Senators Allen, Anderson, Booth, Bryan, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, McGregor, Minkler, Nichols, Paulhamus, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart—19.

The secretary called the roll on the adoption of the emergency clause to House bill No. 370, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Fatland, Kline, Knickerbocker, McGowan, Metcalf, Myers, Piper, Polson, Potts, Presby, Roberts, Smithson, Whitney, Williams, Mr. President—23.

Those absent or not voting were: Senators Allen, Anderson, Booth, Bryan, Eastham, Falconer, Fishback, Graves, Hutchinson, Huxtable, McGregor, Minkler, Nichols, Paulhamus, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart—19.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 5:35 p. m., on motion of Senator Metcalf, the Senate adjourned.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Wednesday, March 10, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. C. E. Todd offered prayer.

The secretary called the roll, all members being present.

On motion of Senator Nichols, the reading of yesterday's journal was dispensed with and it was approved.

Senate joint resolution, by Senator Stewart:

WHEREAS, The State of Washington has recently been upheld in the United States supreme court in the suit brought against it by the State of Oregon, known as the Christ Neilsen case; and

WHEREAS, The State of Washington has also been granted a rehearing in the Oregon-Washington boundary case, which had previously been decided against the State of Washington, and which involved immense sums of money and large property rights; and

WHEREAS, The rights of the State of Washington have been ably protected and upheld in these matters by special attorneys, E. C. MacDonald and George Turner; and

WHEREAS, The Oregon-Washington boundary case is now to be retried at the pleasure of the United States supreme court, and the State of Washington has rights involved that justify the employment of the best and most competent counsel that can be retained to work in conjunction with the attorney general's office in this case; therefore be it

Resolved, by the Senate of the State of Washington, the House of Representatives concurring, That the governor be empowered to retain the said E. C. MacDonald and George Turner in this case to cooperate with the attorney general's office, at such compensation as he may decide just and necessary.

Senator Stewart moved the adoption of the resolution. The secretary called the roll, and Senate concurrent resolution No. 29 was adopted by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cotterill, Cox, Davis, Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan,

Metcalf, Myers, Minkler, Nichols, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—29.

Voting nay: Senator Paulhamus—1.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Cameron, Falconer, Fatland, Fishback, Piper, Rosenhaupt, Stevenson, Whitney, Williams—12.

House concurrent resolution No. 14:

Resolved by the House, the Senate concurring, That no bills be considered in either House after 12 o'clock noon, the last day of the session, March 11, 1909, except bills in the hands of conference committees.

On motion of Senator Bassett, the resolution was amended by adding the following words: "and except appropriation bills."

Senator Bassett moved the adoption of the resolution.

The secretary called the roll, and House concurrent resolution No. 14 was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Mr. President—29.

Voting nay: Senator Rosenhaupt—1.

Those absent or not voting were: Senators Booth, Bryan, Falconer, Fatland, Fishback, Metcalf, Nichols, Piper, Smithson, Stevenson, Whitney, Williams—12.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has passed Senate substitute bill No. 162, entitled "An act to regulate the business of life insurance, etc.," with the following amendments: In section 21, line 13 of the printed bill, the same being section 20, line 13 of the Senate engrossed bill, strike all of the words in line 13 after the word "Provided." Strike line 14 and that part of line 15 up to and including the word "paid," and insert in lieu thereof the following: "That the provisions of this section relating to the issue and sale of stock of companies in good standing heretofore licensed by the commissioner of insurance to issue policies shall not apply as to any part of the capital stock of said company as now

organized." In line 9, section 23 of the printed bill, the same being line 9, section 22 of the Senate engrossed bill, strike the comma after the word "examined," strike the words "through the state treasurer" and insert in lieu thereof the following: "All moneys paid by said companies for the examination, as provided by law, shall be paid into the state treasury and shall be converted into a special fund, to be known as the insurance inspection fund, from which special fund shall be paid all bills for expenses of examinations made. Upon the presentation of vouchers properly signed by the insurance commissioner to the state auditor, the state auditor is hereby authorized to draw his warrant against said fund in the same manner in which warrants are drawn for the payment of other bills. For the purpose of making said payments and authorizing the auditor to draw warrants upon said fund, all of the moneys paid into said fund are hereby appropriated for the purpose of paying the examination expenses as provided for in this act." Add to the end of section 27 of the printed bill, the same being section 26 of the Senate engrossed bill, the following: "*Provided, however,* That when an agent leaves the service of the company during the term of his license, the company may, upon returning the original license to the office of the insurance commissioner, transfer the same, free from cost, to any person whom the company designates." In section 29, line 5 of the printed bill, the same being line 8, section 28 of the engrossed bill, insert after the word "home" the words "or branch." In the last line of the same section insert after the word "home" the same words "or branch." In section 40, line 35 of the printed bill, the same being line 37, section 39 of the Senate engrossed bill, strike the figures "30" and insert in lieu thereof the figures "28";

Senate bill No. 40, entitled "An act providing for the custody, treatment, maintenance and adoption of neglected and delinquent children, etc.";

Senate bill No. 41, entitled "An act for the punishment of parents or persons responsible for the neglect or delinquency of children under 18 years of age, etc.";

Senate bill No. 360, entitled "An act providing for the drainage of cities of the second, third and fourth class, etc." with the following amendments: Amend the title by changing the "period" to a "comma" and adding the following: "and declaring an emergency." Amend the bill by adding the following: "Sec. 3. An emergency exists and this act shall take effect immediately";

Senate bill No. 362, entitled "An act making an appropriation for the construction of state aid roads, etc.";

Senate bill No. 361, entitled "An act fixing the salary of the state law librarian";

And the same are herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

Senator Paulhamus moved a call of the Senate, and was seconded by Senators Polson and Myers.

The secretary called the roll of the Senate.

On motion of Senator Paulhamus, further proceedings under the motion for the call of the Senate were dispensed with.

On motion of Senator Stewart, the rules were suspended and Senate concurrent resolution No. 29 was ordered immediately transmitted to the House.

Senator Nichols moved that the Senate refuse to concur in the House amendments to Senate bill No. 363 and that a conference committee be appointed.

Senator Paulhamus moved as a substitute that the Senate do concur in the House amendments to Senate bill No. 363.

A roll call on the substitute motion was demanded by Senators Smith, Myers, Knickerbocker, Falconer, Nichols, Cameron, Williams.

The secretary called the roll, and the substitute motion failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Cameron, Eastham, Falconer, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Paulhamus, Polson, Roberts, Rydstrom, Williams—16.

Those voting nay were: Senators Allen, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Graves, McGowan, Myers, Minkler, Nichols, Potts, Presby, Rosenhaupt, Smith, Smithson, Stewart, Whitney, Mr. President—21.

Those absent or not voting were: Senators Booth, Fatland, Huxtable, Piper, Stevenson—5.

The motion of Senator Nichols that the Senate refuse to concur in the House amendments to Senate bill No. 363, and that a conference committee be appointed, was put and carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has passed House bill No. 182, entitled "An act for the relief of Indian war veterans for the wars of 1855 and 1856";

House bill No. 211, entitled "An act to establish a state sanitorium, etc.";

House bill No. 238, entitled "An act to provide for the extermination of cougars, wild cats, etc.;"

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF CONFERENCE COMMITTEE.

We, your conference committee on amended Senate bill No. 155, have had the House amendments to the same under consideration, and make the following recommendations:

That the Senate concur in all the House amendments save the following, and that the House recede in these amendments:

Sec. 2, line 1 of printed bill or line 2 of engrossed bill, after "horticulturist" insert "having the qualifications provided for in Sec. 45 of this act."

Sec. 4, line 1 of printed bill or line — of engrossed bill, strike "Kennewick" and insert "Tacoma."

Sec. 6, line 3 of printed bill or line 5 of engrossed bill, strike "\$2,000" and insert "\$1,500."

Sec. 8, line 7 of printed bill or line 12 of engrossed bill, strike "commissioner of horticulture" and insert "faculty of the Washington State College," and in line 8 of printed bill or line 13 of engrossed bill, strike "commissioner of horticulture" and insert "faculty of the Washington State College."

Strike all of Sec. 45 and insert the following:

"Sec. 45. The faculty of the State College shall upon request of any person desiring to make application for appointment as state commissioner of horticulture or district horticultural inspector, provide and give such applicant an examination upon such general and special subjects relating to horticulture, horticultural plants and products, and the diseases and pests thereof, and methods of prevention and eradication of such diseases and pests, as they shall deem proper to test the qualifications of said applicant for said position, and, if said applicant shall pass said examination by seventy-five points out of a possible one hundred, said faculty shall issue to said applicant a certificate showing such fact and that he is qualified as a skilled horticulturist.

"A similar examination shall be held annually on the first day of each annual district horticultural inspectors' institute, which examination may be attended by the state commissioner of horticulture and by district horticultural inspectors and any other persons desiring to attend the same.

"All persons passing such annual examination by at least seventy-five points out of a possible one hundred shall receive a certificate from the faculty of the State College showing they possess the qualifications of a skilled horticulturist, which certificate shall be good until the second annual examination thereafter.

"The subjects and questions submitted and propounded upon such

examinations shall be changed from time to time, as the faculty of said college shall deem proper.

"Each district horticultural inspector shall take the first of such annual examinations given after his appointment, and thereafter shall take such examination at least once in two years, and, in event of the failure of any inspector to take such first examination after his appointment, and such examination at least once in two years thereafter, or in the event he shall take any of said examinations and shall fail to pass by seventy-five points out of a possible one hundred, he shall forfeit his office and shall be forthwith discharged without further cause: *Provided*, That failure to pass such examination shall not work a forfeiture of office if the person so failing holds a certificate held by reason of passing the next preceding annual examination: *And provided further*, That in case of sickness preventing the taking of any annual examination, the party shall have the right, as soon as able, to apply for a special examination and shall not forfeit his office or be discharged, if he successfully passes such special examination; but a certificate granted upon any special examination shall only be good until the next annual examination: *And provided further*, That no applicant shall be required to take an examination as mentioned herein if he be a graduate in horticulture from the Washington State College or some similar college with as high requirements."

E. M. WILLIAMS.

E. C. WHITNEY.

S. J. CAMERON.

R. F. HOLM.

F. L. CALKINS.

Senator Cotterill moved that the report of the conference committee on Senate bill No. 155 be adopted.

The motion carried.

Senator Williams moved that the Senate concur in the amendments made by the House to Senate bill No. 155, except the five amendments mentioned in the conference committee report.

The secretary called the roll, and the Senate concurred in the House amendments, with the exception of the five above mentioned, by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Polson, Potts, Presby, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—30.

Those voting nay were: Senators Fatland, Fishback, Paulhamus, Metcalf, Roberts, Rydstrom—6.

Those absent or not voting were: Senators Allen, Anderson, Booth, Piper, Rosenhaupt, Smithson—6.

OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

We, your conference committee appointed to confer on Senate amendments to House bill No. 46, recommend that the House concur in said amendments, and report that the House committee asks the House to concur.

HUGH C. TODD.

J. D. BASSETT.

OLE HANSON.

R. L. KLINE.

E. B. PALMER.

RALPH D. NICHOLS.

On motion of Senator Kline, the report of the committee was adopted.

AMENDMENTS TO HOUSE BILL NO. 14.

MR. PRESIDENT:

We, your conference committee appointed to confer on Senate amendments to House bill No. 14, recommend that the following amendments be adopted:

Amend by striking out in lines 8 and 9 of section 1 of the printed bill the following words: "who shall act as governor until the disability be removed, or until a governor be elected," and change the comma after the word "state" in line 8 to a period.

Strike Senate amendment.

Add at the end of the section the following: "Any person succeeding to the office of governor as in this section provided shall perform the duties of such office only until the disability be removed, or a governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of governor for the remainder of the unexpired term."

HUGH C. TODD.

RALPH METCALF.

W. W. SPARKS.

J. W. BRYAN.

LESTER P. EDGE.

I. B. KNICKERBOCKER.

On motion of Senator Metcalf, the report of the committee was adopted.

Senator Metcalf moved that the amendments suggested in the conference committee report on House bill No. 14 be adopted.

The secretary called the roll and the amendments were adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—35.

Those absent or not voting were: Senators Booth, Cameron, Myers, Piper, Rosenhaupt, Whitney, Williams—7.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has passed House bill No. 339, entitled "An act for the relief of Conrad L. Hoska";

House bill No. 413, "An act to authorize state board of fish commissioners to move the state fish hatchery, etc.";

House bill No. 103, "An act providing for a field examination of the state for operating rock quarries, etc.";

House bill No. 145, "An act establishing a Western Washington Farm for the Harmless Insane";

Senate bill No. 344, "An act disclaiming title and interest in certain land in Snohomish county";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The secretary read House concurrent resolution No. 13.

Resolved by the House, the Senate concurring, That the song "Washington, Beloved," the words by Edmond S. Meany and the music by Reginald DeKoven, be and the same is hereby declared the state anthem of Washington.

Senator Allen moved the adoption of the resolution.

Senator Bryan moved that as a substitute that House concurrent resolution No. 13 be made a special order for 11:30 tomorrow evening.

The substitute motion carried.

The secretary read the House amendments to Senate bill No. 360.

Senator Fishback moved that the Senate concur in the House amendments to the bill.

The secretary called the roll and the Senate concurred in the House amendments by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rydstrom, Smith, Stevenson, Whitney, Mr. President—34.

Those absent or not voting were: Senators Booth, Myers, Piper, Presby, Rosenhaupt, Smithson, Stewart, Williams—8.

The secretary read the House amendments to Senate bill No. 203.

Senator Cox moved that the Senate concur in the House amendments to the bill.

The secretary called the roll and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Huxtable, Knickerbocker, Nichols, Paulhamus, Piper, Rosenhaupt, Whitney—8.

The secretary read the House amendments to Senate bill No. 197.

Senator Graves moved that the Senate concur in the House amendments.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Allen, Booth, Davis, Minkler, Piper, Rosenhaupt, Smithson, Stevenson—8.

The secretary read the House amendments to Senate substitute bill No. 162.

Senator Bassett moved that the Senate concur in the amendments.

The secretary called the roll, and the Senate concurred in the House amendments by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Williams, Mr. President—34.

Those voting nay were: Senators Kline, Stewart—2.

Those absent or not voting were: Senators Cameron, Davis, Piper, Smithson, Stevenson, Whitney—6.

By unanimous consent, at the request of Senator Potts, the following bills were introduced:

Senate bill No. 385, by Committee on Appropriations, entitled "An act appropriating the sum of sixty-one thousand eight hundred ten and thirty-six hundredths dollars from the military fund for maintenance of the National Guard, providing furniture, fixtures and equipment for state armories situated in Spokane, Seattle and Tacoma, paying certain assessments levied against military land": The bill was read first time, and on motion of Senator Potts the rules were suspended, the bill was read second time by title, ordered printed, and made a special order for 2:30 o'clock this afternoon.

Senate bill No. 386, by Committee on Appropriations, entitled "An act making appropriations for the maintenance of and sundry expenses of the various state institutions, etc.": The bill was read first time, and on motion of Senator Potts the rules were suspended, the bill read second time by title, ordered printed, and made a special order for 8 o'clock this evening.

House bill No. 413, entitled "An act to authorize the state board of fish commissioners to move the state fish hatchery located on the Chehalis river, in Chehalis county; to purchase a new site therefor and make improvements thereon, and to sell present site or any part thereof."

The bill was read the first time, and on motion of Senator McGowan, the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 145, entitled "An act establishing the West-

ern Washington Hospital Farm for the Harmless Insane, providing for the erection of buildings thereon and for the management thereof."

The bill was read the first time, and on motion of Senator Huxtable, the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 103, entitled "An act providing for a field examination of the state, with a view to ascertaining the existence and location of suitable road-making materials, and for the acquisition by the state of quarries of such materials, and the installation at such quarries of suitable rock-crushing machinery and other conveniences for operating said quarries by convict labor or free labor, and for the disposition of the output of such quarries, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Huxtable the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 238, entitled "An act to provide for the extermination of cougar, wildcat, lynx, coyote and timber-wolf, for the payment of bounties for such extermination, providing penalties, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 211, entitled "An act to establish a state sanatorium for the prevention, treatment and cure of tuberculosis, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Eastham the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 182, entitled "An act for the relief of Indian war veterans of the wars of 1855 and 1856."

The bill was read the first time, and on motion of Senator Blair the rules were suspended, the bill was read the second time by title, and placed on general file.

House bill No. 339, entitled "An act for the relief of Conrad L. Haska, funeral director, of Tacoma, Washington."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, and placed on general file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—
Senate bill No. 81, entitled "An act creating the state shore land improvement fund, etc.";

Senate bill No. 80, "An act to amend section 3 of an act entitled 'An act relating to the special A.-Y.-P. Exposition fund, etc.'";
—have compared the same with the engrossed bills and find them correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, D. H. Cox, A. W. Anderson.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 231, entitled "An act to provide for laying out, establishing, altering or vacating any county road, etc., with the following amendment: In line 16 of the original bill, after the words "deed to" insert the words "the state or to";

Senate substitute bill No. 66, "An act relating to the qualifications of members of the legislature, etc.," with amendments: In section 1, line 6 of engrossed bill, change the word "do" to "shall." Strike section 2 of the engrossed substitute bill and insert in lieu thereof the following: "Section 2. Any person, firm, corporation or organization who shall solicit any pledge from any such candidate to vote for or against any measure which may come before any such body shall be guilty of a misdemeanor";

Senate bill No. 350, "An act to amend section 6820 of Ballinger's Annotated Codes and Statutes of Washington";

Senate substitute bill No. 249, "An act authorizing cities and towns to maintain and operate certain public utilities";

House bill No. 383, "An act to provide for the licensing of peddlers";

House bill No. 271, "An act to purchase necessary machinery to equip and establish a powder factory at the State Reformatory at Monroe";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Paulhamus moved that the vote by which Senate concurrent resolution No. 26 failed to pass the Senate be now reconsidered.

A call of the Senate was moved by Senators Knickerbocker, Paulhamus, and Myers.

The motion for the call of the Senate carried.

The secretary called the roll, all members being present.

Senator Booth moved the previous question and was supported by Senators Nichols and Piper.

The motion for the previous question carried.

The motion of Senator Paulhamus that the Senate reconsider the vote by which Senate concurrent resolution No. 26 failed to pass the Senate was put and carried.

Senator Paulhamus moved the adoption of Senate concurrent resolution No. 26.

The secretary called the roll, and the resolution was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Booth, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Nichols, Paulhamus, Polson, Rosenhaupt, Stevenson—20.

Those voting nay were: Senators Allen, Blair, Cameron, Davis, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—22.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 348, entitled "An act to amend section 4683 of Ballinger's Annotated Codes and Statutes of Washington, relating to the jurisdiction of justices of the peace in criminal cases";

Senate bill No. 363, "An act making an appropriation for the construction and maintenance of certain state roads, etc.," with the following amendments: In line 7 of the original bill, strike the figures "20,000" and insert in lieu thereof the figures "60,000." In line 13 of the original bill, strike the figures "120,000" and insert in lieu thereof the figures "80,000."

The speaker has signed House bill No. 119, entitled "An act authorizing railroad companies to construct railroads and to sell, purchase, lease and consolidate with other railroads, etc.";

House bill No. 287, "An act to regulate the hours of labor of persons employed underground in coal mines";

House bill No. 221, "An act relating to revenue and taxation";

House bill No. 300, "An act prescribing the method of levying taxes in counties, cities, towns, road and school districts, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed Senate bills Nos. 80 and 81, and House bills Nos. 287, 221, 300, 119.

At 12:10 p. m., on motion of Senator Potts, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2 p. m. by President Ruth. On motion of Senator Allen, rule No. 64 was suspended.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 80, entitled "An act relating to the special Alaska-Yukon-Pacific Exposition fund, etc.";

Senate bill No. 81, "An act creating the state shore land improvement fund, etc.";

And the same are herewith transmitted.

The House has refused to recede from its amendments to Senate bill No. 363, and the speaker has appointed Messrs. Taylor, Calkins and Denman as a conference committee thereon.

The House has adopted the report of the conference committee on House bills Nos. 14, 99, 46, and amended Senate bill No. 155.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Nichols moved that a conference committee be appointed on Senate bill No. 363.

The motion carried.

Senator Williams moved to have the report of the conference committee on House bill No. 99 read out of order at this time.

The motion carried.

OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

We, the majority of the Senate committee on conference appointed by the Senate to consider Senate amendments to House bill No. 99, do recommend as follows:

That the Senate insist upon its amendments to said bill and ask the House to recede.

GEO. F. COTTERILL,
RALPH D. NICHOLS.

OLYMPIA, WASH., March 9, 1909.

MR. PRESIDENT:

Your conference committee, appointed by the House and Senate to consider the Senate amendments to House bill No. 99, do recommend as follows:

That the House concur in all Senate amendments to said bill with the exception of the amendment which reduces the number of justices from six to four. We recommend that the number of justices be made five, and that wherever the word "four" occurs in the Senate amendments to said bill, the word "five" be substituted therefor, and that wherever the word "one" appears in said Senate amendments the word "two" be substituted therefor.

GEO. R. TENNANT.
E. M. WILLIAMS.
R. S. LAMBERT.
OLE HANSON.

Senator Nichols moved the adoption of the report of the majority of the Senate committee on conference.

Senator Williams moved as a substitute that the report of the conference committee be adopted.

The substitute motion of Senator Williams was lost.

Senator Falconer moved that the bill be laid on the table.

The motion was lost.

The motion of Senator Nichols to adopt the report of the majority of the Senate committee was put and carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 192, entitled "An act for the relief of the Tieton Water Users' Association, etc.";

Senate bill No. 208, entitled "An act relating to the prevention of diseases in sheep, etc.";

Senate bill No. 193, entitled "An act authorizing cities of the second, third and fourth classes to create an accident fund with which to pay judgments for personal injuries, and declaring an emergency";

Senate bill No. 267, entitled "An act relative to enabling cities of the first, second and third classes to reincorporate, etc.";

Senate bill No. 367, entitled "An act providing for the establishment of certain state roads";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

GENERAL FILE.

House bill No. 440, entitled "An act providing for the survey and reservation of so much of the state's tide land lying in front of lot 5, section 25, township 24 north, range 1 east of the Willamette meridian, as abuts upon or lies in front of the tract of ground purchased by the State of Washington for the Washington Veterans' Home, and providing for the sale of the remainder of said tide land lot and for the reservation for the use of said Washington Veterans' Home of so much of the tide lands of the first class and of the harbor area reserve as lies in front of the portion of the tide land lot so reserved," was placed on third reading.

The secretary called the roll on final passage of House bill No. 440, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Paulhamus, Polson, Potts, Roberts, Rydstrom, Stewart, Mr. President—29.

Those absent or not voting were: Senators Allen, Booth, Huxtable, Metcalf, Nichols, Piper, Presby, Rosenhaupt, Smith, Smithson, Stevenson, Whitney, Williams—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At the request of Senator Paulhamus, by unanimous consent, Senate bill No. 345 was taken up at this time out of order.

Senate bill No. 345, entitled "An act requiring the state board of tax commissioners to take charge of and superintend the enforcement of 'An act relating to the sale of intoxicating liquors, fixing the state license fee, and providing a punishment for the violation thereof, etc.,'" was read the third time.

The secretary called the roll on final passage of Senate bill No. 345, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bas-

sett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Whitney, Mr. President—32.

Those absent or not voting were: Senators Allen, Booth, Bryan, Graves, Metcalf, Minkler, Rosenhaupt, Smithson, Stevenson, Williams—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Paulhamus, the rules were suspended and House bill No. 345 and Senate bill No. 440 were ordered transmitted to the House immediately.

House bill No. 87, entitled "An act amending section 1 of an act approved February 3, 1886, entitled 'An act relating to the cancellation of county warrants,'" was read the third time.

The secretary called the roll on final passage of House bill No. 87, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Mr. President—30.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Anderson, Booth, Cotterill, Davis, Huxtable, Metcalf, Presby, Smithson, Stevenson, Whitney, Williams—11.

Engrossed House bill No. 356, entitled "An act providing for the procedure in the appointment of guardians for the estate of minors, insane, and mentally incompetent persons, and repealing all acts in conflict herewith," was read the third time.

The secretary called the roll on final passage of engrossed House bill No. 356, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Paulhamus, Piper, Pol-

son, Potts, Presby, Roberts, Rydstrom, Stevenson, Stewart, Mr. President—30.

Voting nay: Senator Rosenhaupt—1.

Those absent or not voting were: Senators Booth, Cameron, Davis, Graves, Hutchinson, Metcalf, Minkler, Smith, Smithson, Whitney, Williams—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER.

The hour of 2:30 p. m. having arrived, the Senate took up for consideration Senate bill No. 385, which was a special order for this time.

On motion of Senator Potts, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 385.

The bill was considered in the Committee of the Whole, Senator Hutchinson in the chair, and reported back to the Senate with the recommendation that the title be amended by striking the words "and declaring an emergency," and that it do pass.

On motion of Senator Hutchinson, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended, the reading of the bill had in the Committee of the Whole was considered the third reading of the bill, and the bill placed on final passage.

The secretary called the roll on final passage of Senate bill No. 385, entitled "An act appropriating the sum of sixty-one thousand eight hundred ten and thirty-six hundredths dollars from the military fund for the maintenance of the National Guard, etc.," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Stevenson, Williams, Mr. President—32.

Those absent or not voting were: Senators Booth, Bryan, Cox, Metcalf, Piper, Presby, Smith, Smithson, Stewart, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, the rules were suspended and Senate bill No. 385 ordered immediately transmitted to the House.

Engrossed House bill No. 193, entitled "An act to prohibit the taking away, shipment, or transportation of certain game birds from the islands of the State of Washington, etc.," was read the third time.

The secretary called the roll on final passage of engrossed House bill No. 293, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Booth, Brown, Cameron, Cotterill, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Bryan, Cox, Davis, Falconer, Graves, Metcalf, Rosenhaupt—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 434, entitled "An act to amend section 22 of an act entitled 'An act to enable cities of the first, second and third class having a population of over fifteen hundred inhabitants to exercise the right of eminent domain, etc.,'" was placed on third reading.

Senate bill No. 317, entitled "An act in relation to the fees of state and county officers, witnesses and jurors, and amending section 1 of chapter 56 of the Session Laws of 1907," was placed on third reading.

On motion of Senator Nichols, the bill was held over for the present.

Senator Falconer withdrew his notice of motion to reconsider the vote by which House bill No. 371 passed the Senate.

Senator Booth moved that the rules be suspended and that the Senate now proceed to reconsider the vote by which House bill No. 188 was defeated in the Senate.

The president announced the motion carried by a two-thirds majority of the Senate.

Senators Williams, Whitney and Piper appealed from the decision of the chair.

The question, "Shall the decision of the chair stand as the judgment of the Senate?" was carried.

The question, "Shall the vote by which House bill No. 188 failed to pass the Senate be reconsidered?" was put and carried.

Senator Booth moved that the bill be placed before the Senate for amendment and final passage.

The motion was lost.

On motion of Senator Falconer, the rules were suspended and all bills passed by the Senate thus far were ordered immediately transmitted to the House.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 8, 1909.

To the Senate of the State of Washington.

GENTLEMEN: I herewith return to you Senate bill No. 177, which provides for the creation of two new judicial districts, covering the counties of Clarke, Cowlitz, Skamania, Klickitat, Lewis, Pacific and Wahkiakum, which is disapproved for the following reason:

I am reliably informed that in two of the counties which are to form one of these new judicial districts, "There is not sufficient work to keep one judge busy one-fourth of his time." There does not appear to be any substantial complaint that the present judges are unable to handle the work in these counties.

I am firmly convinced that the formation of these two new judicial districts is unwarranted and would be an unnecessary burden upon the taxpayers of said counties.

Respectfully yours,

M. E. HAY,
Lieutenant Governor and Acting Governor.

The secretary called the roll on the question "Shall Senate bill No. 177 pass, notwithstanding the veto of the governor?" with the following result:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Cameron, Davis, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Nichols, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—27.

Those voting nay were: Senators Brown, Cotterill, Cox, Falconer, Fishback, Myers, Minkler, Paulhamus—8.

Those absent or not voting were: Senators Bryan, Eastham, Fatland, Hutchinson, Metcalf, Polson, Rosenhaupt—7.

On motion of Senator Presby, the rules were suspended and Senate bill No. 177, with the governor's veto message, were ordered immediately transmitted to the House.

On motion of Senator Stevenson, House bill No. 383, entitled "An act to provide for the licensing of peddlers, prescribing penalties for failure to comply with the provisions of this act, etc.," was taken up out of order.

The bill was read the first time, and on motion of Senator Stevenson the rules were suspended, the bill was read the second time by title, and placed on general file.

The bill was read the third time.

On motion of Senator Knickerbocker, section 7 of the bill and the words "and declaring an emergency" in the title were stricken.

On motion of Senator Knickerbocker, the bill was held over for the present.

On motion of Senator Roberts, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 187, Senate bill No. 74, and Senate bill No. 301.

The bills were considered in the Committee of the Whole, Senator Nichols in the chair, and reported back to the Senate with the following recommendations:

That Senate bill No. 187 be amended in section 1, line 3, by striking the words "one hundred" and substituting therefor the words "twenty-five," and that it do pass.

That Senate bill No. 174 be amended in section 1, line 2, after the word "second," by inserting the words "third and fourth," and in section 1, line 3, by striking the words "and at such other centers of population." Amend the title of the bill by striking the word "and" where it appears the second time in the first line, and in the second line insert the words "third and fourth" between the words "second" and "classes," and in line 2 strike the words "and elsewhere."

That Senate bill No. 301 be placed on general file.

On motion of Senator Nichols, the report of the committee was adopted.

On motion of Senator Potts, the reading had of Senate bill

No. 187, Senate bill No. 301 and Senate bill No. 74 had in the Committee of the Whole was considered the third reading of the bills and the bills placed on final passage.

The secretary called the roll on final passage of Senate bill No. 187, entitled "An act relating to the construction of a state historical building for the use of the Washington State Historical Society, etc.," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Cameron, Davis, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Paulhamus, Piper, Polson, Roberts, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—25.

Those voting nay were: Senators Anderson, Arrasmith, Booth, Brown, Cotterill, Cox, Stevenson—7.

Those absent or not voting were: Senators Bryan, Eastham, Falconer, Graves, Metcalf, Minkler, Potts, Presby, Rosenhaupt, Smithson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 144, entitled "An act for the regulation of the practice of medicine and surgery, etc.";

House bill No. 241, entitled "An act to amend sections 3, 42, 43 and 47 of an act entitled 'An act relating to cities of the second class, etc.'";

House bill No. 245, entitled "An act authorizing the board of regents of the University of Washington to confirm a right-of-way, etc.";

House bill No. 268, entitled "An act relating to the registration of voters, etc.";

House bill No. 42, entitled "An act amending section 41 (Pierce's Code, Sec. 4522) of an act entitled 'An act to provide for the establishment and creation of diking districts'";

House bill No. 73, entitled "An act prohibiting the taking or killing of game birds in certain counties of the state";

House bill No. 207, entitled "An act authorizing cities of the second class to provide for the lighting of the public streets, etc.";

House bill No. 47, entitled "An act for the protection of farmers, ranchmen, herders of cattle, etc.";

House bill No. 335, entitled "An act relating to claims for damages against cities and towns, etc.;"

House bill No. 195, entitled "An act relating to the rendition of judgments against sureties, etc.;"

House bill No. 247, entitled "An act making appropriations for the maintenance and sundry expenses of the state normal schools, etc.;"

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Booth moved to amend section 4, line 1 of Senate bill No. 74 by striking the word "fifty" and substituting therefor the word "ten."

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 74, entitled "An act providing for the establishment and maintenance of free public reading-rooms in cities of the first, second, third and fourth classes, and elsewhere in the State of Washington, etc.," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Bryan, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Stewart, Whitney—26.

Those voting nay were: Senators Anderson, Booth, Brown, Cameron, Rosenhaupt, Smithson, Stevenson, Mr. President—8.

Those absent or not voting were: Senators Falconer, Graves, Metcalf, Minkler, Nichols, Paulhamus, Presby, Williams—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The secretary called the roll on final passage of Senate bill No. 301, entitled "An act making an appropriation for the destruction of seals and sea lions in the Columbia river," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Cameron, Eastham, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Piper, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Whitney, Mr. President—26.

Those voting nay were: Senators Arrasmith, Brown, Cotterill, Cox, Davis, Fishback, Polson, Smithson—8.

Those absent or not voting were: Senators Bryan, Falconer, Graves, Metcalf, Minkler, Paulhamus, Potts, Williams—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Fatland, the rules were suspended and Senate bills No. 301, 74 and 187 were ordered immediately transmitted to the House.

On motion of Senator Knickerbocker, the consideration of House bill No. 383 was resumed at this time.

On motion of Senator Cotterill, the bill was amended as follows:

At the end of section 1, change the period to a colon and add the following: "*Provided further*, That nothing in this act shall apply to peddlers within the limits of any city or town which by city ordinance regulates the sale of goods, wares or merchandise by peddlers: *And provided further*, That nothing in this act shall apply to vendors of books, periodicals or newspapers."

The secretary called the roll on final passage of House bill No. 383, entitled "An act to provide for the licensing of peddlers, prescribing penalties for failure to comply with the provisions of this act, etc.," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Piper, Potts, Presby, Rydstrom, Smith, Smithson, Stevenson, Whitney, Mr. President—31.

Those absent or not voting were: Senators Bryan, Cox, Graves, Metcalf, Minkler, Paulhamus, Polson, Roberts, Rosenhaupt, Stewart, Williams—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Stevenson, the rules were suspended and House bill No. 383 ordered immediately transmitted to the House.

The president appointed as a conference committee on Senate bill No. 363, Senators Kline, Nichols and Paulhamus.

The president signed House bills Nos. 335, 195, 207, 73, 42, 268, 245, 241, 144, and Senate bills Nos. 119, 243, and 239.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 239, entitled "An act for the regulation of public warehouses, relating to the shipping, grading, inspection and weighing of grain, etc.";

Senate bill No. 36, entitled "An act relating to the public highway fund, and amending an act entitled 'An act to amend section 2, etc.'";

Senate bill No. 243, entitled "An act requiring judges of the supreme and superior courts to wear black silk gowns while sitting in the hearing of causes";

Senate bill No. 119, entitled "An act to amend an act entitled 'An act authorizing the formation of metropolitan park districts, etc.' and declaring an emergency"

—have compared the same with the engrossed bills and find the same correctly enrolled.

Respectfully submitted,

H. O. FISHBACK.

A. W. ANDERSON.

D. H. COX.

On motion of Senator Bryan, the report of the committee was adopted.

Senate bill No. 322, entitled "An act granting to the town of Ilwaco and to P. J. McGowan & Sons, a corporation, the right to use for certain purposes a portion of the Holman waterway, as shown by the plat of tide lands in front of said town, etc.," was placed on third reading.

The secretary called the roll on final passage of Senate bill No. 322, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Davis, Eastham, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Rydstrom, Smith, Smithson, Mr. President—29.

Voting nay: Senator Anderson—1.

Those absent or not voting were: Senators Booth, Cox, Cotterill, Fishback, Paulhamus, Presby, Roberts, Rosenhaupt, Stevenson, Stewart, Whitney, Williams—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 317, which was held over, was taken up for consideration.

On motion of Senator Metcalf, the bill was amended as follows:

After line 35 of section 1 of the printed bill insert the following:

The appellant in appeals from judgments of a justice of the peace, shall, at the time of docketing his appeal, pay a docket fee of \$4.00.

The adverse party on appeals from judgment of a justice of the peace, at the time of his appearance in the superior court, shall pay a fee of \$2.00.

Other fees shall be charged as are charged in actions originally begun in the superior court.

For filing an abstract of a judgment in the supreme court, or of any superior courts of the state, or a transcript of a judgment of a justice court, a fee of \$1.00.

For taking an affidavit, with or without seal, 50 cents.

For certificate, with or without seal, 50 cents.

For filing any instrument required by law to be filed in his office, when no other fee provided, \$1.00.

For approving bond, including justification, in other than civil actions and probate proceedings, 50 cents.

For filing and recording marriage certificates, the same to be collected as provided by law, \$1.00.

For issuing writs in civil actions, where no other fee is provided, \$1.00.

In probate proceedings, the party instituting such proceedings and each subsequent petitioner shall pay, at the time of filing his first paper therein, a fee of \$5.00.

Upon the filing of a petition for the sale of real estate, there shall be paid, at the time of filing, a fee of \$3.00.

Upon the filing of a final account in the settlement of the decedent's estate, there shall be paid a fee of \$5.00.

For issuing commission to take deposition, there shall be paid a fee of \$1.00.

For filing any petition to contest a will admitted to probate, or to prove a will which has been rejected, and for all other services in connection with such petition, subsequent to its filing and up to final settlement of the issue raised by such petition, to be paid at the time of filing such petition, a fee of \$25.00.

In criminal proceedings where costs are taxed to the defendant, or defendants, the costs shall be computed the same as in civil actions.

After line 57 of section 1 of the printed bill insert the following:

For each mile necessarily traveled in going to and returning from the county seat to the place of service, 10 cents.

For service of warrant, \$2.00.

For making return of "not found in the county," for each defendant, besides mileage, 60 cents.

For services for which no fees or compensation are provided, fees similar and equal to those allowed for services of the same kind for which allowance is made herein.

The secretary called the roll on final passage of Senate bill No. 317, entitled "An act in relation to the fees of state and county officers, witnesses and jurors, and amending section 1 of chapter 56 of the Session Laws of 1907," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Mr. President—27.

Those voting nay were: Senators Arrasmith, Brown, Eastham, Hutchinson, Nichols, Falconer—6.

Those absent or not voting were: Senators Anderson, Booth, Myers, Paulhamus, Presby, Stevenson, Stewart, Whitney, Williams—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, House bill No. 349 was substituted for Senate bill No. 190 on the calendar.

Senator Cotterill was called to the chair.

On motion of Senator Graves, House bill No. 349 was indefinitely postponed.

Senate bill No. 316, entitled "An act relating to the county boards of equalization, etc.," was read the third time.

The secretary called the roll on final passage of Senate bill No. 316, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Anderson, Cox, Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Piper, Rosenhaupt, Smith, Stewart, Mr. President—16.

Those voting nay were: Senators Allen, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Falconer, Fatland, Fishback, Minkler, Nichols, Polson, Potts, Presby, Roberts, Smithson—18.

Those absent or not voting were: Senators Bassett, Davis, Metcalf, Paulhamus, Rydstrom, Stevenson, Whitney, Williams—8.

Senator Metcalf took the chair.

House bill No. 378, entitled "An act to confirm the title and character of conveyances of certain oyster lands heretofore sold in the State of Washington," was read third time.

On motion of Senator Smith, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 378.

The bill was considered in the Committee of the Whole, Senator Metcalf in the chair, and reported back to the Senate with the recommendation that it be placed on general file.

On motion of Senator Smith, the report of the Committee of the Whole was adopted.

The secretary called the roll on final passage of House bill No. 378, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Cameron, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—19.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Hutchinson, McGregor, Metcalf, Myers, Nichols, Polson, Rosenhaupt, Stevenson, Williams—20.

Those absent or not voting were: Senators Booth, Fishback, Paulhamus—3.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 243, entitled "An act requiring judges of the supreme and superior courts to wear gowns, etc.";

Senate bill No. 119, entitled "An act to amend an act authorizing the formation of metropolitan park districts, etc.";

Senate bill No. 239, entitled "An act for the regulation of public warehouses, etc.";

Senate bill No. 36, entitled "An act in relation to the public highway fund, etc."

The House has passed Senate bill No. 214, entitled "An act amending section 6 of an act entitled 'An act to provide for the alteration, re-plot or vacation of any townsite, etc.'";

Senate bill No. 345, "An act requiring the state board of tax commissioners to take charge of and superintendent the enforcement of 'An act relating to the sale of intoxicating liquors, etc.'";

Senate bill No. 166, "An act appropriating money for the relief of the city of Palouse";

Senate bill No. 357, "An act extending the powers and jurisdiction of incorporated cities into the bays, etc., adjacent to the boundaries of such cities," with the following amendment: Amend the title by adding thereto the words "and declaring an emergency";

Senate bill No. 213, "An act to amend chapter 149 of the Laws of Washington, entitled 'An act creating a state highway board and the office of the state highway commissioner; etc.'";

Senate bill No. 251, entitled "An act prohibiting any manufacturer or wholesale dealer in intoxicating liquors from owning, operating or having any financial interest in any saloon, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator McGowan, all bills passed by the Senate thus far were ordered immediately transmitted to the House.

At 5:35 p. m., on motion of Senator Graves, the Senate took a recess until 8 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8 o'clock p. m. by President Ruth.

SPECIAL ORDER.

The Senate took up the consideration of Senate bill No. 386, which was special order for this hour.

On motion of Senator Potts, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 386.

The bill was considered in the Committee of the Whole, Senator Graves in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments:

On page 7, in lines 235 and 236 of the printed bill, strike the parenthesis and the words contained therein, as follows "(so much thereof as may be necessary, but not to exceed the amount collected)."

Insert after the word "equipments" in line 351, page 10 of the printed bill, the following in parenthesis "(from the Agricultural College and Scientific School current funds until exhausted, balance from general fund)."

Substitute for the word "Puyallup" in line 353, page 10 of the printed bill, the words "Western Washington."

Between lines 346 and 347 insert line 346½, to read as follows: "Balance due on Stewart collection, \$6,000," and change the amount in line 346 from "\$658,322" to read "\$652,322."

Insert a new line between lines 211 and 212 of the printed bill, to be known as line 211½, and reading as follows: "Salary of deputy horticultural commissioner, \$1,500 per year, \$3,000.00," and change total in line 216 from "\$9,200" to "\$12,200."

On motion of Senator Graves, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended and the reading of the bill had in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 386, entitled "An act making appropriation for maintenance of and sundry expenses at the various state institutions, etc.," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—38.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Bassett, Piper, Stevenson—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, the rules were suspended and Senate bill No. 386 was ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has concurred in Senate amendments to House concurrent resolution No. 14, House bills Nos. 419, 99, 401, 318, 236 and 371.

The House has refused to concur in the Senate amendments to House bill No. 313 and asks the Senate to recede therefrom.

The speaker has signed Senate substitute bill No. 121, entitled "An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, etc.";

The House has passed Senate joint resolution No. 4, "Relating to peace and justice," with the following amendments: Section 3, in lines 1 and 2 of the original bill, strike the words "immediate adoption of a" and insert in lieu thereof the words "continuance of the present"; also in line 2 strike the words "will give" and insert in lieu thereof "is giving." In line 2 of section 4 of the original bill, before the word "equal" insert the word "proportionally";

Senate bill No. 265, entitled "An act repealing sections 4128 and 4157 of Ballinger's Annotated Codes and Statutes of Washington, etc.";

Senate bill No. 61, entitled "An act to create a state fish hatchery on the Bryant Spring, in Walla Walla county, Washington, etc.";

Senate substitute bill No. 65, entitled "An act relating to bills of lading";

Engrossed Senate bill No. 5, entitled "An act appropriating \$3,500 as compensation for services and reimbursement for expenses of George Turner and E. C. Macdonald, etc.," with the following amendment: In lines 3 and 4, section 1 of the engrossed bill, strike the words and figures "three thousand five hundred dollars (\$3,500.00), and insert in lieu thereof the words and figures three thousand dollars (\$3,000.00)";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The secretary read the House amendments to Senate substitute bill No. 66.

Senator Booth moved that the Senate do concur in the House amendments to the bill.

Senator Falconer moved that the bill be indefinitely postponed.

The president ruled the motion of Senator Falconer out of order, on the ground that the question before the Senate is the adoption of the House amendments to the bill.

Senator Falconer moved that the bill be referred to the Committee on Public Morals.

The president ruled the motion out of order on the same ground as that given above.

The previous question was demanded by Senators Blair, Brown and Falconer.

The motion for the previous question was put and carried.

The secretary called the roll on the motion of Senator Booth that the Senate concur in the House amendments to Senate substitute bill No. 66, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Booth, Cameron, Davis, Eastham, Fatland, Graves, Hutchinson, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—25.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fishback, Myers, Polson, Presby, Stevenson—14.

Those absent or not voting were: Senators Huxtable, Kline, Piper—3.

The president signed Senate bills Nos. 246, 360, 361, 197, 67, 248, 41, 325, 168, 362, 227, 244, 238, 326, 348, 37, 192, 251, 350 and 344.

The secretary read the House amendments to amended Senate bill No. 4.

Senator Metcalf moved that the Senate refuse to concur in the House amendments to the bill, and that the House be requested to recede from its amendments.

The motion carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 257, entitled "An act relating to the assessments of benefits resulting to public or county roads by reason of the construction and maintenance of dikes or drains, etc.";

Senate bill No. 158, entitled "An act making an appropriation for the relief of Chicago, Milwaukee & Puget Sound Railway Company for money paid for rights-of-way across lands of the State of Washington";

Engrossed Senate bill No. 261, entitled "An act amending act of 1895, relating to the establishment and maintenance of drainage districts, etc.";

Engrossed Senate bill No. 297, entitled "An act relating to the finances of the State of Washington, etc.";

Senate bill No. 153, entitled "An act providing for the appointment of court commissioners and fixing their powers, etc.";

Senate bill No. 356, entitled "An act relating to service of process in justice courts,";

Engrossed Senate bill No. 56, entitled "An act relating to the foreclosure and sale of real property for delinquent taxes, etc.";

Engrossed Senate bill No. 72, entitled "An act for the relief of B. D. Minkler, and making an appropriation therefor";

Senate bill No. 331, entitled "An act requiring every city of the first class to include in its annual tax levy an amount sufficient to pay all unpaid assessments, with all interest, penalties and charges thereon, levied upon lands belonging to such city";

Engrossed amended Senate bill No. 4, entitled "An act regulating and providing for the nomination of candidates for public office," with the following amendments: In lines 7 and 8 of section 1 of the original bill, where the word "June" occurs, strike the same and insert in lieu thereof the word "October." In line 11 of section 2 of the original bill, strike the word "justices" and insert in lieu thereof the word "judges." In line 5 of section 3 of the original bill, strike the word "last" and insert in lieu thereof the word "first"; strike the word "June," and insert in lieu thereof the word "October." In line 11 of section 4 of the original bill, after the word "on" insert the word "such." In line 21 of section 10 of the original bill, strike the words "precinct, ward, city, and." In line 3 of the form of ballot in the original bill in section 5, strike the word "precinct, Ward, City of." In line 9 of section 6 of the original bill, before the word "office" strike the word "the" and insert in lieu thereof the word "such"; after the word "division" in the same line insert a period and strike the remainder of the sentence. In line 3 of section 7 of the original bill, strike the word "June" and insert in lieu thereof the word "October." In line 37 of section 8 of the original bill, after the word "act" strike the rest of the section. In line 3 of the form of ballot in section 11 of the original bill, strike the words "Precinct, Ward, City of." In section 11, line 7 of the original bill, strike the word "a" before the word "convention," add an "s" to the word "convention," making the same "conventions"; strike the word "any," and the words "party or"; in line 9 add an "s" to the word "nominee," making the same "nominees"; in line 10 insert a period after the word "ballots," strike the remainder of the sentence down to and including the word "convention," and insert in lieu thereof the following: "under one heading entitled 'Judges of the supreme court' and rotated irrespective of party designation, as provided in section 13."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF CONFERENCE COMMITTEE.

We, your conference committee on Senate bill No. 363, beg to report the following:

That the House recede from its amendment in line 11, section 1 of the printed bill, also that the House recede from its amendment in line 5 of section 1 of the printed bill, and that the words and figures "sixty thousand (\$60,000.00) dollars" be made to read "fifty thousand (\$50,000.00) dollars" in said line 5.

We further recommend that in line 2, section 1 of the printed bill the words and figures "six hundred and twenty thousand (\$620,000.00)

dollars" be made to read "six hundred and fifty thousand (\$650,000.00) dollars."

RALPH D. NICHOLS.
W. H. PAULHAMUS.
R. L. KLINE.

HOWARD D. TAYLOR.
F. L. CALKINS.
GEO. L. DENMAN.

On motion of Senator Nichols, the report of the conference committee on Senate bill No. 363 was adopted.

Senator Nichols moved that the Senate concur in the amendments as recommended by the conference committee on Senate bill No. 363.

The secretary called the roll, and the Senate concurred in the amendments recommended by the conference committee by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—30.

Those absent or not voting were: Senators Anderson, Bassett, Davis, Fatland, Huxtable, Metcalf, Minkler, Piper, Potts, Presby, Rosenhaupt, Smithson—12.

The secretary read the House amendments to Senate bill No. 357.

Senator Blair moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred in the House amendments by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Polson, Potts, Presby, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Bassett, Brown, Davis, Huxtable, Metcalf, Minkler, Nichols, Paulhamus, Piper, Rosenhaupt, Smith—11.

The president appointed Senators Rydstrom, Brown and Cameron as a conference committee on House bill No. 313.

The secretary read the House amendments to Senate bill No. 5.

Senator McGowan moved that the Senate concur in the House amendments.

The secretaary called the roll and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Booth, Brown, Bryan, Cotterill, Cox, Eastham, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Polson, Potts, Presby, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—30.

Those absent or not voting were: Senators Bassett, Blair, Cameron, Davis, Falconer, Huxtable, Metcalf, Minkler, Paulhamus, Piper, Rosenhaupt, Smith—12.

The secretary read the House amendments to Senate bill No. 231.

Senator Cotterill moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred in the House amendments to the bill by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Myers, Nichols, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Bassett, Davis, Hutchinson, Huxtable, Metcalf, Minkler, Paulhamus, Piper, Presby, Rosenhaupt—10.

The secretary read the House amendments to Senate bill No. 218.

Senator Stevenson moved that the Senate concur in the House amendments to Senate bill No. 218.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Booth, Brown, Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Pol-

son, Presby, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Anderson, Bassett, Cameron, Davis, Huxtable, Minkler, Piper, Potts, Roberts, Rosenhaupt, Smithson—11.

House bill No. 128, entitled "An act authorizing and directing the board of state land commissioners to sell the south ten acres of the northeast quarter of the southeast quarter of section 31, township 28 north, range 8 east of the Willamette meridian, and declaring an emergency," was read third time.

The secretary called the roll on final passage of House bill No. 128, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Kline, Knickerbocker, McGregor, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Arrasmith, Bassett, Davis, Huxtable, McGowan, Metcalf, Piper, Potts, Presby, Rosenhaupt—10.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Myers, Paulhamus, Polson, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—30.

Those absent or not voting were: Senators Anderson, Bassett, Davis, Hutchinson, Huxtable, Metcalf, Minkler, Nichols, Piper, Potts, Presby, Rosenhaupt—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 312, entitled "An act to amend sections 1, 2, 4 and 12 of an act entitled 'An act relating to the proper ventilation and safety of coal mines, etc.,'" was read third time.

The secretary called the roll on final passage of House bill No. 312, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Bassett, Booth, Davis, McGregor, Metcalf, Paulhamus, Piper, Presby—8.

Senator Smith moved that the Senate do now adjourn.

The motion was lost.

Engrossed House bill No. 84, entitled "An act relating to the levy of an annual tax for the purpose of advertising the advantages of the counties of the state of Washington, etc.," was read third time.

On motion of Senator Cotterill, House bill No. 84 was indefinitely postponed.

Senator Eastham moved that the Senate do now adjourn.

The motion to adjourn was lost.

On motion of Senator Falconer, the rules were suspended, and all bills passed by the Senate to this time were ordered immediately transmitted to the House.

Senator Rosenhaupt moved that the special order set for 11:30 tomorrow evening be taken up at this time.

The motion failed to carry.

House bill No. 368, entitled "An act prohibiting the sale, offering for sale, or keeping possession of, and prohibiting the canning of clams, oysters or other shellfish which have been opened for a period of more than four days, etc.," was read third time.

Senator Hutchinson moved that House bill No. 368 be made a special order for 10:30 tomorrow morning.

The motion was lost.

The previous question was demanded by Senators Blair, Huxtable and Knickerbocker.

The motion for the previous question carried.

The secretary called the roll, and House bill No. 368 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, Mc-

Gregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Voting nay: Senator Arrasmith—1.

Those absent or not voting were: Senators Anderson, Bassett, Booth, Davis, Metcalf, Piper, Presby, Smithson—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Graves moved that the Senate do now adjourn.

The motion to adjourn was lost.

House bill No. 412, entitled "An act to provide for the refund and rebate of the amount collected or assessed by municipal corporations to pay for local improvements above the cost of the improvements," was read third time.

Senator Cotterill moved to amend the bill by striking section 1 and substituting therefor the following:

Section 1. That any funds in the treasury of any municipal corporation belonging to the fund of any local improvement district after the payment of the whole cost and expense of such improvement, in excess of the total sum required to defray all the expenditures by such municipal corporation on account thereof, shall be refunded, on demand, to the payers into such fund. Each such payor shall be entitled to such proportion of such excess as his original assessment bears to the entire original assessment levied for such improvement. Such municipal corporation may, after one year from the date on which the last installment becomes due, transfer any balance remaining on hand to the general fund of such municipal corporation, but shall, notwithstanding such transfer, remain liable for the refund herein provided for until such refund shall have been made, unless the actual cost involved in making such refund shall exceed the excess in such fund. Such demand shall be made in writing to the treasurer of such municipal corporation. No action shall be commenced in any court to obtain any such refund, except upon such demand, and, in all cases where the assessment roll shall have been filed with the treasurer of such municipal corporation for collection on or after the day this act shall take effect, until ninety days after making such demand, and in all cases where such assessment roll has heretofore been filed for collection, until six months after making such demand in accordance herewith. No excess shall be recovered in any action where the excess in the fund does not average the sum of one dollar in favor of all payers into such fund.

Senator Paulhamus moved that the amendment be laid on the table.

The motion to lay on the table was lost.

The amendment of Senator Cotterill carried.

The secretary called the roll on final passage of House bill No. 412, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Blair, Booth, Brown, Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Williams, Mr. President—31.

Those absent or not voting were: Senators Arrasmith, Bassett, Cameron, Davis, Knickerbocker, McGregor, Piper, Presby, Smithson, Stevenson, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, the rules were suspended and all bills passed by the Senate to this time were ordered transmitted to the House immediately.

Senator Booth moved that the Senate do now adjourn.

The motion to adjourn was lost.

Senator Cotterill moved that House bill No. 211 be ordered referred to the state board of health, with instruction to report on the bill to the next session of the legislature.

Senator Graves moved as a substitute that the Senate resolve itself into a Committee of the Whole for the purpose of considering House bill No. 211.

The substitute motion of Senator Graves was lost.

Senator Booth moved as a substitute that the consideration of House bill No. 211, be made a special order for 11 o'clock tomorrow morning.

The substitute motion of Senator Booth was lost.

The motion of Senator Cotterill carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

The House has refused to recede from its amendments to Senate bill No. 4, and the speaker has appointed Messrs. Bell, Gordon and Fancher as a conference committee thereon.

LOREN GRINSTAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

We, your Committee on Engrossed Bills, to whom was referred Senate bill No. 317, entitled "An act in relation to fees of state and county officers, etc.," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted,

CHAS. E. MYERS, *Chairman.*

We concur in this report: W. G. Potts, F. L. Stewart, H. H. Fatland.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 10, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 360, entitled "An act amending sections 2 and 3 of an act entitled 'An act to provide for the drainage of cities of the second, third and fourth classes'";

Senate substitute bill No. 246, entitled "An act appropriating fifty thousand dollars for the improvement of the Puyallup and Stuck rivers";

Senate bill No. 67, entitled "An act providing for the purchase of the highway bridge across the Columbia river, at Wenatchee, Washington";

Senate bill No. 344, entitled "An act disclaiming title and interest in certain land in Snohomish county";

Senate bill No. 350, entitled "An act to amend section 6802 of Balinger's Annotated Codes and Statutes of Washington, relating to the prosecution of crimes by information";

Senate bill No. 251, entitled "An act to prohibit any manufacturer of or wholesale dealer in intoxicating liquors from owning, operating or having any financial interest in any saloon, etc.";

Senate bill No. 192, entitled "An act for the relief of the Tieton Water Users' Association for work done and charged to said association on state road No. 5";

Senate bill No. 37, entitled "An act providing for the issuance of a state Sunday liquor license, permitting the sale of liquor on Sunday to guests by hotels, etc.";

Senate bill No. 348, entitled "An act to amend section 4683 of Balinger's Annotated Codes and Statutes of Washington, relating to the jurisdiction of justices of the peace in criminal matters";

Senate bill No. 326, entitled "An act to prohibit the sale or disposal of intoxicating drinks to Indians";

Senate bill No. 238, entitled "An act to provide for the making of topographic maps within the State of Washington, and the investigation of its water resources, etc.";

Senate bill No. 244, entitled "An act appropriating the sum of thirty thousand dollars to the National Irrigation Congress meeting at Spokane";

Senate bill No. 227, entitled "An act granting to cities owning their own water works, electric light or power plants a lien for delinquent charges, etc.";

Senate bill No. 362, entitled "An act making an appropriation for the construction of state aid roads under the provisions of chapter 150, Laws of Washington, A. D. 1909";

Senate bill No. 168, entitled "An act granting to municipal corporations the right to cross state waterways with trestles or bridges, etc.";

Senate bill No. 325, entitled "An act repealing chapter 1 of the Session Laws of 1893";

Senate bill No. 41, entitled "An act to provide for the punishment of parents or persons responsible for or contributing to the delinquency of children of the age of 18 years or under";

Senate bill No. 248, entitled "An act making an appropriation and creating a commission to be known as the Columbia river improvement commission";

Senate bill No. 197, entitled "An act relating to practice and proceedings in the trial of actions, and amending section 1 of chapter 81 of the Session Laws of 1903";

Senate bill No. 361, entitled "An act fixing the salary of the state law librarian";

—have compared the same with the engrossed bills and find them correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, D. H. Cox.

The president appointed on a conference committee on amended Senate bill No. 4, Senators Presby, Graves and Metcalf.

House bill No. 271, entitled "An act providing for an appropriation to purchase the necessary machinery and equipment for and to establish a powder factory at the State Reformatory at Monroe, etc.," was read first time.

On motion of Senator Cotterill, the rules were suspended, the bill read second time by title and ordered placed on general file.

House bill No. 299, entitled "An act to provide for the registration and guarantee of composition of concentrated commercial feeding stuffs, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 299, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Brown,

Bryan, Cotterill, Cox, Eastham, Falconer, Fatland, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Roberts, Smith, Stewart, Williams, Mr. President—27.

Those voting nay were: Senators Cameron, Smithson—2.

Those absent or not voting were: Senators Anderson, Arrasmith, Booth, Davis, Graves, Huxtable, Metcalf, Potts, Presby, Rosenhaupt, Rydstrom, Stevenson, Whitney—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 250, entitled "An act for the relief of Fred H. Green," was placed on its third reading.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 250.

The bill was considered in the Committee of the Whole, Senator Cotterill in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Cotterill, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended and the reading of the bill had in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of House bill No. 250, and it passed the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—30.

Absent or not voting were: Senators Allen, Anderson, Booth, Davis, Eastham, Graves, McGregor, Metcalf, Paulhamus, Presby, Smithson, Stevenson—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator McGowan moved that the Senate do now adjourn.

The motion to adjourn was lost.

House bill No. 97, entitled "An act to amend section 1, chapter 44 of an act of the legislature of the State of Washington,

approved February 26, 1907, entitled 'An act to amend section 1263 Ballinger's Annotated Codes and Statutes of the State of Washington, relating to filing of plats and payment, assessment and collection of taxes upon the same, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 97, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Allen, Arrasmith, Blair, Booth, Eastham, Graves, Metcalf, Paulhamus, Presby, Smith—10.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Bassett, Brown, Bryan, Cameron, Cotterill, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—29.

Those absent or not voting were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Cox, Eastham, Graves, Kline, Metcalf, Polson, Presby, Smith—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 264, entitled "An act to regulate, restrain, license, or prohibit the maintenance or running of pool halls, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 264, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Allen, Arrasmith, Blair, Booth, Eastham, Graves, Knickerbocker, Metcalf, Presby, Smith, Stevenson—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 410, entitled "An act to amend sections 9 and 11 of an act entitled 'An act in relation to estrays, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 410, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Allen, Arrasmith, Blair, Booth, Davis, Eastham, Graves, Metcalf, Nichols, Presby, Smith—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 267, entitled "An act to provide for the appointment of a female as assistant commissioner of labor, etc.," was read third time.

The secretary called the roll on final passage of House bill No. 267, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Myers, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Ruth, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams—30.

Voting nay: Mr. President—1.

Those absent or not voting were: Senators Allen, Arrasmith, Blair, Booth, Eastham, Graves, Kline, Metcalf, Minkler, Potts, Smithson—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 374, entitled "An act relating to attorneys and counselors at law," was read third time.

The secretary called the roll on final passage of House bill No. 374, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Allen, Arrasmith, Booth, Eastham, Hutchinson, Metcalf, Paulhamus, Piper, Smithson, Stevenson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 329, entitled "An act fixing the place of office of prosecuting attorneys," was read third time.

The secretary called the roll on final passage of House bill No. 329, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Whitney, Mr. President—29.

Those absent or not voting were: Senators Allen, Arrasmith, Booth, Cox, Davis, Eastham, Falconer, Graves, Metcalf, Paulhamus, Potts, Smithson, Williams—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 105, entitled "An act providing for fire drills in the schools of this state," was read third time.

The secretary called the roll on final passage of House bill No. 105, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Booth, Brown, Bryan, Cameron, Cox, Fatland, Fishback, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Stewart, Whitney, Mr. President—27.

Those absent or not voting were: Senators Allen, Arrasmith, Blair, Cotterill, Davis, Eastham, Falconer, Graves, Knicker-

bocker, Metcalf, Potts, Smith, Smithson, Stevenson, Williams—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Stevenson moved that the Senate do now adjourn.

Senator Falconer moved as a substitute that the Senate, when it does adjourn, adjourn until 9:30 o'clock tomorrow morning.

The substitute motion carried.

Senate bill No. 293, entitled "An act relating to the superior court for Clallam, Jefferson, Island and Snohomish counties, providing for the election of judges therein, etc.," was read the third time.

The secretary called the roll on final passage of Senate bill No. 293, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Blair, Brown, Bryan, Cotterill, Falconer, Fishback, Graves, Huxtable, Kline, Knickerbocker, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—26.

Those voting nay were: Senators Bassett, Cameron, Cox, Fatland, Hutchinson, Polson, Stevenson, Williams—8.

Those absent or not voting were: Senators Allen, Arrasmith, Booth, Davis, Eastham, McGregor, McGowan, Metcalf—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 11:10 p. m., on motion of Senator Potts, the Senate adjourned.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

SIXTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Thursday, March 11, 1909.

The Senate was called to order at 9:30 a. m. by President Ruth, pursuant to adjournment.

The secretary called the roll, all members being present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 351, entitled "An act prohibiting the uttering, circulating, selling or offering for sale of any certificate of any warehouse, distillery, etc.";

Senate bill No. 382, "An act changing the boundary line between the 36th and 32d senatorial districts, etc.";

Senate bill No. 282, "An act to provide for state depositaries, and regulating the deposit of state moneys therein";

Senate bill No. 289, "An act providing for the appointment of a commission to prepare a code of insurance laws";

Senate bill No. 284, "An act granting rights-of-way to municipal corporations, etc.";

Senate bill No. 50, "An act to enable cities of the first, second and third class to exercise the right of eminent domain, etc.";

Senate bill No. 216, "An act relating to procedure in condemnation proceedings affecting lands owned by the state, etc.";

Senate bill No. 241, "An act providing for the construction and improvement of county roads, etc.";

Senate bill No. 385, "An act appropriating a sum from the military fund for the maintenance of the National Guard";

Senate bill No. 185, "An act to establish a state trout hatchery on the Lewis river";

Senate bill No. 97, "An act to appropriate money to carry on the inspection of steam vessels, etc.";

Senate bill No. 302, "An act relating to the establishment of fish hatcheries on the Columbia river, etc.";

Senate bill No. 187, "An act relating to the construction of a state historical building."

And the same are herewith transmitted.

The House had adopted the report of the conference committee on Senate bill No. 363.

The speaker has appointed Messrs. Halsey, Beach and Cline as a conference committee on House bill No. 313.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Cotterill moved that the Senate reconsider the vote by which House bill No. 155 passed the Senate.

The motion was lost.

On motion of Senator Knickerbocker, the rules were suspended and House bill No. 155, as amended by the Senate, was ordered immediately transmitted to the House.

Senator Anderson moved to reconsider the vote by which Senate bill No. 327 passed the Senate.

The motion carried.

Senate bill No. 327, entitled "An act providing for the collection, by the state dairy and food commissioner, of certain inspection fees as set forth herein, etc.," was taken up for amendment and final passage.

Senator Knickerbocker moved to amend the bill by striking all of line 4 in section 1.

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 327, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Mr. President—27.

Those voting nay were: Senators, Arrasmith, Brown, Knickerbocker, Williams—4.

Those absent or not voting were: Senators Blair, Booth, Davis, Fishback, Graves, Metcalf, Piper, Potts, Presby, Stewart, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Paulhamus, the rules were suspended and the bill ordered transmitted to the House immediately.

On motion of Senator Allen, rule No. 64 was suspended.

On motion of Senator Graves, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 103.

The bill was considered in the Committee of the Whole, Senator Stevenson in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Stevenson, the report of the committee was adopted.

On motion of Senator Potts, the reading of the bill had in the Committee of the Whole was considered the third reading and the bill placed on final passage.

The secretary called the roll on final passage of House bill No. 103, entitled "An act providing for a field examination of the state, with a view to ascertaining the existence and location of suitable road-making materials, etc., and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Graves, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—32.

Voting nay: Senator Falconer—1.

Those absent or not voting were: Senators Anderson, Booth, Fishback, Hutchinson, Huxtable, Myers, Piper, Presby, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 198, entitled "An act amending section 4 of an act entitled 'An act to provide against the adulteration of foods, etc.,'" was read third time.

On motion of Senator Cotterill, section 1, line 14, was amended by striking the word "quality" and substituting the word "quantity" therefor.

Senator Paulhamus moved that the bill be indefinitely postponed.

The motion was lost.

The secretary called the roll on final passage of House bill No. 198, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Graves, Hutchinson,

Huxtable, Kline, Knickerbocker, Piper, Potts, Presby, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—15.

Those voting nay were: Senators Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Smithson—24.

Those absent or not voting were: Senators Anderson, Fishback, Rosenhaupt—3.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 247, entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners";

Engrossed Senate bill No. 75, entitled "An act amending section 4838 of Ballinger's Annotated Codes and Statutes of Washington";

House concurrent resolution No. 15, "Making appropriations for extra services rendered by certain employes of the state";

Engrossed Senate bill No. 76, entitled "An act amending section 4828 of Ballinger's Annotated Codes and Statutes of Washington";

Senate bill No. 315, entitled "An act authorizing cities of the first class to construct auxiliary water systems for fire protection purposes, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Booth, House bill No. 238, which was next on the calendar, was held over until 12 m.

Senator Fatland moved that the Senate reconsider the vote by which House bill No. 378 failed to pass the Senate.

Senator Nichols raised the point of order that according to Senate rule No. 28 no notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

The president overruled the point of order.

Senators Nichols, Falconer and Cotterill appealed from the decision of the chair.

A roll call was demanded by Senators Booth, Falconer, Nichols, Piper, Potts, Rydstrom, Fatland.

The secretary called the roll on the question "Shall the de-

cision of the chair stand as the judgment of the Senate?" with the following result:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Brown, Cameron, Eastham, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Minkler, Paulhamus, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—26.

Those voting nay were: Senators Arrasmith, Cotterill, Cox, Davis, Falconer, Hutchinson, McGregor, Myers, Nichols, Polson, Stevenson, Williams—12.

Those absent or not voting were: Senators Anderson, Bryan, Fishback, Rosenhaupt—4.

The motion of Senator Fatland was put and carried, and House bill No. 378 taken up for reconsideration.

On motion of Senator Cotterill, section 1, line 7 of the original bill was amended by striking the words and figures "ten dollars (\$10.00)" and substituting therefor the following: "appraised value of the reversionary right now held by the state to be made by the state board of land commissioners."

Senator Bryan requested that the following be read by the secretary.

I protest against the consideration or passage of this bill, being House bill No. 378, at this time, for the reason that it is in fact a new bill, defeated yesterday and finally killed by the vote then taken, and this Senate has no right to take up at this time any new measure.

JAMES W. BRYAN.

The secretary called the roll on final passage of House bill No. 378, entitled "An act to confirm the title and character of conveyances of certain oyster lands heretofore sold in the State of Washington," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Eastham, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Paulhamus, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—27.

Those voting nay were: Senators Anderson, Arrasmith, Bryan, Cox, Davis, Falconer, Hutchinson, McGregor, Metcalf, Nichols, Polson, Stevenson, Williams—13.

Those absent or not voting were: Senators Fishback and Rosenhaupt—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Potts moved that the rules be suspended and that House bill No. 378 be ordered immediately transmitted to the House.

A roll call was demanded by Senators Nichols, Falconer, Williams, Booth, Davis, Hutchinson, Stevenson, Rydstrom.

The secretary called the roll on the motion of Senator Potts to suspend the rules and transmit House bill No. 378 to the House immediately, with the following result:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Eastham, Fatland, Graves, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—27.

Those voting nay were: Senators Arrasmith, Bryan, Cox, Davis, Falconer, Hutchinson, Nichols, Stevenson, Williams—9.

Those absent or not voting were: Senators Anderson, Fishback, McGregor, Metcalf, Presby, Rosenhaupt—6.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has failed to pass Senate bill No. 209, entitled "An act relating to, regulating and providing for the nomination of candidates for municipal office";

Engrossed Senate bill No. 21, entitled "An act in relation to garnishments, etc.";

Senate substitute bill No. 221, entitled "An act in relation to lands granted, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 413, entitled "An act to authorize the state board of fish commissioners to move the state fish hatchery, located on the Chehalis river, in Chehalis county; to purchase a new site therefor, etc.," was placed on third reading.

On motion of Senator McGowan, the bill was amended as follows:

In section 2, line 2, strike all of the line after the word "at" and insert the following: "public sale to the highest bidder in the usual method of selling other state lands."

The secretary called the roll on final passage of House bill No. 413, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Williams, Mr. President—28.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Falconer, Fishback, Graves, Huxtable, McGregor, Metcalf, Presby, Smithson, Stewart, Whitney—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Polson, the rules were suspended and House bill No. 413 ordered immediately transmitted to the House.

Engrossed House bill No. 439, entitled "An act prescribing the duties of sheriffs in certain matters, and prescribing penalties for the violation thereof," was placed on third reading.

The secretary called the roll on final passage of engrossed House bill No. 439, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Williams, Mr. President—30.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Cox, Fishback, Graves, McGowan, Metcalf, Smithson, Stevenson, Stewart, Whitney—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 188, entitled "An act permitting county and city officers of the first class to close their respective offices at one o'clock on Saturday afternoon," was read the third time.

On motion of Senator Piper, the bill was amended by striking the period at the end of section 1 and inserting a comma in lieu

thereof, and adding the following words: "during the months of June, July, August and September."

The secretary called the roll on final passage of House bill No. 188, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Booth, Brown, Cotterill, Eastham, Fatland, Hutchinson, Huxtable, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—28.

Those voting nay were: Senators Cox, Falconer, Stevenson—3.

Those absent or not voting were: Senators Anderson, Bassett, Bryan, Cameron, Davis, Fishback, Graves, Kline, Metcalf, Paulhamus, Presby—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 391, entitled "An act changing the boundary line between the representative and senatorial districts in Whitman county, etc.," was read the third time.

The secretary called the roll on final passage of House bill No. 391, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Anderson, Bassett, Booth, Bryan, Fishback, Graves, Huxtable, Nichols, Presby, Stewart—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 81, entitled "An act changing the limits of the fifty-third and fifty-fourth representative districts, in Whatcom county, State of Washington," was read the third time.

The secretary called the roll on final passage of House bill No. 81, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Fal-

coner, Fatland, Hutchinson, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—31.

Voting nay: Senator Metcalf—1.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Fishback, Graves, Huxtable, Nichols, Presby, Smithson, Stevenson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 421, entitled "An act relating to the boundaries of the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth senatorial districts, and the thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth and thirty-ninth representative districts in Pierce county, State of Washington," was placed on third reading.

Senator Metcalf moved that the bill be indefinitely postponed.

Senator Rosenhaupt moved as a substitute that the bill be referred to the Pierce county delegation of senators.

Senator Rosenhaupt withdrew his motion.

The motion of Senator Metcalf to indenitely postpone was put and lost.

Senator Metcalf moved to amend section 3, line 3 of the bill by striking the words "and the first" after the word "ward" and inserting in lieu thereof the words "first precinct of the seventh ward."

The motion was lost.

The secretary called the roll on final passage of House bill No. 421, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Presby, Roberts, Rydstrom, Smith, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Bryan, Eastham, Fishback, Graves, Nichols, Polson, Potts, Rosenhaupt, Smithson, Stevenson, Stewart—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 196, entitled "An act for the protection of crabs in the waters of the State of Washington, etc.," was placed on third reading.

The secretary called the roll on final passage of House bill No. 196, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Paulhamus, Piper, Presby, Roberts, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—29.

Those absent or not voting were: Senators Anderson, Blair, Bryan, Fishback, Graves, McGregor, McGowan, Nichols, Polson, Potts, Rosenhaupt, Smithson, Stevenson—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed Senate bills Nos. 231, 331, 267, 65, 146, 297, 357, 356, 345, 61, 367, 214, 203, 158, 5, 66, 193, 265, 166.

By unanimous consent, at the request of Senator Allen, Senate substitute bill No. 338 was substituted for House bill No. 180, which was next on the calendar.

Senate substitute bill No. 338, entitled "An act authorizing the assessment for local improvements of certain lands owned by the State of Washington and situated within the limits of incorporated cities, towns, diking or drainage districts, etc.," was placed on third reading.

The secretary called the roll on final passage of Senate substitute bill No. 338, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Cameron, Cox, Fishback, Graves, Rosenhaupt, Smithson, Stevenson—8.

The secretary called the roll on the emergency clause and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Brown, Bryan, Cotterill, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Cameron, Cox, Fishback, Graves, Rosenhaupt, Smithson, Stevenson—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 180, entitled "An act legalizing the sale of propagated golden, Chinese, Mongolian and English pheasants, etc.," was placed on third reading.

On motion of Senator Rydstrom, section 1, line 3 of the bill was amended by inserting after the word "gift" the words "for propagation purposes only."

The secretary called the roll on final passage of engrossed House bill No. 180, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Booth, Brown, Bryan, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, McGowan, Metcalf, Myers, Minkler, Paulhamus, Polson, Roberts, Rosenhaupt, Rydstrom, Smith, Stewart, Williams, Mr. President—26.

Those absent or not voting were: Senators Anderson, Blair, Cameron, Cotterill, Cox, Fishback, Graves, Knickerbocker, McGregor, Nichols, Piper, Potts, Presby, Smithson, Stevenson, Whitney—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 150, entitled "An act granting to the United States for public purposes the use of certain tide and shore lands belonging to the State of Washington," was read the third time.

The secretary called the roll on final passage of House bill No. 150, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Eastham, Falconer, Hutchinson, Kline, McGowan, Metcalf, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Williams, Mr. President—26.

Those absent or not voting were: Senators Allen, Booth,

Cameron, Cox, Davis, Fatland, Fishback, Graves, Huxtable, Knickerbocker, McGregor, Myers, Smithson, Stevenson, Stewart, Whitney—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 316, entitled "An act relating to the formation and management of road districts and the appointment of supervisors therefor, etc.," was placed on third reading.

Senator Nichols raised the point of order that it was after 12 o'clock noon on the last day of the session.

The president overruled the point of order, stating that he held it was 12 o'clock until 1 o'clock p. m.

Senator Metcalf moved that the bill be indefinitely postponed. The motion was lost.

On motion of Senator Nichols, the Senate took up for con- a city of the first or second class, and prescribing commons and

In section 3, line 2, after the word "state," strike the remainder of the line, all of line 3 and line 4 to and including the word "thereafter," and insert in lieu thereof the words "on the day of the general biennial election."

On motion of Senator Stevenson, section 2, line 5 of the bill was amended by striking the words "twenty-four" and inserting in lieu thereof the word "six."

The secretary called the roll on final passage of engrossed House bill No. 316, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Blair, Brown, Bryan, Eastham, Graves, McGowan, Potts, Presby, Roberts, Mr. President—11.

Those voting nay were: Senators Allen, Anderson, Bassett, Cameron, Cotterill, Cox, Davis, Fatland, Fishback, Kline, Knickerbocker, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Rydstrom, Smith, Stevenson, Williams—21.

Those absent or not voting were: Senators Booth, Falconer, Hutchinson, Huxtable, McGregor, Paulhamus, Rosenhaupt, Smithson, Stewart, Whitney—10.

By unanimous consent, at the request of Senator Eastham, House bill No. 315 was taken up out of order and read the third time.

The secretary called the roll on final passage of House bill No. 315, entitled "An act changing the corporate name of the town of 'LaCamas' in Clarke county, Washington, a municipal corporation of the fourth class, to 'Camas,'" and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Stevenson, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Anderson, Booth, Falconer, Graves, Huxtable, Kline, McGregor, Paulhamus, Rosenhaupt, Smithson, Stewart—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has passed Senate substitute bill No. 338, entitled "An act to provide for the assessment of state lands for local improvements";

The speaker has signed Senate bill No. 67, entitled "An act for the purchase of the highway bridge across the Columbia river at Wenatchee, Washington";

Senate bill No. 251, entitled "An act to prohibit any manufacturer of or wholesale dealer in intoxicating liquor from owning, operating or having any financial interest in any saloon, etc.";

Senate bill No. 326, entitled "An act to prohibit the sale or disposal of intoxicating drinks to Indians or to mixed bloods";

Senate substitute bill No. 246, entitled "An act appropriating fifty thousand dollars for the improvement of the Puyallup and Stuck rivers, etc.";

Senate bill No. 360, entitled "An act amending sections 2 and 3 of an act entitled 'An act to provide for the drainage of cities of the second, third and fourth classes, etc.'";

Senate bill No. 361, entitled "An act fixing the salary of the state law librarian";

Senate bill No. 197, entitled "An act relating to the practice and proceedings in the trial of actions, etc.";

Senate bill No. 248, entitled "An act making an appropriation and creating a commission to be known as the Columbia river improvement commission, etc.";

Senate bill No. 41, entitled "An act to provide for the punishment of parents responsible for, or contributing to, the neglect or delinquency of children of the age of 18 years or under";

Senate bill No. 325, entitled "An act repealing chapter 1 of the Session Laws of 1893, etc.";

Senate substitute bill No. 168, entitled "An act granting to municipal corporations the right to cross state waterways with trestles or bridges, etc.";

Senate bill No. 362, entitled "An act making appropriation for the construction of state aid roads, etc.";

Senate bill No. 227, entitled "An act granting to cities owning their own water works, electric light or power plants a lien for delinquent charges, etc.";

Senate bill No. 244, entitled "An act appropriating the sum of thirty thousand dollars to the National Irrigation Congress at Spokane";

Senate bill No. 238, entitled "An act to provide for the making of topographic maps, etc.";

Senate bill No. 348, entitled "An act to amend section 4683 of Ballinger's Annotated Codes and Statutes of Washington";

Senate bill No. 37, entitled "An act providing for the issuance of a state Sunday liquor license, etc.";

Senate bill No. 192, entitled "An act for the relief of the Tieton Water Users' Association, etc.";

Senate bill No. 350, entitled "An act to amend section 6802 of Ballinger's Annotated Codes and Statutes of Washington";

Senate bill No. 344, entitled "An act disclaiming title and interest in certain land in Snohomish county."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Nichols, the Senate took up for consideration the vote by which Senate bill No. 174 failed to pass the Senate.

Senate bill No. 174, entitled "An act regulating the filing and approval of plats of land within and without cities of the first, and second class and other cities and towns with special charters having sufficient population to authorize them to incorporate as a city of the first or second class, and prescribing commons and playgrounds therein," was read the third time.

The secretary called the roll on final passage of Senate bill No. 174, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Brown, Cotterill, Falconer, Fatland, Huxtable, McGregor, Metcalf, Myers, Nichols, Paulhamus, Polson, Presby—15.

Those voting nay were: Senators Bryan, Cameron, Cox,

Davis, Eastham, Graves, Hutchinson, Kline, Knickerbocker, McGowan, Minkler, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—23.

Those absent or not voting were: Senators Allen, Blair, Booth, Fishback—4.

At 1:33 p. m., on motion of Senator Falconer, the Senate took a recess until 2 p. m.

AFTERNOON SESSION.

The Senate was called to order at 2:03 p. m. by President Ruth.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bills Nos. 271, 182, 173 and 238.

The bills were considered in the Committee of the Whole, Senator Paulhamus in the chair, and reported back to the Senate with the following recommendations:

That House bill No. 271 be referred to the board of control.

That House bill No. 182 do pass.

That House bill No. 238 do pass.

That House bill No. 173 do pass.

On motion of Senator Paulhamus, the report of the committee was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 255, entitled "An act relating to the sale of and fixing the standard of purity of seeds, etc.;"

Engrossed Senate bill No. 299, entitled "An act authorizing cities to acquire, hold and improve land for cemetery purposes, etc.;"

Senate bill No. 295, entitled "An act to provide for the protection of game fish, etc.;"

Senate bill No. 301, entitled "An act making an appropriation for the destruction of seals and sea lions in the Columbia river";

Senate bill No. 254, entitled "An act relating to the manner in which railroads shall cross highways, etc.," with the following amendments:

Amend the title to read as follows:

"An act to regulate the manner in which railroads shall cross highways and other railroads, and the manner in which highways shall cross railroads in the State of Washington."

Amend by striking all of sections 1 and 2, and insert in lieu thereof the following:

"Section 1. That all railroads and extensions of railroads hereinafter constructed within the State of Washington shall cross all established and existing railroads and established and existing highways by either passing over or under such highways and railroads, and shall not cross the same at grade without first obtaining the consent of the railroad commission of Washington, permitting the same to be done, and all highways and extensions of highways hereafter laid out and constructed shall cross railroads by either passing over or under such railroad, and shall not cross at grade without first obtaining the consent of such commission authorizing the same to be done.

"Sec. 2. Whenever any railroad company desires to cross any established and existing highway or railroad at grade, it shall file with the railroad commission of Washington its petition in writing, setting forth the objections and difficulties to making such crossing either above or below the grade of such highway or railroad; and whenever the county commissioners of any county or the municipal authorities of any city or town desire to lay out or extend any highway over and across any established and existing railroad at grade, they shall file with the railroad commission of Washington their petition in writing, setting forth the objections and difficulties of making such crossing either above or below the grade of such railroad. On receiving such petition, it shall be the duty of the railroad commission to immediately investigate the same, notifying the railroad company and the county or municipality affected thereby of the time and place of such investigation, to the end that all parties interested may be present and heard at such investigation. The evidence introduced shall be reduced to writing and filed by the commission. If the commission finds that it ought not to require such highway or railroad to be so constructed as to cross above or below the grade of the existing railroad or highway, it shall by resolution filed in the cause and duly entered upon its minutes, grant the right and privilege to construct such railroad or highway across such established railroad or highway at grade. The commission may, in its discretion, provide that such railroad shall, before operating its trains over any established highway or at any subsequent time, install and maintain proper signals, warnings, gates or other devices to warn and protect the public, and it may also require such railroad before operating its trains over and across such established railroad at grade, or at any subsequent time, to install and maintain proper interlocking devices and gates or flagmen to protect the traveling public and railroad employes, and may order the installation and maintenance of proper signals, warnings, gates or other devices to warn and protect the public before granting permission for

such highway to be constructed across said established railroad at grade. The cost and expenses of such installation shall be apportioned by the railroad commission in such manner as shall be just and equitable under the circumstances surrounding each case."

Add as section 3 the following:

"Sec. 3. This act shall not be construed as applying to highways and railroads in cities framing their own charters, nor to any railroad tracks other than main and branch line tracks."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF CONFERENCE COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

We, your conference committee, to whom was referred amended Senate bill No. 4, entitled "An act relating to, regulating and providing for the nomination of candidates for public offices, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the following recommendation:

That section 1 of the original bill be stricken.

That the Senate concur in the House amendment to section 2, line 11 of the original bill, being line 6 of section 2 of the printed amended bill.

That section 3 of the original bill be stricken.

That the Senate concur in the House amendment designated as section 6, being an amendment to section 12, chapter 209 of the Session Laws of 1907.

That the Senate concur in the House amendment to line 21, section 3 of the original bill, being line 12, section 3 of the printed amended bill.

That the Senate concur in the House amendment to line 3 of the form of ballot set forth on page 3 of the printed amended bill.

That the House recede from its amendment to section 6 of the original bill, being section 4 of the printed amended bill.

That the Senate concur in the House amendment by which section 8, amending section 28 of chapter 209 of the Session Laws of 1907, was added to the bill.

That the word "June" in line 3, section 7 of the original bill, being line 2, section 6 of the printed amended bill, be stricken. That the word "October," which was inserted by the House amendment in lieu of the word "June," shall also be stricken, and the word "September" be inserted in lieu thereof.

That the House recede to its amendment to section 8 of the original bill, being section 7½ of the printed amended bill.

That the House recede from its amendments to section 11 of the original bill, being section 10 of the printed amended bill.

That the Senate concur in House amendment in line 3 of the form of ballot in section 11.

That the sections of the bill be numbered consecutively according to the changes made.

That the Senate concur in the House amendments to section 8 of the engrossed amended Senate bill by striking all of said section after and including the word "*Provided,*" in line 38.

W. B. PRESBY, *Chairman.*

We concur in this report: Ralph Metcalf, T. J. Bell, A. P. Gordon, J. A. Fancher, Will G. Graves.

Senator Metcalf moved that the report of the conference committee on amended Senate bill No. 4 be adopted.

Senator Bryan moved as a substitute that the Senate adopt the report of the conference committee on amended Senate bill No. 4, with the exception of that portion of the report referring to the registration of voters.

The president ruled that the question is on the motion of Senator Metcalf that the report of the conference committee be adopted.

The previous question was demanded by Senators Fatland, Williams and Bassett.

The motion for the previous question carried.

The secretary called the roll, and the report of the conference committee on amended Senate bill No. 4 was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen, Cox, Davis, Eastham, Fatland, Graves, Huxtable, Kline, McGregor, McGowan, Metcalf, Paulhamus, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—22.

Those voting nay were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Falconer, Hutchinson, Myers, Minkler, Nichols, Piper, Polson, Rosenhaupt, Whitney—15.

Absent or not voting were: Senators Anderson, Booth, Cameron, Fishback, Knickerbocker—5.

Senator Cotterill, before the roll was called, entered the following protest:

I desire to enter my emphatic protest against the continual abuse of power by a partisan majority in this legislature in violating the fundamental principle of Americanism, which is presumed to guarantee to every citizen a secret ballot. To compel a man to register his party affiliation as the price of participation in an election will meet with the just condemnation of every liberty-loving American citizen.

On motion of Senator Metcalf, amended Senate bill No. 4 was ordered immediately transmitted to the House.

On motion of Senator Potts, the rules were suspended and the reading had of House bills Nos. 182, 173 and 238 were considered the third readings of the bills.

The secretary called the roll on final passage of House bill No. 182, entitled "An act for the relief of Indian war veterans of the wars of 1855 and 1856," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Davis, Eastham, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—28.

Absent or not voting were: Senators Anderson, Booth, Cameron, Falconer, Fatland, Fishback, Graves, Knickerbocker, Nichols, Presby, Roberts, Rydstrom, Stevenson—14.

On motion of Senator Eastham, the emergency clause was stricken from the bill and the title of the bill was amended by striking the words "and declaring an emergency."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

The secretary called the roll on final passage of House bill No. 173, entitled "An act making appropriations for deficiencies in maintenance appropriations of certain state institutions," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Fatland, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Piper, Polson, Whitney, Mr. President—23.

Voting nay: Senator Hutchinson—1.

Absent or not voting were: Senators Anderson, Booth, Davis, Falconer, Fishback, Graves, Knickerbocker, Paulhamus, Presby, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 238, entitled "An act to provide for the extermination of cougar, wildcat and lynx, for the payment of bounties for such extermination, etc."

On motion of Senator Cameron, the bill was amended by striking the words and figures "two dollars and fifty cents (\$2.50)" after the word "coyote" in line 3 of section 1 and substituting therefor the words and figures "one dollar (\$1.00)."

Senator Fatland moved to substitute the words and figures "fifteen thousand dollars (\$15,000.00)" for the words and figures "twenty-five thousand dollars (\$25,000.00)" in line 6 of section 4 of the printed bill.

The motion failed to carry.

Senator Hutchinson moved to amend by striking the words and figures "twenty dollars (\$20.00)" in line 2 of section 1 of the printed bill and insert in lieu therefor the words and figures "five dollars (\$5.00)."

The motion was lost.

Senator Davis moved to strike the words and figures "fifteen dollars (\$15.00)" in line 2 of section 1 and substitute therefor the words and figures "five dollars (\$5.00)."

The motion was lost.

The secretary called the roll on final passage of House bill No. 238, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Eastham, Fatland, Fishback, Graves, Huxtable, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Voting nay were: Senators Cox, Davis, Hutchinson, McGowan—4.

Absent or not voting were: Senators Anderson, Booth, Bryan, Falconer, Kline, Roberts, Rosenhaupt—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 231, entitled "An act to amend section 32 of an act entitled 'An act to provide for laying out, establishing, altering, changing the width of or vacating any county road, etc.'";

Senate bill No. 331, entitled "An act requiring every city of the first, second and third class to include in its annual tax levy an amount sufficient to pay unpaid assessments, etc.";

Senate bill No. 267, entitled "An act to amend section 1 of chapter 55 of the Session Laws of 1905, etc.";

Senate substitute bill No. 65, entitled "An act relating to bills of lading";

Senate bill No. 146, entitled "An act authorizing and directing the state auditor to audit bills or expenses incurred by the bureau of plant industry, etc.";

Senate bill No. 297, entitled "An act relating to the finances of the State of Washington, etc.";

Senate bill No. 357, entitled "An act extending the powers and jurisdiction of incorporated cities, etc.";

Senate bill No. 356, entitled "An act relating to service of process in justice courts";

Senate bill No. 345, entitled "An act requiring the state board of tax commissioners to take charge of and the enforcement of an act relating to the sale of intoxicating liquors";

Senate bill No. 61, entitled "An act to create a state fish hatchery in Walla Walla county";

Senate bill No. 367, entitled "An act providing for the establishment of certain state roads";

Senate bill No. 214, entitled "An act amending section 6 of an act entitled 'An act to provide for the alteration, replat or vacation of any townsite, etc.'";

Senate bill No. 203, entitled "An act authorizing the commissioner of public lands to certify certain tide lands, etc.";

Senate bill No. 158, entitled "An act making an appropriation for the relief of Chicago, Milwaukee & Puget Sound Railway, etc.";

Senate bill No. 5, entitled "An act appropriating three thousand, five hundred dollars for services of Geo. Turner and E. C. Macdonald, etc.";

Senate substitute bill No. 66, entitled "An act relating to the qualifications of members of the legislature, etc.";

Senate bill No. 193, entitled "An act authorizing cities of the second, third and fourth classes to create an accident fund, etc.";

Senate bill No. 166, entitled "An act appropriating money for the purpose of repaying to the city of Palouse on account of liquor licenses, etc.";

Senate bill No. 265, entitled "An act repealing sections 4128 and 4157 of Ballinger's Code, etc.";

House bill No. 277, entitled an "Act relating to the acquisition, control, management and disposition of the granted school, tide and other lands";

House bill No. 46, entitled "An act authorizing and empowering the board of regents State College of Washington, etc.";

House bill No. 356, entitled "An act providing for the procedure in the appointment of guardians, etc.";

House bill No. 134, entitled "An act for the relief of Henry Lawrence";

House bill No. 370, entitled "An act amending sections 20 and 21 of chapter LXVI of the Laws of 1891, etc.";

House bill No. 419, entitled "An act amending section 1 of an act approved Feb. 18, 1907, etc.";

House bill No. 99, entitled "An act relating to justices of the peace, etc.";

House bill No. 371, entitled "An act amending chapter CXL of the Laws of 1901";

House bill No. 401, entitled "An act relating to the examination of insurance companies";

House bill No. 14, entitled "An act providing for the amendment of section 10, article 3 of the Constitution of the State of Washington";

House bill No. 87, entitled "An act amending section 402a of Ballinger's Annotated Code, etc.";

House bill No. 193, entitled "An act to prohibit the taking away and shipping certain game birds";

House bill No. 128, entitled "An act authorizing and directing the board of state land commissioners, etc.";

House bill No. 236, entitled "An act relating to the reincorporation of cities, etc.";

House bill No. 440, entitled "An act providing for the survey of state tide lands, etc.";

House bill No. 318, entitled "An act relating to the taking of game and food fishes, etc.";

And the same are herewith transmitted.

The House has concurred in Senate amendments to House bills Nos. 378, 383, 312, 329, 412, 155, 180 and 188.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Minkler, the Senate took up the consideration of House bills Nos. 145 and 339 at this time.

On motion of Senator Minkler, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bills Nos. 145 and 339.

The bills were considered in the Committee of the Whole, Senator Stevenson in the chair, and reported back to the Senate with the recommendation that they be placed on general file.

On motion of Senator Stevenson, the report of the Committee of the Whole was adopted.

On motion of Senator Huxtable, the rules were suspended and the readings had of House bills Nos. 145 and 339 were considered the third readings of the bills.

House bill No. 145 was placed on its final passage.

Senator Bassett moved to amend the bill by striking in line 6 of section 1 of the printed bill the words "Skagit county" and inserting in lieu thereof the words "Western Washington."

The motion failed to carry.

A call of the Senate was moved by Senators Minkler, Falconer and Smith.

The motion for a call of the Senate carried.

The secretary called the roll.

On motion of Senator Stevenson, further proceedings under the motion for a call of the Senate were dispensed with.

The secretary called the roll on final passage of House bill No. 145, entitled "An act establishing a Western Washington Farm for the Harmless Insane," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Blair, Brown, Bryan, Cameron, Cotterill, Eastham, Falconer, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Paulhamus, Piper, Roberts, Rydstrom, Smith, Williams, Mr. President—22.

Those voting nay were: Senators Arrasmith, Bassett, Cox, Davis, Fatland, Fishback, Graves, Hutchinson, Nichols, Polson, Presby, Rosenhaupt, Smithson, Stevenson, Stewart, Whitney—16.

Those absent or not voting were: Senators Anderson, Booth, Metcalf, Potts—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed House bills Nos. 277, 46, 356, 134, 370, 419, 99, 371, 401, 14, 87, 193, 128, 236, 440, 318.

House bill No. 339, entitled "An act for the relief of Conrad Hoska, funeral director, of Tacoma, Washington," was read third time.

The secretary called the roll on final passage of House bill No. 339, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Paulhamus, Piper, Polson, Roberts,

Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Mr. President—28.

Voting nay: Senator Hutchinson—1.

Absent or not voting were: Senators Anderson, Blair, Booth, Davis, Eastham, Graves, Metcalf, Nichols, Potts, Presby, Stevenson, Whitney, Williams—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has adopted the report of the conference committee to amended Senate bill No. 4, and has receded from its amendments in accordance with said report.

The House has concurred in the Senate amendments to House bill No. 238.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 385, entitled "An act appropriating the sum of sixty-one thousand eight hundred ten and thirty-six hundredths dollars from the military fund for maintenance, etc.";

Senate bill No. 261, entitled "An act to amend sections 5 and 12 of an act entitled 'An act to provide for the establishment and creation of drainage districts, etc.'";

Senate bill No. 76, entitled "An act amending section 4828 of Balingier's Annotated Codes and Statutes of Washington, in relation to recovery of damages for the death of a person caused by, etc.";

Senate bill No. 302, entitled "An act relating to the establishment of fish hatcheries on the Columbia river or its tributaries";

Senate bill No. 351, entitled "An act prohibiting the making, uttering, circulating, selling or offering for sale any certificate of any warehouse, distillery, etc.";

Senate bill No. 185, entitled "An act to establish a state trout hatchery on the east fork of the Lewis river in Clarke county, Washington, and making an appropriation therefor";

Senate bill No. 289, entitled "An act providing for the appointment of a commission for the purpose of preparing a code of insurance laws for the State of Washington, etc.";

Senate bill No. 257, entitled "An act relating to the assessments of benefits resulting to public or county roads by reason of the construction and maintenance of dikes, etc.";

Senate bill No. 50, entitled "An act to amend section 48 of an act of the legislature of the State of Washington, etc.";

Senate bill No. 315, entitled "An act authorizing cities of the first class to construct auxiliary water systems for fire protection purposes, and to assess property benefited thereby to pay for the same";

Senate bill No. 301, entitled "An act making an appropriation for the destruction of seals and sea lions on the Columbia river";

Senate bill No. 56, entitled "An act relating to the foreclosure and sale of real property for delinquent taxes, and amending section 18, chapter 141, of the Session Laws of 1899";

Senate bill No. 218, entitled "An act creating a state highway board and the office of the state highway commissioner, fixing his compensation, etc.";

Senate bill No. 216, entitled "An act relating to procedure in condemnation proceedings affecting lands owned by the state, etc.";

Senate bill No. 75, entitled "An act amending section 4838 of Balingier's Annotated Codes and Statutes of Washington, in relation to survival of actions for personal injury to any person, etc.";

—have compared the same with the engrossed bills and find same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, H. O. Fishback, Geo. F. Cotterill.

The president signed Senate bills Nos. 385, 261, 76, 302, 351, 185, 289, 257, 50, 315, 301, 56, 218, 216, and 75.

House bill No. 344, entitled "An act creating the Southwest Washington Fair Association, and making an appropriation therefor," was placed on its third reading.

On motion of Senator Fishback, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 344.

The bill was considered in the Committee of the Whole, Senator Cotterill in the chair, and reported back to the Senate with the recommendation that it be placed on general file.

On motion of Senator Cotterill, the report of the Committee of the Whole was adopted.

On motion of Senator Cotterill, the rules were suspended and the reading of House bill No. 344 had in the Committee of the Whole was considered the third reading of the bill.

A call of the Senate was demanded by Senators Fishback, Piper and Cotterill.

The motion for the call of the Senate carried.

The secretary called the roll of the Senate.

Absent were Senators Smithson and Rosenhaupt.

The sergeant-at-arms was instructed to lock the doors of the Senate chamber.

Senator Falconer moved that further proceedings under the call of the Senate be dispensed with.

Senator Piper moved as a substitute that the Senate proceed under the motion for a call of the Senate.

The substitute motion of Senator Piper carried.

The sergeant-at-arms was instructed to take into custody and bring before the bar of the Senate Senators Rosenhaupt and Smithson.

On motion of Senator Cotterill, Senator Rosenhaupt was excused.

On motion of Senator Fishback, further proceedings under the motion for a call of the Senate were dispensed with.

The secretary called the roll on final passage of House bill No. 344, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Blair, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Paulhamus, Piper, Polson, Roberts, Stewart, Whitney, Mr. President—22.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Brown, Cameron, Eastham, Hutchinson, Huxtable, Kline, Nichols, Presby, Rosenhaupt, Rydstrom, Williams—14.

Those absent or not voting were: Senators Booth, Myers, Potts, Smith, Smithson, Stevenson—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The secretary read the House amendments to Senate bill No. 282.

Senator Bassett moved that the Senate concur in the House amendments to the bill.

The secretary called the roll and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cox, Eastham, Fatland, Graves, Hutchinson, Kline, Knickerbocker, McGowan, Metcalf, Myers,

Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Stewart, Williams, Mr. President—24.

Those absent or not voting were: Senators Booth, Bryan, Cameron, Cotterill, Davis, Falconer, Fishback, Huxtable, McGregor, Minkler, Nichols, Paulhamus, Piper, Potts, Smith, Smithson, Stevenson, Whitney—18.

REPORT OF SPECIAL COMMITTEE.

To the Eleventh Legislature of the State of Washington:

We, your joint committee appointed under Senate concurrent resolution No. 21 to confer with a like committee from the State of Oregon relative to the building of a bridge across the Columbia river, connecting the State of Washington and the State of Oregon, respectfully report as follows:

The joint committees met in the city of Portland, on February 12, and organized by the selection of Senator Allen, of Washington, as chairman and Senator Beach, of Oregon, as secretary. A general discussion of the merits of the bridge was had and an agreement was reached that each joint committee should recommend to their legislative bodies that an appropriation of \$5,000.00 from each state be made to cover the cost of engineering work, plans and specifications for the proposed bridge.

The legislature of the State of Oregon three days later refused to appropriate the amount agreed upon by their committee, and your committee, while realizing the importance and feasibility of the project, beg leave to recommend that no action be taken by this legislature in reference to the building of the proposed bridge.

A. B. EASTHAM,
P. L. ALLEN,
W. W. SPARKS,
JAS. A. MILLER,
W. M. BEACH.

On motion of Senator Allen, the report of the committee appointed under Senate concurrent resolution No. 21 was adopted.

REPORT OF JOINT SPECIAL COMMITTEE ON INSURANCE.

We, your joint special committee on insurance, appointed under Senate concurrent resolution No. 20 from the Senate and House, for the purpose of investigating the propriety of placing insurance on the capitol building, state and law libraries and their contents, beg leave to report that we have ascertained that no insurance is carried, and we respectfully recommend that the state board of control be authorized to place an adequate sum of insurance on same.

P. H. CARLYON, F. L. STEWART,
J. D. BASSETT, JOHN A. WHALLEY,
GEO. F. WARD. J. W. SLAYDEN,

On motion of Senator Paulhamus, the report of the committee was adopted.

The secretary read the following report:

SENATE CHAMBER,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

We, your committee appointed March 14, 1907, to investigate and report on the fisheries of the Columbia river, respectfully submit herewith our report thereon:

COLUMBIA RIVER.—The fishing industry of Washington became commercially noticeable in the year 1866, when the canning of salmon on the Columbia river began with an output of four thousand cases.

A limited amount of barreled salmon had been packed yearly since 1850, but was not very important except as a local food supply.

The commercial salmon fisheries of the entire Pacific coast have since that time (1866) become very important and have extended from Monterey, California, to the Arctic ocean.

OUTPUT.—There has been an output of over seventy million cases of canned salmon from these fisheries, besides large quantities packed in salt, and great numbers consumed, locally, fresh.

The salmon might well be termed the king of fishes, and the Pacific coast of the United States the salmon's kingdom.

The value of this enormous output would probably exceed four hundred million dollars. About eighty per cent. came from the waters of California, Oregon, Washington and Alaska, and some twenty per cent. from British Columbia. Washington has furnished twenty-five per cent. of the total. The annual coast pack of canned salmon alone averages fully four million cases, with a value of twenty million dollars, which is two-thirds as much as the entire foreign trade of England was two hundred years ago, and as nearly equal to all Great Britain's trade with the American colonies at the outbreak of the Revolutionary war.

COLUMBIA RIVER PACK.—Since 1866 there has been packed on the Columbia river alone nearly seventeen million cases of salmon, which means more than a billion pounds of fish as it came from the water, or five hundred thousand tons.

The commercial value of this big product of the great river would total more than a hundred million dollars.

These figures tend to develop in concrete form the importance of one of our chief industries—one that was the leader in times past and can be vastly increased for the future, if wisely conserved.

CANNING.—Salmon-canning on the Columbia river began to be important in 1869, when the output became 100,000 cases, with a market value of nearly a million dollars. By 1874 it had increased to 350,000 cases, and yearly became greater until the maximum of 650,000 cases was reached in 1884.

The pack for the year 1908 was equal to 345,000 cases, if we reduce to the basis of canned salmon the output of pickled and frozen salmon also produced. A large quantity of this valuable food fish has also been consumed through the local markets fresh.

AVERAGE ESTIMATES.—The average annual pack of the Columbia river for the forty years since 1869 has been 425,000 cases. Dividing this record into four periods of ten years each, the average yearly pack appears as follows:

During the first period, 1869 to 1879, 304,000 cases.

During the second period, 1879 to 1889, 520,000 cases.

During the third period, 1889 to 1899, 467,000 cases.

During the fourth period, 1899 to 1909, 347,000 cases.

It thus appears that the pack for 1908 was equal to the average of the ten years preceding, and makes equally plain that beginning with the second period, from 1879, more salmon have been annually taken from the Columbia river than was good policy in conserving unimpaired the future supply.

QUANTITIES CAUGHT YEARLY.—It requires approximately three Chinook salmon to fill a case of 48 cans (one pound), and if we reduce these average packs to the number of Chinook salmon taken to produce them, it appears that during the first period the average annual catch was:

912,000 Chinook salmon and 1,560,000 during the second period;

1,400,000 during the third period;

1,041,000 during the fourth period.

SUPPLY NEGLECTED.—Very little effort was made to assist nature in keeping up the supply by artificial propagation until 1895, the returns from which did not become available in the catch until 1899, so it may be said that during the first three periods mentioned the results of artificial hatching of salmon were not in evidence in the yearly pack.

HATCHERY OUTPUT.—Since 1895 the average annual output of salmon fry from all hatcheries on the Columbia river has been thirty-one millions, or in round numbers, thirty-one times the number of adult salmon caught by the fishermen. The hatchery output for 1908 on the Columbia river will be about forty millions of fry; in 1907 it was thirty-seven millions. Of these, about one-fourth are furnished by the Washington hatcheries, an equal number from the Oregon hatcheries, and the remaining one-half is the output from the U. S. government hatcheries.

SUPPLY CAN BE MAINTAINED.—It is thus noticeable that the hatcheries are more than maintaining their average annual output, which is in itself a hopeful sign of a reasonably wholesome condition, showing that the salmon supply can be maintained, provided the advancing wave of civilization does not engulf the industry with its destructive tendencies.

WHAT HAPPENS TO THE FRY.—At this point a most pertinent query presents itself, viz.:

What percentage of salmon fry artificially hatched under present conditions return for the fishermen to catch?

What percentage of the catch comes from the natural process of spawning?

How can the maximum results be secured from propagation?

UNFAVORABLE CONDITIONS.—It is known beyond question that the natural process becomes less effective each year, through growing settlement along most headwater streams, the cutting off of large spawning areas by the damming of water courses, the pollution of waters, and the increasing destruction of the young fry through irrigation ditches, power wheels and sudden, violent flushing of streams in certain logging operations.

INQUIRY NECESSARY.—It therefore becomes an essential factor in the salmon problem to discover the effective results from artificial propagation and how the process may be made most prolific.

The hatcheries turn out over thirty young salmon for each adult caught.

If we estimate no returns whatever from the natural process, there appears to be a loss of 97 per cent. of the hatchery output somewhere, for which there is no definite accounting.

It is apparent that extensive and systematic investigation must be directed to discovery of this vast leakage, and proper remedies applied.

It is certain that great numbers are destroyed by various natural enemies, during the first two or three months after release from the hatcheries.

NURSERY PROTECTION.—It is equally certain that many millions of these young salmon can be cared for in nursery streams at a very moderate expense for food and care.

The period of protection will be lengthened or shortened in accordance with local conditions and the variety of salmon.

SPAWNING HABITS.—The Chinook salmon spawn from August to November; the blueback in August and September; the steelhead during March and April.

EFFECT OF TEMPERATURE.—The Chinook eggs will hatch in about 45 days with water temperature say, 60 degrees F., and this period of incubation is greatly lengthened by lower temperature. For example, the eggs will require 120 days to hatch in water at 40 degrees F., and this develops wherein a great cause of fry destruction can be measurably avoided, a saving made in the food supply, and a hardier race of young fish produced by providing cold water for hatcheries where practicable.

The average Chinook salmon spawns about the middle of October and the eggs hatch about the first of December. The young fish subsists for thirty days on the yolk sac, after which time it must speedily find food or perish. Therefore, these fish that hatch about the first of December must be provided with food from the early part of January, or be turned loose in the streams to shift for themselves.

YOUNG SALMON ARE CANNIBALS.—The cannibal tendency of these

young fish when hungry is almost beyond credence. It would not be believed that these youngsters, scarce 30 days old and not over 1½ inches long, will bite and tear viciously at their fellows when pressed by hunger, but such is the fact, and the mortality under such conditions must be most carefully guarded against.

LIBERATION OF FRY.—These young fish if turned loose to forage for themselves at this time, in January, have the worst possible conditions to meet. The natural food supply in the stream is at its lowest ebb, all their hereditary enemies, including the trout, are on shortest rations and, therefore, hungriest.

ENORMOUS DESTRUCTION.—A prominent hatchery superintendent assures your committee that he took over eighteen hundred salmon fry from the stomach of a single Dolly Varden trout, a large specimen, to be sure, weighing some nine pounds.

COLD WATER FOR HATCHERIES.—Were it possible to utilize water of low temperature for hatchery purposes, and these young Chinooks were hatched out in February instead of December, the yolk sac would not be absorbed until March and, therefore, the feeding period would be much shortened and a hardier output of young salmon furnished.

A striking illustration of this fact occurs in comparison of the Columbia river steelhead with the blueback and Chinook.

STEELHEAD SUCCESS.—The steelhead spawns late in February, March and April, and does not hatch until April and May—a time when their predaceous enemies have opportunities for a variety of other food—and it also happens that many of the spawning streams are in flood at that time and roily, giving the young steelhead a chance for his white alley that is denied the earlier spawned fish. As a matter of fact, we know that the supply of steelheads has been far better maintained than any other variety on the Columbia river, and the catch for 1908 was larger than for ten years past, notwithstanding the fact that but few steelheads have been propagated in proportion to the Chinooks.

PRIZE ARTICLES.—Fortunately the work of your committee has been greatly aided, and its value vastly enhanced by reason of a series of articles on the subject of "Protection of Salmon Fry," contributed during the year 1908 by hatchery superintendents of this state in response to terms of a prize competition that was planned for the purpose of securing the original testimony on this subject, and which is, in the opinion of your committee the most important branch of the salmon fishery question, and the one that has had least attention from successive legislative bodies, either in this state or elsewhere.

These articles are herewith presented as part of this report and include the following list of papers:

- No. 1, by Chas. Klinkert, superintendent Methow fish hatchery.
- No. 2, by John F. Goodwin, superintendent Skagit river hatchery.
- No. 3, by John M. Crawford, superintendent of hatcheries, State of Washington.
- No. 4, by Bernard Fallert, superintendent Wind river hatchery.
- No. 5, by L. M. Rice, superintendent Chehalis hatchery.

- No. 6, by Nic Hansen, Chinook hatchery superintendent.
No. 7, by S. S. Drew, superintendent Little Spokane hatchery.
No. 8, by A. M. Glenn, superintendent White river hatchery.
No. 9, by Wm. B. Hobart, superintendent Chelan trout hatchery.
No. 10, by Frank G. Young, superintendent Kalama hatchery.

We recommend that these several articles be printed by the state as a special publication and textbook on the subject of salmon propagation in the State of Washington.

The wide distribution of such a pamphlet would tend more to study of this subject and reform in the practice than any other agency available.

STATE COMMISSION.—At this point your committee desires to say that the fisheries department of our state has pioneered the investigation and practice upon this much-mooted question.

Beginning in 1901, during the administration of Mr. A. C. Little as fish commissioner, to whom belongs the credit for starting the inquiry in a systematic and effective manner, and continued by his successors, the hatchery department of this state has persistently striven toward the light, in spite of discouraging conditions, and in defiance of the common practice and almost universal testimony of the accepted authorities on the question, with the result that today no informed person will attempt to dispute the record or deny the crying need for reform.

RECOMMENDATIONS.—In fitting conclusion, your committee makes the following recommendations:

- (1) Establish central nursery stations in the Columbia river district, with a pond and feeding capacity for ten million salmon fry.
- (2) Protect and feed all salmon fry at least until April of each year, and until at least two weeks after beginning of the spring open season for game fish.
- (3) Investigate blueback propagation in Idaho.
- (4) Annual close season from March 1 to May 1.
- (5) Weekly close—preferably 36 hours—from Saturday p. m. to Monday a. m., which would most equitably operate upon all classes of gear.
- (6) Close season from August 25 to September 15.
- (7) Renewed and vigorous operation of Wenatchee hatchery.

AMPLE FOR RESULTS.—These restrictions as to close seasons would prove amply sufficient, with sensible reform in propagation methods, to not only keep up the salmon supply to present proportions, but to gradually renew its historic opulence.

BAR FISHING.—Your committee has considered with some concern the subject of "bar fishing," and recommends that it be investigated further, with a view to ascertain the effect of massing a great number of nets at the river's mouth as to delaying, preventing, or diverting schools or runs of salmon from their natural progress into and upstream.

It may be here explained that during the ebb tide salmon generally

recede into the deeper portions of the river, from which they rise and move into more shallow waters as the tide begins to swell. This occurs during the last hour or two of the ebbing current, before the waters become stationary and finally flow up-stream.

It can be readily understood that this condition tends to cause a great number of nets to congest about the entrance at the very time the forward movement of the fish takes place, but its effects we are unable to definitely determine with the evidence at hand.

Your committee learns from excellent authority that similar conditions exist at the mouth of the Frazer river, in British Columbia, and which practically prevents ingress of the fish, a condition recently somewhat relieved there by enforcement of a weekly close season.

SUBJECTS FOR INQUIRY.—Among the important subjects for inquiry along this line, and which your committee has been unable to sufficiently follow out, are these:

- (a) Average cost of bar fishing compared with interior river fishing.
- (b) Loss of life and property peculiarly incident thereto.
- (c) Effect on the ordinary hazards of navigation.
- (d) Percentage of snared salmon thrown out of nets by wave action or otherwise and lost.
- (e) The effect on such escapes that are merely injured, as to whether they retreat seaward, and, if so, does such action result in stampeding adjacent schools seaward also and thus delay entry.

It may be worth while to mention that the subject of bar fishing has not escaped attention from other points of view, as shown by the following extract from the report of First Lieutenant of Engineers Philip M. Price to Captain Chas. F. Powell, Corps of Engineers, U. S. A., and which reads as follows:

“Report of examination of bar, mouth of Columbia river, by Lieut. P. M. Price, Corps of Engineers:

“Astoria, Ore., May 31st, 1882.—* * * In closing this report I desire to call your attention to the injurious effect, in my opinion, of the fishing upon the bar. The fishing season is fixed by law from the 1st of April to the 31st of July. The nets used are about 300 fathoms in length and 30 feet in width.

“Formerly the fishing was confined to the river proper, but during the past three or four years the fishing has gradually extended further down, until during the past two seasons, as well as this season, many boats have fished out upon the bar itself. On the 24th of May I counted thirty-one boats on the Middle Sands and in the South Channel.

“The surveys of the last three years show that the sands have flattened out, and now cover a much greater area than formerly, have deepened, and that the channels have shoaled until they are almost obliterated. It would certainly seem that this effect is directly due to these immense nets drifting backwards and forwards on the sands during the season when the currents are the strongest by reason of the high water in the Columbia. I do not think natural causes, or these combined with artificial means, such as scraping, or the water-jet,

or blasting, will ever be able to open out and maintain a good channel over the bar as long as the fishermen are permitted to drag their nets over it and stir up the sand as they do now."

And the reference made to this matter by the report of the board of engineers for the permanent improvement of the mouth of the Columbia river, Oregon:

"San Francisco, Cal., Oct. 13, 1882.—* * * The local engineer is of the opinion that the effect of the great number of large nets used in the salmon fishing is injurious by causing a general leveling of the shoals, from contact of the heavy sinker line with the bottom, and a diminution of the current at the time when the river is in flood and charged with sediment. This opinion is shared by other persons who have been questioned, though by no means by all. While there is a coincidence between the gradual lessening of depth in the channels and a flattening of the shoals during the years from 1879 to 1882, and the commencement and increase of fishing on the bar, the other members of the board see no evidence in the facts brought to their attention that this is more than a coincidence, or that the fishing on the bar has been a cause of shoaling of the channels to an appreciable or hurtful extent. It has been proposed to forbid by law fishing below the line connecting Chinook point and Point Adams. It is said that such a regulation would be generally acceptable to the fishing interests as tending to prevent loss of life of fishermen on the bar and driving of fish away from the mouth of the river. The board, while inviting attention to this matter, does not feel called upon to recommend legislation concerning it."

The photographs herewith will illustrate these observations, the first showing a view inside the entrance of the Columbia river, looking seaward, and showing both sides of the main river—the jetty structure on the left, and the breakers on the sands at the right. All waters between are crowded with a vast number of boats with nets in the water. This view was taken on the morning of July 2, 1908.

The other photos show numerous salmon from fifteen to twenty pounds weight that were snared and injured in gill nets and escaped therefrom and are afterward taken in pound nets, contrasted in the pictures with other salmon that were not so injured.

EXCESSIVE NUMBER MALE SALMON ON SPAWNING BEDS.—We are much impressed by the facts developed showing that in nearly every case the number of adult male salmon greatly exceeds the females at the various hatcheries where spawn is taken for propagating purposes.

In some instances this condition is so marked that it becomes most serious, and urgently requires a searching inquiry to discover the causes therefor and, if possible, suggest a remedy.

At the Oregon state hatchery at Ontario, during the season just passed, the proportion of males to females was as seven to one, resulting in a take of only one-fourth the amount of spawn expected.

The excess of male fish occurs at most of the hatcheries, and your committee is informed that this condition is even more marked in

experience on the Frazer river than on the Columbia river, and runs as high as seven males to one female.

This is not only a distinct menace to the industry, but will prove an economic waste, for, under this condition, the close season must provide several times the total number of salmon that would be actually needed for propagation if the proportion of the sexes was fairly balanced.

The reason for this condition will be found by conducting a careful and extended examination into the percentages of male and female salmon taken by each class of fishing gear, and tabulated according to dates and localities; and an appropriate remedy will then suggest itself.

FEDERAL CONTROL.—Our state is confronted with a new problem affecting its fisheries, namely, the evident purpose of the national government to administer the fisheries of the country. At present this program is exploited in a tentative manner by putting forward a plausible-looking proposed treaty between the United States and Great Britain, which provides for administration of the fisheries along the international boundary, and consequent elimination of jurisdiction of the states over their fisheries contiguous to the border.

The text of this interesting proposed treaty is submitted herewith. It is perhaps the beginning of a general plan to extinguish all authority of the states over their fisheries.

A TREATY.

Between Great Britain and the United States concerning the fisheries in waters contiguous to the Dominion of Canada and the United States, signed at Washington on April 11, 1908.

His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and the British Dominions beyond the seas, king, and emperor of India; and the United States of America, equally recognizing the desirability of uniform and effective measures for the protection, preservation and propagation of the food fishes in the waters contiguous to the Dominion of Canada and the United States, have resolved to conclude a convention for these purposes, and have named as their plenipotentiaries,

His Britannic Majesty; the Right Honorable James Bryce, O. M., His Majesty's ambassador extraordinary and plenipotentiary at Washington; and

"The president of the United States of America; Elihu Root, Secretary of State of the United States;

Who, having exchanged their full powers, found in due form, have agreed to and signed the following articles:

ARTICLE I. The times, seasons and methods of fishing in the waters contiguous to Canada and the United States, as specified in article IV of this convention, and the nets, engines, gear, apparatus and appliances which may be used therein, shall be fixed and determined by uniform and common international regulations, restrictions and provisions, and to that end the high contracting parties agree to appoint, within three months after this convention is proclaimed, a commission to be known as the international fisheries commission, consisting of one person named by each government.

ARTICLE II. It shall be the duty of this international fisheries commission, within six months after being named, to prepare a system of uniform and common international regulations for the protection and preservation of the food fishes in each of the waters prescribed in article IV of this convention, which regulation shall embrace close seasons, limitations as to the character, size and manner of use of nets, engines, gear, apparatus and other appliances; a uniform

system of registry by each government in waters where required for the more convenient regulation of commercial fishing by its own citizens or subjects within its own territorial waters; an arrangement for concurrent measures for the propagation of fish, and such other provisions and measures as the commission shall deem necessary.

ARTICLE III. The two governments engage to put into operation and to enforce by legislation and executive action, with as little delay as possible, the regulations, restrictions and provisions with appropriate penalties for all breaches thereof; and the date when they shall be put into operation shall be fixed by the concurrent proclamations of the governor-general of the Dominion of Canada in council and of the president of the United States.

And it is further agreed that jurisdiction shall be exercised by either government, as well over citizens or subjects of either party apprehended for violation of the regulations in any of its own waters to which said regulations apply, as over its own citizens or subjects found within its own jurisdiction who shall have violated said regulations within the waters of the other party.

ARTICLE IV. It is agreed that the waters within which the aforementioned regulations are to be applied shall be as follows: (1) The territorial waters of Passamaquoddy bay; (2) the St. John and St. Croix rivers; (3) Lake Memphramagog; (4) Lake Champlain; (5) the St. Laurence river, where said river constitutes the international boundary; (6) Lake Ontario; (7) the Niagara river; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Georgian bay, but including North Channel; (11) St. Mary's river and Lake Superior; (12) Rainy river and Rainy lake; (13) Lake of the Woods; (14) the Strait of Juan de Fuca, those parts of Washington Sound, the Gulf of Georgia and Puget Sound lying between the parallels of 48 deg. 10 min. and 49 deg. 20 min.; (15) and such other contiguous waters as may be recommended by the international fisheries commission and approved by the two governments. It is agreed on the part of Great Britain that the Canadian government will protect by adequate regulations the food fishes frequenting the Frazer river.

The two governments engage to have prepared as soon as practicable charts of the waters described in this article, with the international boundary line indicated thereon and to establish such additional boundary monuments, buoys and marks as may be recommended by the commission.

ARTICLE V. The international fisheries commission shall continue in existence so long as this convention shall be in force, and each government shall have power to fill, and shall fill from time to time, any vacancy which may occur in its representation on the commission. Each government shall pay its own commissioner, and any joint expense shall be paid by the two governments in equal moieties.

ARTICLE VI. The regulations, restrictions and provisions provided for in this convention shall remain in force for a period of four years from the date of their executive promulgation, and thereafter until one year from the date, when either the government of Great Britain or of the United States shall give notice to the other of its desire for their revision; and immediately upon such notice being given the commission shall proceed to make a revision thereof, which revised regulations, if adopted and promulgated by the governor-general of Canada in council and by the president of the United States, shall remain in force for another period of four years and thereafter until one year from date, when a further notice of revision is given, as above provided in this article. It shall, however, be in the power of the two governments, by joint or concurrent action upon the recommendation of the commission, to make modifications at any time in the regulations.

ARTICLE VII. The present convention shall be duly ratified by His Britannic Majesty and by the president of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington the 11th day of April, in the year of our Lord one thousand nine hundred and eight.

In this connection we submit part of an opinion of the Attorney General of Washington on the subject, which reads as follows:

"In the case of *McCreedy v. Virginia*, 94 U. S. 391, the U. S. Supreme Court declared as follows: 'The principle has long been settled in this court that each state owns the beds of all tidewaters within its jurisdiction, unless they have been granted away.' *Pollard's lessee v. Hagan*, 3 How. 212; *Smith v. Maryland*, 18 How. 74; *Mumford v. Wardwell*, 6 Wall. 436; *Weber v. Harbor Commissioners*, 18 id. 66. In like manner, the states own the tide waters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the state represents its people and the ownership is that of the people in their united sovereignty. *Martin v. Waddell*, 16 Pet. 410. The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the state, which has consequently the right, in its discretion, to appropriate its tidewaters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation. Such an appropriation is, in effect, nothing more than a regulation of the use by the people, of their common property. The right which the people of the state thus acquire comes not from their citizenship alone, but from their citizenship and property combined. It is in fact a property right, and not a mere privilege or immunity of citizenship."

AGAINST FEDERAL CONTROL.—Your committee recommends against federal control of the fisheries of this state. The national bureau of fisheries has made no such success of fishery administration as entitles it to invidious criticism of Washington's policy or practice. Indeed, the so-called scientific practice of the national bureau during the past has been the greatest stumbling block to real progress in this matter. "Conservatism gone to sleep" would fittingly describe the bureau's attitude on the subject of raising salmon, until the explosion of pet theories which occurred in 1907 as a direct result of years of laborious protest and contrary practice in the State of Washington fisheries department.

EXAMPLE OF FEDERAL CONTROL.—The alluring promise of federal control of fisheries is fittingly illustrated by merely quoting the following letter written by Representative Humphries:

"WASHINGTON, D. C., Feb. 6, 1908.

"*Miller Freeman, Esq., Editor Pacific Fisherman:*

"I have received your letter telling me that you have sent me copy of the Pacific Fisherman Annual. I thank you very much for it. It

comes at a most opportune time. Today I had up a bill in relation to assisting fish hatcheries in Alaska, but objection was heard and it went over, *but I will keep after it until I get it through*. I have also a bill for two more fish hatcheries on Puget sound, and I expect to be able to get it through this session; at least I hope so. *I have been working on this bill for the last five years*, and do not intend to let up on it as long as I stay in congress, unless I am successful. It took me *four years* to get the *speaker* in favor of it, and last year I was defeated by the democrats because of the way in which I had to get the bill up. This year I hope to get it up in a way that will not cause their opposition. It may be that there are some men in congress who can do more for the fishing interests of the country than I can, but I am sure that there are none who are more interested in the Pacific coast fisheries than I am, and I believe that the members of my committee will tell you that none have been more insistent on helping them than I have been.

"I shall take very great pleasure in examining the Annual as soon as it arrives.

W. E. HUMPHRIES,

Representative in Congress from Washington State."

VICIOUS TENDENCY OF GOVERNMENT.—But the practical, the commercial, and the economic aspect of this question is entirely dwarfed in view of the senile tendency of popular government therein exhibited.

Our proud boast that "the people do rule" is constantly met by the steady leakage of local administration to federal bureaus thousands of physical miles and millions of sympathetic miles from the real subject of concern—the people.

This state has proved more capable and better entitled to administer upon its own property than a bureau chief three thousand miles away.

We recommend that our senators and representatives in congress be asked to oppose the said proposed treaty and labor to have it withdrawn or defeated for ratification.

THE COLUMBIA RIVER BOUNDARY.—This is a knotty problem, fraught with grave concern to the State of Washington, bearing grievously upon the lower river communities, particularly in Pacific and Wahkiakum counties, and a deadly menace to the welfare of the fisheries by cutting off the revenues of the state from license provisions and thereby fatally crippling propagation operations.

The state has barely awakened to the supreme importance of propagation and protection of the salmon fry, and this decision comes to cut off an important part of the territory of the state, much taxable property and the revenue essential to effective operations. Nearly one-half the income from the Columbia river district is thus endangered.

The joint jurisdiction of this state over the Columbia river bar pilotage matters is destroyed and Washington deprived of equal ownership in river concerns, including quarantine.

A careful study of the record in this case and the supreme court decision upon it will convince any candid mind that the learned court

declared sound law, but that the real philosophy of the facts and conditions were so entirely misapprehended as to result in a complete miscarriage of justice.

The obvious, only, and necessary course for this state is a dignified, serious and competent prayer for the rehearing of this cause through petitions, resolutions, and memorials from the communities, municipalities, commercial and legislative bodies of the state, with executive and congressional co-operation.

FISHERIES DISPUTES.—The best informed persons who have given particular and careful attention to the subject of harmony, or lack of it, among the various fishing interests, especially on the Columbia river, find that friction exists only in proportion to the exploitation of selfish purposes and unworthy ambitions under guise of the public welfare.

These troubles serve no good purpose, but on the contrary tend distinctly to the bad, in fruitless waste of time and effort, clouding the view of, and obstructing the approach to the real problems which are hereinbefore considered. Very respectfully submitted,

W. B. PRESBY,

H. S. MCGOWAN.

On motion of Senator McGowan, the report of the committee was adopted.

Resolution by Senators Presby and McGowan:

WHEREAS, The Senate adopted on March 8, 1907, a committee report on the fisheries of the Columbia river, recommending the appointment of a committee of three senators to investigate and report on the said fisheries to this legislature, which committee was appointed March 14, 1907; and

WHEREAS, Said committee has investigated said fisheries and submitted its report thereon; be it

Resolved, That the traveling expenses of the members of said committee be paid upon presentation of proper vouchers for same, duly audited.

On motion of Senator Presby, the resolution was adopted.

Resolution by Senator Knickerbocker:

Resolved, That a committee of three senators be appointed to examine the books and records and the journal of the Senate, and report on the same, together with the general condition of the clerical work before adjournment today.

On motion of Senator Knickerbocker, the resolution was adopted.

The president appointed as a committee under the above resolution Senators Allen, Davis and Stewart.

Resolution by Senator Allen:

Resolved, That Wm. T. Laube, secretary of the Senate, be authorized to have the copy of the Senate Journal prepared for the printer, and a suitable index prepared, and that he be allowed for said work the amount allowed for that purpose in the general appropriation bill. The state auditor is authorized and directed to issue a warrant for one-half of the amount when the printer's receipt for the copy is filed in his office, and the balance when the printer shall certify that the reading of proof on the journal index has been completed and the same found to be correct.

On motion of Senator Allen, the resolution was adopted.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT:

We, your committee on conference, to whom was referred House bill No. 313, beg leave to report as follows:

That the House concur in Senate amendments to section 1, line 2 of said bill, and concur in Senate amendment to line 4, section 1, and that the Senate recede from its amendment to section 1, where the words "counties of" are stricken, and recede from the same amendment in the title.

ELMER E. HALSEY, <i>Chairman.</i>	ARVID RYDSTROM.
WM. BEACH,	S. J. CAMERON,
W. H. CLINE,	ED. BROWN,

Senator Rydstrom moved the adoption of the report.

The secretary called the roll, and the report was adopted by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Cotterill, Cox, Davis, Falconer, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Piper, Roberts, Rydstrom, Stevenson, Stewart, Whitney, Williams, Mr. President—26.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Eastham, Fatland, Fishback, Graves, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Rosenhaupt, Smith, Smithson—16.

Resolution by Senator Graves:

Resolved, That the secretary of the Senate be instructed to have printed a pamphlet showing titles of all bills that have passed both branches of the legislature, and to mail to each senator three copies thereof, as soon after adjournment as possible.

On motion of Senator Graves, the resolution was adopted.

Senator Hutchinson moved that House bill No. 363 be taken up at this time.

Senator Cotterill raised the point of order that House bill No. 363 cannot be taken up at this time, as it does not contain an appropriation and the time has expired for considering any but appropriation bills.

The president sustained Senator Cotterill in the point of order raised by him.

Resolution by Senator Stevenson:

Resolved, That 2,000 copies each of the local option bill (Senate substitute bill No. 121), and the direct primary bill (amended Senate bill No. 4), be printed by the state printer and distributed to the members by the secretary of the Senate, said bills to be printed in pamphlet form.

On motion of Senator Stevenson, the resolution was adopted.

At 5:15 p. m., on motion of Senator Metcalf, a recess was taken until 8 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8 p. m. by President Ruth.

Senate bill No. 254, entitled "An act to regulate the manner in which railroads shall cross highways, etc.," was taken up for the purpose of considering House amendments.

Senator Paulhamus moved that the Senate do not concur in the House amendments.

The motion carried.

Senate concurrent resolution No. 4, by Senator Blair, was taken up for the purpose of considering House amendments, as follows:

In section 3, lines 1 and 2 of the original bill, strike the words "immediate adoption of a" and insert in lieu thereof the words "continuance of the present"; also in line 2 strike the words "will give" and insert in lieu thereof "is giving."

In line 2 of section 4, before the word "equal" insert the word "proportionally."

Senator Blair moved that the Senate concur in House amendments to Senate concurrent resolution No. 4.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cameron, Eastham, Fishback, Hutchinson, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—25.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Graves, Huxtable, Kline, Knickerbocker, Metcalf, Presby, Roberts, Rosenhaupt, Whitney—17.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 29, entitled "An act relating to the employment of E. C. MacDonald and George Turner as special attorneys in the Oregon-Washington boundary case."

Senate bill No. 386, entitled "An act making appropriations for maintenance of and sundry expenses at the various state institutions, etc.," with the following amendments:

Page 1, line 21, strike the words "and cruise of timber" and insert the word "reserve."

Page 5, between lines 143 and 144, insert the following: "Salary of deputy commissioner at \$1,200 per year, \$2,400; expenses, at \$750 per year, \$1,500."

Line 151, strike the figures "\$30,400," and insert the figures "\$34,300."

Between lines 166 and 167, insert a line to be known as line 166½, "Grain inspector's office, salary and incidentals, \$5,000."

Line 171, strike the figures "\$43,600," and insert the figures "\$38,600."

Page 9, strike all of lines 331-2-3-4-5-6-7 and 8, and insert in lieu thereof the following: "Maintenance, buildings, power plant, wall, water system, sewer system, etc."

Page 10, line 341, after the word "maintenance" add "and establishing a chair in the Scandinavian language."

Line 346, strike the word "three" and insert the word "two."

Line 373, add, after the word "paving," "and street improvements."

Between lines 375 and 376 insert the following: "to be expended under the direction of the state building commission, as provided in chapter 49 of the Session Laws of 1907."

From the general fund—For increase of salaries from January 13 to March 31, 1909, not provided for by appropriation of 1907:

For auditor	\$216 41
For attorney general.....	216 41
For treasurer	216 41
For governor	432 80
For land commissioner.....	216 41
For supreme judges (three).....	1,322 58
For insurance commissioner.....	649 18
For secretary of state.....	108 20
For superintendent public instruction.....	108 20
For lieutenant governor.....	49 29

Total.....\$3,535 89

The speaker has signed House bill No. 97, entitled "An act to amend section 1, chapter 44 of an act of the legislature of the State of Washington, approved February 26, 1907, etc.";

House bill No. 180, entitled "An act relating to the sale of propagated game birds, etc.";

House bill No. 312, entitled "An act to amend sections 1, 2, 4 and 12 of an act entitled 'An act relating to the proper ventilation and safety of coal mines, etc.'";

House bill No. 378, entitled "An act to confirm the title and character of conveyances of certain oyster lands, etc.";

House bill No. 329, entitled "An act fixing the place of office of prosecuting attorneys";

House bill No. 368, entitled "An act prohibiting the sale, offering for sale, or keeping possession of, and prohibiting the canning of clams, oysters, etc., which have been opened for more than four days";

House bill No. 412, entitled "An act to provide for the refund and rebate of the amount collected by municipal corporations to pay for local improvements, etc.";

House bill No. 81, entitled "An act changing the limits of the 53d and 54th representative districts in Whatcom county";

House bill No. 391, entitled "An act changing the boundary line between certain senatorial and representative districts in Whatcom county, etc.";

House bill No. 374, entitled "An act relating to attorneys and counsellors-at-law";

House bill No. 155, entitled "An act relating to the nomination of candidates for county commissioners";

House bill No. 105, entitled "An act providing for fire drills in the schools of this state";

House bill No. 264, entitled "An act to regulate the running of pool halls, etc.";

House bill No. 439, entitled "An act prescribing the duties of sheriffs in certain matters";

House bill No. 196, entitled "An act for the protection of crabs, etc.";

House bill No. 267, entitled "An act to provide for the appointment of a female as assistant commissioner of labor, etc.";

House bill No. 413, entitled "An act to authorize the state board of fish commissioners to move the state fish hatchery on the Chehalis river, etc.";

House bill No. 410, entitled "An act to amend sections 9 and 11 of an act in relation to estrays, etc.";

House bill No. 315, entitled "An act changing the corporate name of LaCamas, in Clarke county";

House bill No. 250, entitled "An act for the relief of Fred H. Green";

House bill No. 411, entitled "An act providing for the establishment and maintenance of public and free libraries";

House bill No. 383, entitled "An act to provide for the licensing of peddlers, etc.";

House bill No. 188, entitled "An act permitting certain county and city officers to close their offices at 1 o'clock on Saturday afternoon";

House bill No. 103, entitled "An act providing for a field examination of the state, etc.";

House bill No. 173, entitled "An act making an appropriation for deficiencies in maintenance appropriations of certain state institutions";

House bill No. 421, entitled "An act relating to the boundaries of certain representative and senatorial districts in Pierce county";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 97, 312, 329, 368, 412, 81, 391, 374, 155, 105, 264, 439, 196, 267, 413, 410, 315, 250, 411, 383, 188, 103, 173, 421, 180, 378.

The secretary read House concurrent resolution No. 15, providing extra pay for certain employes in the state capitol building.

Senator Williams moved the adoption of the resolution.

Senator Stevenson moved as a substitute that the resolution be laid on the table.

The substitute motion was lost.

The following Senators demanded a roll call on the motion of Senator Williams, that the resolution be adopted: Senators Brown, Stevenson, Paulhamus, Cameron, Davis, Cox, Kline.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Booth, Bryan, Cotterill, Cox, Eastham, Falconer, Huxtable, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols,

Piper, Potts, Roberts, Rydstrom, Smith, Stewart, Williams, Mr. President—24.

Those voting nay were: Senators Arrasmith, Brown, Cameron, Davis, Kline, Paulhamus, Smithson, Stevenson—8.

Those absent or not voting were: Senators Anderson, Fatland, Fishback, Graves, Hutchinson, Metcalf, Polson, Presby, Rosenhaupt, Whitney—10.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 153, entitled "An act providing for the appointment of court commissioners and fixing their powers, duties and jurisdiction, and repealing all laws in conflict herewith";

Senate bill No. 40, entitled "An act in aid of children, providing for the custody, control, treatment, maintenance and adoption of neglected and delinquent children, etc.";

Senate bill No. 284, entitled "An act granting rights-of-way to municipal corporations, electric light, power and street railway companies, associations and individuals over the lands of the state, etc.";

Senate bill No. 97, entitled "An act to appropriate one thousand dollars (\$1,000.00) to carry on the inspection of steam vessels, etc.";

Senate bill No. 382, entitled "An act changing and defining the boundary line between the thirty-second and the thirty-sixth senatorial districts, and between the forty-second and forty-sixth representative districts, in King county";

Senate bill No. 72, entitled "An act for the relief of B. D. Minkler, and making an appropriation therefor";

Senate bill No. 208, entitled "An act relating to the prevention of disease in sheep, and prescribing penalties for the violation of its provisions, and declaring an emergency";

Senate bill No. 300, entitled "An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts";

Amended Senate bill No. 4, entitled "An act relating to regulating and providing for the nomination of candidates for public office";

—have compared same with the engrossed bills and find same correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: D. H. Cox, H. O. Fishback, Geo. F. Cotterill.

On motion of Senator Bryan, the report of the committee was adopted.

The president signed Senate bills Nos. 153, 40, 284, 97, 382, 72, 208, 300, and amended Senate bill No. 4.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 261, entitled "An act to provide for the establishment and creation of drainage districts, etc.";

Senate bill No. 302, entitled "An act relating to establishment of fish hatcheries, etc.";

Senate bill No. 351, entitled "An act prohibiting the making, uttering or circulating of warehouse certificates, etc.";

Senate bill No. 76, entitled "An act amending section 4828 of Balingier's Code, etc.";

Senate bill No. 185, entitled "An act establishing a state trout hatchery, etc.";

Senate bill No. 315, "Relating to cities of the first class, etc.";

Senate bill No. 50, entitled "An act relating to cities of the first and second and third class, etc.";

Senate bill No. 289, entitled "An act relating to insurance commissioner, etc.";

Senate bill No. 301, entitled "An act relating to sea lions on the Columbia river, etc.";

Senate bill No. 56, entitled "An act relating to delinquent taxes, etc.";

Senate bill No. 218, entitled "An act relating to the highway board and state highway commissioner, etc.";

Senate bill No. 257, entitled "An act relating to assessment for county roads, etc.";

Senate bill No. 75, entitled "An act amending section 4838 of Balingier's Code, etc.";

Senate bill No. 216, entitled "An act relating to procedure in condemnation proceedings, etc.";

Senate bill No. 385, entitled "An act appropriating the sum of \$60,810.36 from the military fund, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The secretary read House amendments to Senate bill No. 386.

Senator Potts moved that the Senate concur in House amendments to Senate bill No. 386.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Potts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Voting nay: Senator Hutchinson—1.

Those absent or not voting were: Senators Bryan, Falconer, Fishback, Graves, Polson, Presby, Roberts, Rosenhaupt, Smithson—9.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House refuses to recede from its amendments to Senate bill No. 254, and the speaker has appointed Messrs. Halsey, Slayden and Sparks as a conference committee thereon.

The speaker has signed Senate bill No. 300, entitled "An act relating to crimes and punishments, etc.";

Senate bill No. 153, "An act providing for the appointment of court commissioners, etc.";

Senate bill No. 40, "An act in aid of children, etc.";

Senate bill No. 284, "An act granting rights-of-way to municipal corporations, etc.";

Senate bill No. 382, "An act changing and defining the boundary line between the thirty-second and thirty-sixth senatorial districts, etc.";

Senate bill No. 72, "An act for the relief of B. D. Minkler, etc.";

Senate bill No. 208, "An act relating to the prevention of disease in sheep";

Senate bill No. 97, "An act to appropriate \$1,000 to carry on inspection of steam vessels, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president appointed as a conference committee on Senate bill No. 254 Senators Paulhamus, Graves and Cotterill.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has adopted the report of the conference committee on Senate bill No. 254 and receded from its amendments as recommended in that report.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT:

We, your conference committee on House amendments to Senate bill No. 254, have had the same under consideration, and recommend that the House recede from that portion of its amendments to section 3 after the word "charter," striking all after same and placing a period after the said word "charters"; and that the Senate concur in all of the other House amendments to said bill.

ELMER E. HALSEY,
W. W. SPARKS,
J. W. SLAYDEN,

GEO. F. COTTERILL,
W. H. PAULHAMUS,
WILL G. GRAVES.

Senator Paulhamus moved that the report of the conference committee be adopted.

The secretary called the roll, and the report was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Metcalf, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Williams, Mr. President—29.

Those absent or not voting were: Senators Booth, Bryan, Cameron, Cox, Davis, Falconer, McGregor, Myers, Nichols, Presby, Rosenhaupt, Stewart, Whitney—13.

The president signed Senate bills Nos. 299, 295, 338, 187, 162, 249, 363 and 155.

Resolution by Senator Allen:

WHEREAS, An All-Wise Providence, in His omnipotent wisdom, has led the chief executive of our beloved state along the Valley of the Shadow of Death, where he has for months listened to the rustle of the angles' wings; and

WHEREAS, The same kind and beneficent Ruler of the Universe has in His infinite wisdom hearkened to the prayers of the people of the great State of Washington, imploring Him to restore to sound health the person of their highly-esteemed and well-beloved governor, and permit his speedy return to the state, wherein by the assumption of the duties of the high office to which he was chosen by his fellow citizens he may exert in the office of the chief executive those wise, just and high-minded principles for which he was ever noted, which have endeared him to his own people; now, therefore, be it

Resolved, That we do on this occasion return thanks to the Divine Author of all good in that He is restoring to normal health His Excellency Samuel G. Cosgrove, our esteemed chief executive; and be it further

Resolved, That we express to our most honored and well-beloved fellow citizen and chief executive our most sincere desire and earnest wish that he may very soon be welcomed by a million loving hearts upon his return to our midst, there to assume the duties of the high office which he is so well qualified by his dignity, judicial bearing, and appreciation of the high duties of the executive to fill, and that thereafter he may continue in said office, enjoying sound health and the approbation of a loving people;

Resolved, That this resolution be adopted by a rising vote, and that a copy of same be transmitted to His Excellency Governor S. G. Cosgrove.

Senator Allen moved that the resolution be adopted.

The motion carried unanimously.

On motion of Senator Piper, the secretary was ordered to transmit the resolution to Governor Cosgrove by telegraph.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 155, entitled "An act relating to horticulture";

Senate bill No. 363, "An act making an appropriation for the construction and maintenance of state roads, etc.";

Senate bill No. 162, "An act to regulate the business of life insurance, etc.";

Senate bill No. 187, "An act relating to the construction of a state historical building, etc.";

Senate substitute bill No. 338, "An act authorizing the assessment for local improvements, etc.";

Senate bill No. 299, "An act authorizing cities to acquire land for cemetery purposes, etc.";

Senate bill No. 295, "An act to provide for the protection of game fish";

Senate substitute bill No. 249, "An act authorizing cities and towns to construct, maintain and operate certain utilities."

The House has passed House concurrent resolution No. 16, "In relation to the investigation of state offices";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk*.

House concurrent resolution No. 16, by Mr. Scott:

Be it resolved by the House, the Senate concurring, That the president of the Senate shall appoint two members of the Senate, and that the speaker of the House of Representatives shall appoint three members of the House, subject to the confirmation of the Senate and House

respectively, such appointees to constitute a committee to investigate the affairs, doings and conduct of such state officers and such departments of the state government as such committee shall deem proper. Said committee shall fully investigate the books, records and accounts of any department, together with any other suggestions, data and conditions coming to its notice affecting any department, and shall report the results of such investigations to the governor of this state on or before the 12th day of July, 1909. Said committee is hereby vested with all the powers and authority of the legislature to regulate the mode and manner of the making of such investigations within said period, prior to the 12th day of July, 1909, to require all such state officers and all such departments as they may deem necessary to be investigated to appear before them at hearings, and are authorized within such time to issue subpoenas for the appearance of witnesses and the production of files, books, documents, accounts and testimony relating to or in any way concerning any such officers or departments, and in its discretion may employ such expert accountants, stenographer, and may call to its assistance the attorney general at any time it may deem necessary in the furtherance of such investigations. Such committee shall elect one of its members chairman. The committee shall hold its meetings at the city of Olympia in the chamber of the House of Representatives, and at such times as it may desire and deem expedient prior to the date herein specified. Any member of the committee is authorized to administer the oaths. Such committee shall have power to investigate the books, records and documents of any insurance company, either within or without the state, and is empowered to issue commissions for the purpose of taking testimony or depositions without the state.

Said committee is hereby given such power as may be necessary to institute any and all actions in the superior courts for the purpose of aiding and assisting it to make full examinations and investigations, and it shall be the duty of the superior courts to entertain jurisdiction for such purpose and to issue such orders as may be necessary in aid of such investigations.

The members of the committee shall receive their per diem when actually engaged in such investigations and their actual traveling expenses, to be paid out of moneys appropriated for the expenses of the Eleventh legislature. All expenses of stenographer and accountants' fees, or witnesses appearing before the committee on subpoena shall be audited by the committee, and such expenses, and the compensation of the members of the committee shall be paid as other expenses incurred in the Eleventh legislature are paid.

A call of the Senate was demanded by Senators Nichols, Piper, Falconer and Williams.

The motion for a call of the Senate carried.

The secretary called the roll of the Senate. Those absent were Senators Rosenhaupt and Smithson.

The sergeant-at-arms was instructed to lock the doors.

Senator Booth moved that further proceedings under the call of the Senate be dispensed with.

The motion was lost.

The sergeant-at-arms was instructed to take into custody and bring before the bar of the Senate Senators Smithson and Rosenhaupt.

On motion of Senator Nichols, Senator Rosenhaupt was excused.

Senator Cotterill moved that further proceedings under the order for a call of the Senate be suspended.

The motion was lost.

By unanimous consent, the Senate proceeded with the transaction of business during the call of the Senate, taking up such matters as came to the desk.

On motion of Senator Bryan, the special order for the consideration of House concurrent resolution No. 13 was advanced from the hour of 11:30 this evening to the hour of 10:10 p. m.

SPECIAL ORDER.

The secretary read House concurrent resolution No. 13, as follows:

Resolved by the House, the Senate concurring, That the song, "Washington Beloved," the words by Edmond S. Meany, and the music by Reginald DeKoven be, and the same is hereby declared the state anthem of Washington.

On motion of Senator Allen, the song, "Washington Beloved," was read:

Thy name, O Washington renowned,
We hail, we hail from far and near,
Thy glories joyfully resound,
In song of praise and mighty cheer.

Thy fame, O Washington serene,
Leads on, leads on up toward the sky,
While we through every changing scene,
Thy purple pennants lift on high.

Thy deeds, O Washington benign,
Will last, will last as hills of stone,
While we like ore the fires refine,
Will ring forth praise to thee alone.

Thy sons, O Washington beloved,
Lift up, lift up their heads in pride,
By whatsoever sea removed,
To thee, their lives, in lovè are tied.

Senator Nichols moved the adoption of House concurrent resolution No. 13, and it was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Booth, Brown, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Roberts, Rydstrom, Smith, Stevenson, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Blair, Bryan, Eastham, Fishback, Graves, Hutchinson, Presby, Rosenhaupt, Smithson, Stewart—10.

Resolution by Senator Knickerbocker:

Resolved, That for the work of preparing the direct primary law, as amended, and the local option law, and indexing a list of the bills passed by the legislature and sending of the same to members of the Senate, the secretary of the Senate be allowed the sum of fifty (\$50.00) dollars.

On motion of Senator Knickerbocker, the resolution was adopted.

Resolution by Senator Allen:

Resolved, That for cleaning up the Senate chamber after the close of the session, A. H. Haynes and Robert Taylor be each allowed the sum of fifteen (\$15.00) dollars.

On motion of Senator Allen, the resolution was adopted.

Resolution by Senator Paulhamus:

Resolved, That the sergeant-at-arms and assistant sergeant-at-arms be allowed two days' extra pay at the regular per diem for checking up and closing the business of the Senate.

On motion of Senator Paulhamus, the resolution was adopted.

Resolution by Senator Smith:

Resolved, That for completing, comparing, and signing the journal and other records of the Senate, after the close of the session, the president, secretary, assistant secretary, docket clerk, minute clerk, assistant minute clerk, journal clerk, assistant journal clerk, one proof-reader, the index clerk, and a stenographer, be allowed ten days' extra pay at the regular per diem.

On motion of Senator Smith, the resolution was adopted.

Senator Paulhamus moved that further proceedings under the order for a call of the Senate be dispensed with.

Senator Piper moved as a substitute that proceedings under the order for a call of the Senate continue.

The substitute motion was lost.

The motion of Senator Paulhamus carried.

The Senate took up the consideration of House concurrent resolution No. 16.

Senator Paulhamus moved the adoption of the resolution.

The president ruled the resolution out of order for the following reasons:

1st. Because a concurrent or joint resolution, under the rules, is subject to the same procedure as bills, and under House concurrent resolution No. 14, adopted by the Senate, no bills except appropriation bills are to be considered after 12 o'clock m. of today.

2nd. Because several resolutions identical in subject matter have heretofore been acted upon by the Senate, one having been indefinitely postponed, one referred to a committee, and another voted down by the Senate.

Senators Cotterill, Nichols and Falconer appealed from the decision of the president.

The previous question on the appeal from the chair was demanded by Senators Falconer, Nichols and Metcalf.

The motion for the previous question carried.

A roll call on the appeal from the decision of the president was demanded by Senators Booth, Metcalf, Piper, Nichols, Cotterill, Falconer, Fishback.

The secretary called the roll on the question "Shall the decision of the chair stand as the judgment of the Senate?" and the decision of the chair was overruled by the following vote:

Those voting aye were: Senators Allen, Cameron, Eastham, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Stewart, Whitney, Williams, Mr. President—18.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Nichols, Paulhamus, Polson, Smithson, Stevenson—22.

Those absent or not voting were: Senators Rosenhaupt, Graves—2.

When his name was called Senator Graves requested that he be excused from voting in accordance with his agreement to pair with Senator Rosenhaupt, which request was granted.

Senator Booth moved to amend the resolution by striking the words "Olympia, in the chamber of the House of Representatives" and inserting in lieu thereof the words "at such places in the State of Washington as it may desire."

The amendment carried.

Senator Metcalf moved to strike the words "subject to the confirmation of the House and Senate respectively" from the resolution.

The motion was lost.

Senator Cotterill moved the adoption of the resolution as amended.

The previous question was demanded by Senators Cotterill, Rydstrom and Hutchinson.

The motion for the previous question carried.

The secretary called the roll, and House concurrent resolution No. 16 was adopted in the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Metcalf, Myers, Nichols, Paulhamus, Polson, Stevenson—22.

Those voting nay were: Senators Allen, Eastham, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—18.

Those absent or not voting were: Senators Rosenhaupt, Graves, excused.

On motion of Senator Metcalf, House concurrent resolution No. 16 was ordered immediately transmitted to the House, the rules being suspended.

The president announced the appointment of Senators Allen and Fishback as members on the part of the Senate of the committee provided for under House concurrent resolution No. 16.

Senator Nichols moved that the appointment by the president of the Senate of Senators Allen and Fishback as members of the committee provided for under House concurrent resolution No. 16 be confirmed.

The secretary called the roll, and the appointments were confirmed by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

At their request, Senators Allen and Fishback were excused from voting on this question.

Those absent or not voting were: Senators Allen, Booth, Fishback, Graves, Minkler, Rosenhaupt—6.

On motion of Senator Nichols, the Senate further endorsed the appointments of Senators Allen and Fishback on the committee by a unanimous rising vote.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has refused to concur in the Senate amendments to House concurrent resolution No. 16 and asks the Senate to recede therefrom.

LOREN GRINSTEAD, *Chief Clerk*.

Senator Nichols moved that the Senate recede from its amendments to House concurrent resolution No. 16.

Senators Cotterill, Falconer and Nichols moved the previous question.

The motion for the previous question carried.

At their request, Senators Fishback and Allen were excused from voting on the question of receding from the Senate amendments to House concurrent resolution No. 16.

The secretary called the roll, and the Senate receded from its amendments to House concurrent resolution No. 16 by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Hutchinson, Knickerbocker, McGregor, Myers, Minkler, Nichols, Paulhamus, Piper, Polson, Potts, Presby, Rydstrom, Stevenson, Mr. President—26.

Those voting nay were: Senators Eastham, Huxtable, Kline, McGowan, Roberts, Smith, Stewart, Whitney, Williams—9.

Those absent or not voting were: Senators Allen (excused), Booth, Fishback (excused), Graves, Metcalf, Rosenhaupt, Smithson—7.

On motion of Senator Cotterill, the rules were suspended, and House concurrent resolution No. 16 was ordered immediately transmitted to the House, and the House notified of the Senate's action on the resolution.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 386, entitled "An act making appropriations for the maintenance of various state institutions, etc.";

Senate bill No. 241, "An act providing for the construction and improvement of county roads, etc.";

Senate bill No. 255, "An act relating to the sale of and fixing the standard of agricultural seed, etc.";

Senate bill No. 282, "An act to provide for the safe depositaries and regulating the deposit of state moneys therein, etc.";

Amended Senate bill No. 4, "Relating to regulating and providing for the nomination of candidates for public office in the State of Washington, etc.";

Senate bill No. 247, "An act to regulate the practice of optometry, etc.";

Senate bill No. 254, "An act to regulate the manner in which railroads shall cross highways, etc.";

House bill No. 299, entitled "An act to provide for registration and guarantee of feeding stuffs, etc.";

House bill No. 145, "An act establishing the Western Washington Hospital for the Harmless Insane, etc.";

House bill No. 182, "An act for the relief of Indian war veterans of the wars of 1855 and 1856";

House bill No. 339, "An act for the relief of Conrad L. Hoska";

House bill No. 238, "An act to provide for the extermination of cougar, wildcats, etc.";

House bill No. 150, "An act granting to the United States certain lands for public purposes, etc.";

House bill No. 313, "An act for the protection of certain game birds";

House concurrent resolution No. 15, "An act making appropriations for extra services rendered by certain employes of the state";

House bill No. 344, "An act creating the Southwest Washington Fair Association, etc.";

House concurrent resolution No. 13, "Relating to the song 'Washington'";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 155, entitled "An act relating to horticulture and prescribing penalties for the violation, etc., and declaring an emergency";

Senate bill No. 363, entitled "An act making an appropriation for the construction and maintenance of state roads and for the examination and survey of proposed state roads, etc.";

Senate bill No. 187, entitled "An act relating to the construction of a state historical building for the use of the Washington State Historical Society, and making an appropriation therefor";

Senate substitute bill No. 249, entitled "An act authorizing cities and towns to construct, condemn and purchase, acquire, add to, maintain, conduct and operate certain public utilities";

Senate bill No. 295, entitled "An act to provide for the protection of game fish, etc.";

Senate substitute bill No. 338, entitled "An act authorizing the assessment for local improvements of certain lands owned by the state";

Senate bill No. 299, entitled "An act authorizing cities to acquire, hold, and improve land for cemetery purposes, etc.";

Senate substitute bill No. 162, entitled "An act to regulate the business of life insurance";

Senate bill No. 231, entitled "An act to amend section 32 of an act entitled 'An act to provide for laying out of county roads, etc.'";

Senate bill No. 367, entitled "An act providing for the establishment of certain state roads";

Senate bill No. 345, entitled "An act requiring the state board of tax commissioners to take charge of and superintend the enforcement of 'An act relating to the sale of intoxicating liquor'";

Senate bill No. 61, entitled "An act to create a state fish hatchery on the Bryant spring, in Walla Walla county";

Senate bill No. 356, entitled "An act relating to service of process in justice courts";

Senate bill No. 357, entitled "An act extending the powers and jurisdiction of incorporated cities, etc.";

Senate bill No. 146, entitled "An act authorizing and directing the state auditor to audit and the state treasurer to pay bills or expenses, etc.";

Senate bill No. 297, entitled "An act relating to the finances of the State of Washington";

Senate bill No. 65, entitled "An act relating to bills of lading";

Senate bill No. 267, entitled "An act to amend section 1, chapter 55, Laws 1905";

Senate bill No. 203, entitled "An act authorizing the commissioner of public lands to certify certain tide lands, etc.";

Senate bill No. 214, entitled "An act amending section 6 of an act entitled 'An act to provide for the alteration, etc., of any townsite, etc.'";

Senate bill No. 158, entitled "An act making an appropriation for the relief of Chicago, Milwaukee & Puget Sound railway company";

Senate bill No. 5, entitled "An act appropriating \$3,500.00 as compensation for George Turner and E. C. MacDonald as special attorneys, etc.";

Senate bill No. 66, entitled "An act relating to the qualifications of members of the legislature";

Senate bill No. 193, entitled "An act authorizing cities of certain classes to create an accident fund, etc.";

Senate bill No. 265, entitled "An act repealing sections 4128 and 4157 of Ballinger's Code and sections 5843 and 5872 of Pierce's Washington Code";

Senate bill No. 331, entitled "An act requiring certain cities to include in their annual tax levy certain amounts";

Senate bill No. 166, entitled "An act appropriating money to the city of Palouse";

Senate bill No. 146, entitled "An act authorizing the state treasurer to pay certain bills, etc.";

Senate bill No. 254, entitled "An act to regulate the manner in which railroads shall cross highways, etc.";

Senate bill No. 247, entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners, etc.";

Senate bill No. 282, entitled "An act to amend chapter 37 of Session Laws of 1907, being 'An act to provide for the state depositories, etc.'";

Senate bill No. 255, entitled "An act relating to the sale of and fixing the standard of purity of seeds, etc.";

Senate bill No. 241, entitled "An act providing for the construction and improvement of county roads at the expense of the lands specially benefited, etc.";

Senate bill No. 386, entitled "An act making appropriations for the maintenance of and sundry state expenses, etc., for the fiscal year beginning April 1, 1909, and ending March 31, 1911";

—have compared same with the original bills and find them correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in this report: D. H. Cox, Geo. F. Cotterill, H. O. Fishback, A. W. Anderson.

The president signed Senate bills Nos. 386, 241, 255, 282, 247, 254, 166, 331, 265, 193, 66, 5, 158, 214, 203, 267, 65, 297, 146, 357, 356, 61, 345, 367, 231, 162, 299, 338, 295, 249, 187, 363 and 155.

Resolution by Senator Huxtable.

WHEREAS, The employes of the Senate of the Eleventh legislature of the State of Washington have been willing and faithful in the performance of their duties and have worked an extra day this, the closing day of the session;

Be it resolved, That for such faithful and extra service they be paid an extra day at the regular per diem.

On motion of Senator Huxtable, the resolution was adopted.

MESSAGE FROM THE GOVERNOR.

OLYMPIA, WASHINGTON, March 11, 1909.

Gentlemen of the House and Senate:

As the representative of the people of the State of Washington, I am unwilling to allow this session of the legislature to pass into history without calling attention to the charges made against our insurance department—charges so grave, in my opinion, as to demand a most thorough and searching investigation at your hands, and which require the appointment of a committee clothed with sufficient powers to ascertain the facts and place them before the people of the state.

Our state has thus far never been smirched, and the protection of its fair name should be the duty of the state government, and I earnestly ask that you do take immediate action, and appoint a legislative committee with power to summons witnesses, compel testimony, and do any and all acts that you yourselves as a body could do in matters of this kind.

Respectfully submitted,

M. E. HAY, *Acting Governor.*

STATE OF WASHINGTON,
EXECUTIVE DEPARTMENT.

OLYMPIA, March 11, 1909.

To the Senate of the State of Washington.

GENTLEMEN: I am directed by Acting Governor Hay to advise you that he has approved the following Senate bills:

March 3—No. 96, entitled "An act relating to the dividing of counties into districts for judicial purposes and for holding sessions of the superior court of the State of Washington at places other than the county seat, and providing means to make this act effective and defraying the expenses incident thereto, and declaring an emergency."

March 6—No. 27, entitled "An act providing for the purchase of the southeast quarter (SE $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) of section sixteen (16) in township twenty-one (21) north of range five (5) east

of the Willamette meridian, for state fish hatchery purposes, and declaring an emergency."

No. 149, entitled "An act authorizing the issuance of bonds for the payment and redemption of all warrants issued for erecting and equipping the Cheney and New Whatcom normal schools, under the act entitled 'An act relating to state normal schools and making appropriation therefor,' approved March 7, 1895."

No. 167, entitled "An act to provide for the vacation of portions of waterways, the extension of streets over the portions so vacated, and for the sale and disposition of the portions so vacated not embraced within any street or streets extended over the same."

No. 33, entitled "An act to amend sections 2 and 3 of an act to encourage county agricultural associations and fairs and to provide funds therefor, approved March 17, 1903."

March 3—No. 151, entitled "An act providing for the payment of certain deficiencies in maintenance of the State Fair of Washington and appropriating money therefor."

No. 196, entitled "An act relating to township organization and amending an act entitled 'An act to provide for township organization and prescribing the duties and fixing the compensation of township officers and providing for the levy, assessment and collection of town taxes,' approved March 23, 1895, by amending sections 11, 17, 18, 43, 79, 80, 81, 82, 93 and 115 and adding sections 117, 118, 119 and 120 to said act, repealing all laws in conflict therewith, and declaring an emergency."

March 4—No. 110, entitled "An act to create a firemen's relief and pension fund in the several incorporated cities and towns of the State of Washington and making provisions for the maintenance and distribution thereof."

March 9—No. 234, entitled "An act to amend sections 2 and 4 of an act entitled 'An act relating to and authorizing the collection of assessments for local improvements by a new assessment or re-assessment of the cost and expense of making same in cities and towns, and declaring an emergency,' approved March 9, 1893."

No. 176, entitled "An act relating to the disbarment and suspension of attorneys and counselors at law, and amending section 1 of an act entitled 'An act to amend section 3289 of the Code of 1881, relating to the removal and suspension of attorneys,' being chapter IX of the Laws of 1897."

March 10—No. 359, entitled "An act for the relief of Vaughn & Morrill Co."

No. 109, entitled "An act relating to the selection, exemption, and service of jurors in the superior courts of the state."

No. 104, entitled "An act authorizing and directing the board of state land commissioners to sell at public auction in manner provided by law, a portion of the southeast quarter of the northwest quarter of section 16, in township 11 north, range 43 east of the Willamette meridian, and declaring an emergency."

March 11—No. 67, entitled "An act for the purchase of the highway bridge across the Columbia river, at Wenatchee, Washington, by the State of Washington, from the Wenatchee Bridge Company, providing means, method and time of payment therefor, and the manner of future maintenance and supervision thereof, and making an appropriation for said purchase."

Yours respectfully,

HOWARD G. COSGROVE, *Secretary to the Governor.*

The president signed House bills Nos. 299, 145, 182, 339, 238, 150, 313, 344 and House concurrent resolutions Nos. 13 and 15.

The secretary read the following resolution:

Senate concurrent resolution No. 30, by Senator Knickerbocker:

WHEREAS, The time of the Eleventh legislature of the State of Washington is about to expire, and close, and the legislature adjourn; now therefore be it

Resolved by the Senate, the House concurring, That the president of the Senate appoint two senators and the speaker of the House appoint three representatives, who shall constitute a committee to notify his excellency, Acting Governor M. E. Hay, that the legislature is about to adjourn, and ask if he has any communications to make to said legislative body.

Senator Knickerbocker moved the adoption of the resolution.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Piper, Polson, Potts, Presby, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Anderson, Booth, Brown, Falconer, Graves, Metcalf, Paulhamus, Roberts, Rosenhaupt, Smithson—10.

On motion of Senator Stevenson, the rules were suspended, and Senate concurrent resolution No. 30 was ordered immediately transmitted to the House.

The president appointed as a committee on the part of the Senate, under Senate concurrent resolution No. 30, Senators Knickerbocker and Smith.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

The House has concurred in Senate concurrent resolution No. 30 and the speaker has appointed as a committee under said resolution, Messrs. Palmer, Halsey and Farnsworth.

Senate concurrent resolution No. 30 is herewith respectfully transmitted.

The speaker has appointed Messrs. Hubbell, Taylor and McMaster, and the same have been confirmed by the House, upon the committee provided for in House concurrent resolution No. 16.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF SPECIAL COMMITTEES.

We, your special committee, appointed to investigate the conditions of the Senate records and to make a report and recommendations in relation thereto, beg leave to submit the following:

1st. We find the Senate journal in most satisfactory shape, although the records of the closing days of the session have been longer than heretofore. Nevertheless, the completion is as near at hand as in former years.

2d. We find that the enrolling of the Senate bills is practically completed at this hour. Although the number and length of bills has far exceeded all previous sessions, the cost of carrying on two or three times the amount of enrolling is about the same as last session, and this has been accomplished by using many of the committee clerks as enrolling clerks during the closing days of the session.

3rd. The Senate docket is found to be posted up fully, giving a complete and accurate record of all senate bills.

4th. The daily journal has been completed up to and until the noon adjournment of this day, and so far as investigated is found to be a true and correct report of proceedings.

5th. The clerical work of the Senate, which has been so satisfactorily performed as above mentioned, has been due very largely to the careful and efficient work of the secretary, Wm. T. Laube, and we, your committee, desire to report his careful and strict attention at all times to business of the Senate and commend the ability that has been shown in handling the work of this body.

6th. Finally, our committee urges that the hold-over Senators bring as many stenographers as possible as clerks for the coming session of the legislature, and urge them to impress upon the newly-elected Senators the necessity and usefulness of stenographers to the legislative body.

Respectfully submitted,

P. L. ALLEN.
E. C. DAVIS.
F. L. STEWART.

OLYMPIA, WASH., March 11, 1909.

MR. PRESIDENT:

We, your special committee appointed by the Senate and House, pursuant to concurrent resolution No. 30, to wait upon his excellency, Lieutenant Governor and Acting Governor M. E. Hay, and inform him that the legislature was about to adjourn, and ask him if he had any further communications to make to such body, beg to report:

That we called upon the governor and informed him that the legislature was about to adjourn and asked him if he had any communications to make to the legislature, and he informed us that he had no communication which he wished to make.

Respectfully submitted,

I. B. KNICKERBOCKER.

S. T. SMITH.

On motion of Senator Knickerbocker, the report was adopted.

On motion of Senator Allen, all bills not passed by the Senate were indefinitely postponed.

On motion of Senator Stevenson, the reading of the journal of today's session was dispensed with and it was approved.

Senator Stevenson moved that a committee of three senators be appointed to notify the House that the Senate is ready to adjourn.

The motion carried.

The president appointed as such a committee Senators Stevenson, Polson and Minkler.

A committee from the House, consisting of Messrs. Carlyon, McGregor and Thompson (H. W.), appeared before the bar of the Senate and announced that the House was about to adjourn.

At 11:59 p. m., on motion of Senator Potts, the Senate adjourned *sine die*.

W. M. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

HOUSE BILL NO. 59.

[By Mr. BELL.]

An act to amend article six (VI) of the Constitution of the State of Washington, relating to the qualification of voters within the state.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1910, there shall be submitted to the qualified electors of this state for their adoption and approval an amendment to article six (VI) of the Constitution of the State of Washington, and it is hereby proposed that said article six (VI) be amended, by striking from said article six (VI) all of sections one (1) and two (2) and inserting in lieu thereof the following, to be known as section one (1): Section 1. All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward, or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: *Provided*, That Indians not taxed shall never be allowed the elective franchise: *And further provided*, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section. There shall be no denial of the elective franchise at any election on account of sex.

SEC. 2. The Secretary of State shall cause the amendment proposed in section one (1) of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county wherein a newspaper is published throughout the state.

SEC. 3. There shall be printed on all ballots provided for the said election the words: "For the proposed amendment of article six (VI) of the Constitution, relating to the qualifications of voters within this state"; "Against the proposed amendment to article six (VI) of the Constitution, relating to the qualifications of voters within this state."

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the Governor shall make proclamation of the same in the manner provided by law and the said amendment shall be held to have been adopted and

to have been a part of the Constitution from the time of such proclamation.

Passed by the House January 29, 1909.

Passed by the Senate February 23, 1909.

Approved February 25, 1909.

HOUSE BILL NO. 14.

[By Mr. TODD.]

An act providing for the amendment of section 10, article 3, of the Constitution of the State of Washington, relating to the executive department of the State of Washington, and providing for the succession to the office of Governor.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1910, there shall be submitted to the qualified electors of the State of Washington, a proposed amendment to section 10, article 3, of the Constitution of the State of Washington, so that the same shall read, when so amended, as follows:

Sec. 10. In case of the removal, resignation, death or disability of the Governor, the duties of the office shall devolve upon the Lieutenant Governor; and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of the Governor shall devolve upon the Secretary of State. In addition to the line of succession to the office and duties of Governor as hereinabove indicated, if the necessity shall arise, in order to fill the vacancy in the office of Governor, the following state officers shall succeed to the duties of Governor and in the order named, viz.: Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands. In case of the death, disability, failure or refusal of the person regularly elected to the office of Governor to qualify at the time provided by law, the duties of the office shall devolve upon the person regularly elected to and qualified for the office of Lieutenant Governor, who shall act as Governor until the disability be removed, or a Governor be elected; and in case of the death, disability, failure or refusal of both the Governor and the Lieutenant Governor elect to qualify, the duties of the Governor shall devolve upon the Secretary of State; and in addition to the line of succession to the office and duties of Governor as hereinabove indicated, if there shall be the failure or refusal of any officer named above to qualify, and if the necessity shall arise by reason thereof, then and in that event in order to fill the vacancy in the office of Governor, the following state officers shall succeed to the duties of Governor in the order named, viz.: Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands. Any

person succeeding to the office of Governor as in this section provided, shall perform the duties of such office only until the disability be removed, or a Governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of Governor for the remainder of the unexpired term.

SEC. 2. The Secretary of State shall cause the amendment proposed in section one (1) of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county wherein a newspaper is published throughout the state.

SEC. 3. There shall be printed on all ballots provided for the said election the words "For the proposed amendment to section ten (10) of article three (3) of the constitution, relating to the succession to the office of Governor"; "Against the proposed amendment to section ten (10) of article three of the Constitution, relating to the succession to the office of Governor."

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the Governor shall make proclamation of the same in the manner provided by law and the said amendment shall be held to have been adopted and to have been a part of the Constitution from the time of such proclamation.

Passed by the House February 25, 1909.

Passed by the Senate March 8, 1909.

Approved March 17, 1909.

APPENDIX

CONTAINING

ROSTER OF THE SENATE—EMPLOYES OF THE
SENATE—STANDING COMMITTEES OF THE
SENATE, ASSIGNMENTS, ETC.

AND

SENATE RULES AND INDEX.

LIST OF MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON FOR THE YEARS 1909-10, WITH POLITICS, OCCUPATION, COUNTIES REPRESENTED AND POST OFFICE ADDRESS OF EACH.

LIEUTENANT-GOVERNOR, M. E. HAY, Spokane, President of the Senate.

SENATOR A. S. RUTH, Olympia, President *pro tem.* of the Senate.

W. T. LAUBE, Seattle, Secretary of the Senate.

NAMES.	DISTRICT.	COUNTIES.	RESIDENCE.	AGE	BIRTHPLACE.	OCCUPATION	POLITICS	Previous legis- lative service.	
								Senate.	House.
Allen, P. L.	33	King	Seattle	35	Wisconsin	Printer and Publisher.	Rep.	1907	
Anderson, A. W.	2	Stevens	Ady	38	Illinois	Lumber and Gen'l Mer.	Rep.	1907	
Arrasmith, Joseph	9	Whitman	Palouse	63	Indiana	Farmer	Rep.		1891
Bassett, John D.	11	Adams	Ritzville	50	Connecticut	Banker	Rep.		1905-7
Blair, John L.	24	Franklin							
		Walla Walla							
		Clallam							
		Jefferson	Friday Harbor	74	New York	Fruit Grower	Rep.	1907	
		San Juan							
Booth, Robert F.	37	King	Seattle	33	Minnesota	Lawyer	Rep.	1907	1905
Brown, Ed.	41	Whatcom	Blaine	53	Canada	Millman	Rep.		1895-01
Bryan, J. W.	23	Island	Bremerton	35	Louisiana	Lawyer	Rep.		
		Mason							
		Benton							
Cameron, Samuel J.	15	North Yakima	North Yakima	48	Scotland	Stockraiser	Rep.		1907
Cox, D. H.	12	Yakima	Walla Walla	43	Tennessee	Merchant	Rep.		
		Walla Walla							
		Douglas							
Davis, Ewan C.	1	Ferry	Ephrata	35	Ohio	Banker	Rep.		1907
		Kanogan							
Cottrell, Geo. F.	36	King	Seattle	43	England	Civil Engineer	Dem.	1907	
Eastman, A. B.	17	Clarke	Vancouver	51	Oregon	Dentist	Rep.		
Falconer, J. A.	38	Snohomish	Everett	39	Canada	Lumberman	Rep.		1905-7
Feland, H. H.	29	Pierce	Tacoma	53	Norway	Farmer	Rep.		
Estabach, H. O.	6	Lewis	Adna	50	Minnesota	Farmer	Rep.		
Graves, Will G.	6	Spokane	Spokane	41	Illinois	Lawyer	Dem.	1903-5-7	
Hutchinson, R. A.	4	Spokane	Spokane	56	Mississippi	Farmer	Rep.	1893-5	1891-07
Huxtable, Jesse	3	Spokane	Spokane	45	England	Railway Conductor	Rep.		1905-07

Kline, Robert L.	42	Whatcom.	Bellingham	50	Pennsylvania	Real Estate and Ins.	Rep.	1907
Knickerbocker, I. B.	80	King	Auburn	44	New York	Lawyer	Rep.	1907
McGregor, Peter	8	Whitman	Hooper	46	Ontario	Farmer and Stockraiser	Rep.	1907
McGowan, Henry S.	19	Pacific	McGowan	42	Washington	Salmon Packer	Dem.	1907
Metcalf, Ralph	26	Wahkiakum	Tacoma	47	Rhode Island	Lumber and Shingles	Rep.	1907
Myers, Charles E.	14	Lincoln	Davenport	42	Ohio	Jeweler	Rep.	1907
Minkler, B. D.	40	Skagit.	Lyman	59	Wisconsin	Lumberman	Rep.	1889
Nichols, Ralph D.	31	King	Columbia	34	Iowa	Lawyer	Rep.	1907
Paulhamus, W. H.	25	Pierce	Sumner	43	Pennsylvania	Farmer	Rep.	1907
Piper, George U.	34	King	Seattle	42	Indiana	Real Estate	Rep.	1907
Polson, Alex.	21	Chehalis	Hoquiam	55	Nova Scotia	Lumberman	Rep.	1907
Potts, William G.	35	King	Seattle	33	Ireland	Hotel Keeper	Rep.	1903-5-7
Presby, Winthrop B.	16	Klickitat	Goldendale	49	New Hampshire	Lawyer	Rep.	1907
Roberts, John L.	27	Skamania	Tacoma	64	Wales	Manufacturer	Rep.	1898-5
Rosenhaupt, Harry	7	Pierce	Spokane	40	Illinois	Lawyer	Rep.	1907
Ruth, A. S.	22	Spokane	Olympia	43	Maine	Civil Engineer	Rep.	01-3-5-7
Rydstrom, Arvid	23	Thurston	Tacoma	52	Sweden	Civil Eng. and Contr.	Rep.	03-5-7
Smith, S. T.	39	Pierce	Marysville	54	Maine	Banker	Rep.	03-5-7
Smithson, John H.	13	Snohomish	Ellensburg	52	Canada	Banker	Rep.	1893
Stevenson, John R.	10	Chelan	Pomeroy	54	Michigan	Merchant	Rep.	1907
Stewart, F. L.	18	Kititas	Kelso	35	Wisconsin	Banker	Rep.	1903
Whitney, E. C.	5	Asotin	Foothills	48	Pennsylvania	Nurseryman	Rep.	1907
Williams, E. M.	32	Columbia	Seattle	41	New York	Contractor	Rep.	1907

SENATE EMPLOYES—SESSION 1909.

<i>Name.</i>	<i>Service.</i>	<i>Residence.</i>	<i>Per Diem.</i>
Wm. T. Laube.....	Secretary	Seattle	\$7 50
Marvin L. Arnold.....	Assistant Secretary	Spokane	6 00
J. M. Hayes.....	Sergeant-at-Arms	Tacoma	5 00
A. J. Ahola.....	Asst. Sergeant-at-Arms....	Goldendale	4 50
J. L. Ashlock.....	Sec. Lieut. Governor.....	Pullman	5 00
George Gregory.....	Minute Clerk	Seattle	5 00
Fred Leghorn	Docket Clerk	Spokane	5 00
George Mueller, Jr.	Journal Clerk	Auburn	5 00
E. K. Matlock.....	Asst. Journal Clerk.....	Lyman	5 00
F. G. Remann.....	Enrolling Clerk	Tacoma	5 00
J. H. MacNichol.....	Asst. Enrolling Clerk....	Colfax	5 00
Fred McCoy	Engrossing Clerk	North Yakima	5 00
Chas. S. Lyons.....	Engrossing Clerk	Tacoma	5 00
Herbert Shaw	Bill Clerk	Bellingham	5 00
George Morrison.....	Asst. Bill Clerk.....	Marysville	4 00
W. G. Butterfield.....	Postmaster	Seattle	4 00
A. D. Elwell.....	Asst. Postmaster	Vancouver	4 00
W. J. Manion.....	Stenographer	Seattle	5 00
Roger W. Watts.....	Stenographer	Tacoma	5 00
Edwin B. Stevens.....	Clk. Judiciary Committee..	Seattle	7 50
A. A. Kirby.....	Reading Clerk	Pomeroy	5 00
Claude Bozorth	Clerk	Woodland	4 00
E. E. Clark.....	Clerk	Walla Walla	4 00
J. F. Brill.....	Stenographer	Spokane	5 00
E. J. Eisele.....	Stenographer	Seattle	5 00
Lucius McGuire	Expert Clerk	Seattle	5 00
N. E. Davis.....	Clerk	Baird	4 00
F. F. Bredahl.....	Clerk	Tacoma	4 00
Nick Miles.....	Clerk	Spokane	4 00
J. B. Frederick.....	Clerk	Spokane	4 00
C. A. Payne.....	Clerk	Chinook	4 00
H. E. Kennedy.....	Clk. Appropriation Com....	Seattle	5 00
A. F. Raymond.....	Clerk	Seattle	4 00
H. F. Hamilton.....	Clerk	Foothills	4 00
Harry Niblett	Clerk	Seattle	4 00
W. W. Swing.....	Doorkeeper	Port Townsend	4 00
Charles Broughton.....	Asst. Doorkeeper	Tacoma	4 00
Charles Summers.....	Custodian Senate Prop....	Daisy	4 00
A. F. Haynes.....	Janitor	Seattle	4 00
Robert Taylor	Janitor	Cle Elum	4 00
Ray Brown	Page	Olympia	2 00
Francis Allen	Page	Olympia	2 00
Harold Cline	Page	Bellingham	2 00
Eugene Laramie	Page	Tacoma	2 00

STANDING COMMITTEES OF THE SENATE, 1909.

AGRICULTURE.—Senators Arrasmith (Chairman), Blair, Brown, Fishback, Smithson, Whitney, Stevenson.

APPROPRIATIONS.—Senators Potts (Chairman), Ruth, Paulhamus, Anderson, Booth, Rosenhaupt, McGregor, Stevenson, Cameron, Myers, Falconer, Fishback, Stewart.

BANKS AND BANKING.—Senators Smith (Chairman), Smithson, Davis, Stewart, Bassett, Paulhamus, Polson, Fishback, Kline.

CITIES OF THE FIRST CLASS.—Senators Metcalf (Chairman), Allen, Huxtable, Kline, Falconer, Cotterill, Roberts.

CLAIMS AND AUDITING.—Senators Davis (Chairman), Allen, Fatland, McGowan, McGregor.

COMMERCE AND MANUFACTURES.—Senators Stevenson (Chairman), Myers, Cox, Smithson, Polson, Roberts, McGregor.

CONSTITUTION AND CONSTITUTIONAL REVISION.—Senators Rosenhaupt (Chairman), Bryan, Williams, Presby, Cotterill, Graves, Allen.

CORPORATIONS OTHER THAN MUNICIPAL.—Senators Ruth (Chairman), Cox, Fatland, Arrasmith, Smith.

COUNTIES AND COUNTY BOUNDARIES.—Senators McGregor (Chairman), Hutchinson, Cameron, Davis, Blair, Williams, Brown.

DAIRY AND LIVESTOCK.—Senators Cameron (Chairman), McGregor, Myers, Brown, Whitney.

DIKES AND DRAINS.—Senators Minkler (Chairman), Rydstrom, Brown.

EDUCATION.—Senators Bassett (Chairman), Myers, Knickerbocker, Stevenson, Rosenhaupt, Piper, Presby.

EDUCATIONAL INSTITUTIONS.—Senators Nichols (Chairman), Fishback, McGregor, Kline, Smithson, Williams, Bassett.

ELECTIONS AND PRIVILEGES.—Senators Presby (Chairman), Rosenhaupt, Metcalf, Knickerbocker, Bryan.

ENGROSSED BILLS.—Senators Myers (Chairman), Stewart, Nichols, Fatland, Potts.

ENROLLED BILLS.—Senators Bryan (Chairman), Fishback, Anderson, Cotterill, Cox.

FISHERIES.—Senators McGowan (Chairman), Kline, Stewart, Smith, Blair, Minkler, Eastham, Presby, Knickerbocker.

GAME.—Senators Brown (Chairman), Blair, Booth, Myers, Rydstrom, Whitney, Presby.

GAME FISH.—Senators Anderson (Chairman), Myers, Stevenson, Stewart, Fishback.

HARBORS AND HARBOR LINES.—Senators Catterill (Chairman), Rydstrom, Polson, Bryan, Roberts, Kline, Falconer.

HORTICULTURE AND FORESTRY.—Senators Whitney (Chairman), Arrasmith, Presby, Brown, Williams.

INSURANCE.—Senators Booth (Chairman), Stevenson, Kline, Allen, Bassett, Stewart, Paulhamus.

IRRIGATION AND ARID LANDS.—Senators Smithson (Chairman), Hutchinson, Cameron, Davis, Minkler, Cox, Cotterill.

JUDICIARY.—Senators Graves (Chairman), Presby, Knickerbocker, Nichols, Metcalf, Rosenhaupt, Booth, Bryan.

LABOR AND LABOR STATISTICS.—Senators Huxtable (Chairman), Cotterill, Ruth, Roberts, Falconer, Arrasmith, Stevenson.

MEDICINE, DENTISTRY, SURGERY AND HYGIENE.—Senators Eastham (Chairman), Stevenson, Booth.

MEMORIALS.—Senators Blair (Chairman), Davis, Paulhamus.

MILITARY.—Senators Kline (Chairman), Hutchinson, Blair, McGowan, Piper, Fatland, Potts.

MINES AND MINING.—Senators Rydstrom (Chairman), Smith, Ruth, Anderson, Paulhamus, Eastham, Smithson.

MUNICIPAL CORPORATIONS.—Senators Knickerbocker (Chairman), Huxtable, Bryan, Rosenhaupt, Rydstrom, Cotterill, Eastham.

PRINTING.—Senators Allen (Chairman), Hutchinson, Minkler, Paulhamus, McGowan, Anderson, Eastham.

PUBLIC BUILDINGS AND GROUNDS.—Senators Williams (Chairman), Minkler, Arrasmith, Brown, Huxtable.

PUBLIC MORALS.—Senators Fishback (Chairman), Cotterill, Myers, Falconer, Cox, Ruth, Booth, Knickerbocker, Metcalf.

PUBLIC REVENUES AND TAXATION.—Senators Falconer (Chairman), Davis, Fatland, Graves, Cox, Cotterill, Nichols, Bassett, Williams, Bryan, Smithson.

RAILROADS AND TRANSPORTATION.—Senators Paulhamus (Chairman), Anderson, Nichols, Cox, Huxtable, Myers, Arrasmith, Graves, Smithson, Polson, Bassett, Falconer, Presby.

ROADS AND BRIDGES.—Senators Polson (Chairman), Kline, Presby, Arrasmith, Stevenson, Cameron, Rydstrom, Falconer, Smithson, Nichols, Whitney, Stewart, Anderson.

RULES AND JOINT RULES.—Senators Ruth (Chairman), Falconer, Knickerbocker, Metcalf, Smith.

SALARIES AND MILEAGE.—Senators Roberts (Chairman), Piper, Anderson, Presby, Cameron.

STATE GRANTED, SCHOOL AND TIDE LANDS.—Senators Fatland (Chairman), Whitney, Smith, Bassett, Polson, McGowan, Allen, Stevenson, Ruth.

STATE LIBRARY.—Senators Piper (Chairman), Graves, Bryan.

STATE PENAL AND REFORMATORY INSTITUTIONS.—Senators Cox (Chairman), Whitney, Smith, Fishback, Roberts, Eastham, Nichols.

STATE CHARITABLE INSTITUTIONS.—Senators Hutchinson (Chairman), Piper, Roberts, Eastham, Williams, Whitney, Minkler.

SENATE EMPLOYEES OTHER THAN REGULAR.—Senators Stewart (Chairman), Huxtable, Potts, Rydstrom, McGowan.

COMMITTEE ASSIGNMENTS IN SENATE.

SENATOR ALLEN—

Printing (Chairman).
Cities of the First Class.
State Granted, School and Tide Lands.
Claims and Auditing.
Salaries and Mileage.
Constitution and Constitutional Revision.
Insurance.

SENATOR ANDERSON—

Game Fish (Chairman).
Appropriations.
Enrolled Bills.
Mines and Mining.
Railroads and Transportation.
Salaries and Mileage.
Printing.
Roads and Bridges.

SENATOR ARRASMITH—

Agriculture (Chairman).
Corporations other than Municipal.
Horticulture and Forestry.
Labor and Labor Statistics.
Railroads and Transportation.
Roads and Bridges.
Public Buildings and Grounds.

SENATOR BASSETT—

Education (Chairman).
Educational Institutions.
Insurance.
State Granted, School and Tide Lands.
Public Revenues and Taxation.
Banks and Banking.
Railroads and Transportation.

SENATOR BLAIR—

Memorials (Chairman).
Agriculture.
Fisheries.
Game.
Military.
Counties and County Boundaries.

SENATOR BOOTH—

Insurance (Chairman).
Appropriations.
Game.
Judiciary.
Public Morals.
Medicine, Dentistry, Surgery and Hygiene.

SENATOR BROWN—

Game (Chairman).
Agriculture.
Dairy and Livestock.
Dikes, Drains and Drainage.
Horticulture and Forestry.
Public Buildings and Grounds.
Counties and County Boundaries.

SENATOR BRYAN—

Enrolled Bills (Chairman).
Constitution and Constitutional Revision.
Elections and Privileges.
Harbors and Harbor Lines.
Judiciary.
Municipal Corporations.
Public Revenues and Taxation.
State Library.

SENATOR CAMERON—

Dairy and Livestock (Chairman).
Counties and County Boundaries.
Irrigation and Arid Lands.
Roads and Bridges.
Appropriations.
Salaries and Mileage.

SENATOR COTTERILL—

Harbors and Harbor Lines (Chairman).
Cities of the First Class.
Constitution and Constitutional Revision.
Enrolled Bills.
Public Morals.
Public Revenues and Taxation.
Labor and Labor Statistics.
Municipal Corporations.
Irrigation and Arid Lands.

SENATOR COX—

State Penal and Reformatory Institutions (Chairman).
Commerce and Manufactures.
Corporations other than Municipal.
Public Morals.
Public Revenues and Taxation.
Railroads and Transportation.
Irrigation and Arid Lands.
Enrolled Bills.

SENATOR DAVIS—

Claims and Auditing (Chairman).
Banks and Banking.
Counties and County Boundaries.
Memorials.
Public Revenues and Taxation.
Irrigated and Arid Lands.

SENATOR EASTHAM—

Medicine, Surgery, Dentistry and Hygiene (Chairman).
Fisheries.
State Penal and Reformatory Institutions.
State Charitable Institutions.
Printing.
Mines and Mining.
Municipal Corporations.

SENATOR FALCONER—

Public Revenue and Taxation (Chairman).
Appropriations.
Cities of the First Class.
Labor and Labor Statistics.
Public Morals.
Railroads and Transportation.
Roads and Bridges.
Rules and Joint Rules.
Harbors and Harbor Lines.

SENATOR FATLAND—

State Granted, School and Tide Lands (Chairman).
Claims and Auditing.
Corporations other than Municipal.
Public Revenues and Taxation.
Military.
Engrossed Bills.
Mines and Mining.

SENATOR FISHBACK—

Public Morals (Chairman).
Agriculture.
Appropriations.
Banks and Banking.
Educational Institutions.
Enrolled Bills.
State Penal and Reformatory Institutions.
Game Fish.

SENATOR GRAVES—

Judiciary (Chairman).
Constitution and Constitutional Revision.
Public Revenues and Taxation.
State Library.
Railroads and Transportation.

SENATOR HUTCHINSON—

State Charitable Institutions (Chairman).
Counties and County Boundaries.
Irrigation and Arid Lands.
Military.
Printing.
Mines and Mining.

SENATOR HUXTABLE—

Labor and Labor Statistics (Chairman).
Cities of the First Class.
Municipal Corporations.
Railroads and Transportation.
Senate Employes other than Regular.
Public Buildings and Grounds.

SENATOR KLINE—

Military (Chairman).
Cities of the First Class.
Educational Institutions.
Fisheries.
Roads and Bridges.
Banks and Banking.
Insurance.
Harbors and Harbor Lines.

SENATOR KNICKERBOCKER—

Municipal Corporations (Chairman).
Education.
Elections and Privileges.
Fisheries.
Public Morals.
Rules and Joint Rules.
Judiciary.

SENATOR MCGREGOR—

Counties and County Boundaries (Chairman).
Appropriations.
Claims and Auditing.
Commerce.
Dairy and Livestock.
Educational Institutions.

SENATOR MCGOWAN—

Fisheries (Chairman).
Claims and Auditing.
State Granted, School and Tide Lands.
Senate Employes other than Regular. •
Military.
Printing.

SENATOR METCALF—

Cities of the First Class (Chairman).
Elections and Privileges.
Rules and Joint Rules.
Public Morals.
Judiciary.

SENATOR MYERS—

Engrossed Bills (Chairman).
Appropriations.
Commerce and Manufactures.
Dairy and Livestock.
Education.
Game.
Game Fish.
Public Morals.
Railroads and Transportation.

SENATOR MINKLER—

Dikes, Drains and Drainage (Chairman).
Fisheries.
Printing.
Public Buildings and Grounds.
Irrigation and Arid Lands.
State Charitable Institutions.

SENATOR NICHOLS—

Educational Institutions (Chairman).
Public Revenues and Taxation.
Railroads and Transportation.
Judiciary.
State Penal and Reformatory Institutions.
Engrossed Bills.
Roads and Bridges.

SENATOR PAULHAMUS—

Railroads and Transportation (Chairman).
Appropriations.
Banks and Banking.
Mines and Mining.
Memorials.
Printing.
Insurance.

SENATOR PIPER—

State Library (Chairman).
Education.
Salaries and Mileage.
State Charitable Institutions.
Military.

SENATOR POLSON—

Roads and Bridges (Chairman).
Banks and Banking.
Harbors and Harbor Lines.
Railroads and Transportation.
State Granted, School and Tide Lands.
Commerce and Manufactures.

SENATOR POTTS—

Appropriations (Chairman).
Senate Employes other than Regular.
Engrossed Bills.
Military.
Corporations other than Municipal.

SENATOR PRESBY—

Elections and Privileges (Chairman).
Constitution and Constitutional Revision.
Fisheries.
Judiciary.
Horticulture and Forestry.
Roads and Bridges.
Education.
Railroads and Transportation.
Game.
Salaries and Mileage.

SENATOR ROBERTS—

Salaries and Mileage (Chairman).
State Charitable Institutions.
State Penal and Reformatory Institutions.
Labor and Labor Statistics.
Cities of the First Class.
Commerce and Manufactures.
Harbors and Harbor Lines.

SENATOR ROSENHAUPT—

Constitution and Constitutional Revision (Chairman).
Appropriations.
Judiciary.
Education.
Municipal Corporations.
Elections and Privileges.

SENATOR RUTH—

Rules and Joint Rules (Chairman).
Appropriations.
Labor and Labor Statistics.
Mines and Mining.
Public Morals.
State Granted, School and Tide Lands.

SENATOR RYDSTROM—

Mines and Mining (Chairman).
Dikes, Drains and Drainage.
Game.
Harbors and Harbor Lines.
Roads and Bridges.
Senate Employes other than Regular.
Municipal Corporations.

SENATOR SMITH—

Banks and Banking (Chairman).
Mines and Mining.
State Granted, School and Tide Lands.
State Penal and Reformatory Institutions.
Fisheries.
Corporations other than Municipal.
Rules and Joint Rules.

SENATOR SMITHSON—

Irrigated and Arid Lands (Chairman).
Agriculture.
Banks and Banking.
Commerce and Manufactures.
Educational Institutions.
Railroads and Transportation.
Roads and Bridges.
Public Revenues and Taxation.
Mines and Mining.

SENATOR STEVENSON—

Commerce and Manufactures (Chairman).
Appropriations.
Education.
Insurance.
Medicine, Dentistry, Surgery and Hygiene.
Roads and Bridges.
State Granted, School and Tide Lands.
Agriculture.
Game Fish.
Labor and Labor Statistics.

SENATOR STEWART—

Senate Employes other than Regular (Chairman).
Banks and Banking.
Fisheries.
Insurance.
Engrossed Bills.
Appropriations.
Game Fish.
Roads and Bridges.

SENATOR WHITNEY—

Horticulture and Forestry (Chairman).
Agriculture.
Dairy and Livestock.
State Penal and Reformatory Institutions.
State Granted, School and Tide Lands.
Roads and Bridges.
State Charitable Institutions.
Game.

SENATOR WILLIAMS—

Public Buildings and Grounds (Chairman).
Educational Institutions.
Constitution and Constitutional Revision.
Horticulture and Forestry.
Public Revenues and Taxation.
State Charitable Institutions.
Counties and County Boundaries.

GROUPING OF STANDING COMMITTEES IN THE SENATE.

Judiciary.	GROUP 1.	EDWIN STEVENS, Clerk.
Appropriations.	GROUP 2.	H. E. KENNEDY, Clerk.
Banks and Banking; State Penal and Reformatory Institutions; Municipal Corporations; Public Morals.	GROUP 3.	E. E. CLARK, Clerk.
Cities of the First Class; Commerce and Manufactures; Labor and Labor Statistics; Railroads and Transportation.	GROUP 4.	NICK MILES, Clerk.
Corporations other than Municipal; Harbors and Harbor Lines; Memorials; Mines and Mining.	GROUP 5.	A. F. RAYMOND, Clerk.
Dairy and Live Stock; Game; Game Fish; Horticulture and Forestry.	GROUP 6.	H. F. HAMILTON, Clerk.
Education; Educational Institutions; Public Revenues and Taxation.	GROUP 7.	J. B. FREDERICK, Clerk.
Constitution and Constitutional Revision; Insurance; Military; Public Buildings and Grounds.	GROUP 8.	HARRY NIBLETT, Clerk.
Agriculture; Claims and Auditing; Irrigation and Arid Lands; Dikes and Drains.	GROUP 9.	N. E. DAVIS, Clerk.
Engrossed Bills; Enrolled Bills; Medicine, Dentistry, Surgery and Hygiene; Roads and Bridges; State Charitable Institutions.	GROUP 10.	A. A. KIRBY, Clerk.
Elections and Privileges; Salaries and Mileage; State Granted, School and Tide Lands.	GROUP 11.	F. F. BREDAHL, Clerk.
Fisheries; Printing; State Library.	GROUP 12.	C. A. PAYNE, Clerk.
Counties and County Boundaries; Senate Employes other than Regular.	GROUP 13.	CLAUDE BOZORTH, Clerk.
Rules and Joint Rules; Secretary to the President.	GROUP 14.	J. L. ASHLOCK, Clerk.

SENATE COMMITTEE ROOM ASSIGNMENTS.

<i>Committee.</i>	<i>Chairman.</i>	<i>Room.</i>	<i>Clerk.</i>
Agriculture	Arrasmith	13	N. E. Davis
Appropriations	Potts	7	H. E. Kennedy
Banks and Banking.....	Smith	11	E. E. Clark
Cities of the First Class.....	Metcalf	12	Nick Miles
Claims and Auditing.....	Davis	11	N. E. Davis
Commerce and Manufactures..	Stevenson	6	Nick Miles
Constitution and Constitu- tional Revision	Rosenhaupt	6	Harry Niblett
Corporations other than Mu- nicipal	Ruth	(407) 13	A. F. Raymond
Counties and County Boun- daries	McGregor	12	Claude Bozorth
Dairy and Live Stock.....	Cameron	13	H. F. Hamilton
Dikes and Drains.....	Minkler	12	N. E. Davis
Education	Bassett	} Office of School Superintendent	} J. B. Frederick
Educational Institutions.....	Nichols .....			"	J. B. Frederick
Elections and Privileges.....	Presby	7	F. F. Bredahl
Engrossed Bills	Myers	10	A. A. Kirby
Enrolled Bills	Bryan	10	A. A. Kirby
Fisheries	McGowan	12	C. A. Payne
Game	Brown	12	H. F. Hamilton
Game Fish	Anderson	12	H. F. Hamilton
Harbors and Harbor Lines...	Cotterill	6	A. F. Raymond
Horticulture and Forestry...	Whitney	13	H. F. Hamilton
Insurance	Booth	} Office of Insur- ance Com'n'sr.	} Harry Niblett
Irrigation and Arid Lands...	Smithson .....			12	N. E. Davis
Judiciary	Graves	304	Edwin Stevens
Labor and Labor Statistics...	Huxtable	} Office of Labor Commissioner	} Nick Miles
Medicine, Dentistry, Surgery and Hygiene	Eastham .....			11	A. A. Kirby
Memorials	Blair	13	A. F. Raymond
Military	Kline	} Office of Adju- tant General	} Harry Niblett
Mines and Mining	Rydstrom .....			6	A. F. Raymond
Municipal Corporations.....	Knickerbocker.....	(Law Library)	E. E. Clark
Printing	Allen	11	C. A. Payne
Public Buildings and Grounds.	Williams	11	Harry Niblett
Public Morals.....	Fishback	7	E. E. Clark
Public Revenue and Taxation.	Falconer	2	J. B. Frederick
Railroads and Transportation.	Paulhamus.....	} Office of State Auditor	} Nick Miles
Roads and Bridges.....	Polson .....			12	A. A. Kirby
<i>Committee.</i>	<i>Chairman.</i>	<i>Room.</i>	<i>Clerk.</i>
Rules and Joint Rules.....	Hay-Ruth	8	J. L. Ashlock
Salaries and Mileage.....	Roberts	6	F. F. Bredahl
Senate Employees other than Regular	Stewart	7	Claude Bozorth
State Charitable Institutions.	Hutchinson	7	A. A. Kirby
State Granted, School and Tide Lands	Fatland	2	F. F. Bredahl
State Library	Piper	(Law Library)	C. A. Payne
State Penal and Reforma- tory Institutions	Cox	} Office of Board of Control	} E. E. Clark

RULES OF THE SENATE.

Rule 1. The president shall call the senate to order each day of sitting at 10:00 o'clock a. m., unless the senate shall have adjourned to some other hour.

Rule 2. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business: *Provided*, That less than a quorum may adjourn from day to day until a quorum can be had.

Rule 3. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant-at-arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. He may speak to points of order in preference to members, arising from his seat for that purpose, and shall decide all questions of order without debate, subject to an appeal to the senate by any three members, on which appeal no member shall speak more than once without leave of the senate. He shall have charge of and see that all officers, attaches and clerks perform their respective duties, and shall, in open session, sign all acts, addresses and joint resolutions. He shall sign all writs, warrants and subpoenas issued by order of the senate; all of which shall be attested by the secretary. He shall have general control of the senate chamber and lobby, and have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any document requiring the signature of the president.

Rule 4. Upon the organization of the senate the members shall select one of their number as president *pro tem.*, who shall have all the power and authority, and who shall discharge all the duties of the president during his absence or inability to discharge the duties of his office.

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies, under the direction of the president, and such other duties as the senate may impose upon them. The compensation of any employe of the senate shall not be increased except by a two-thirds vote of all members of the senate, and the names of all members voting thereon shall be entered in the journal. Under no circumstances shall the compensation of an employe be increased for past services.

Rule 6. The president shall appoint all special, joint and the hereinafter named standing committees on the part of the senate: *Provided, however*, That the appointment of such standing committees shall be subject to the confirmation of the senate, such confirmation to be made a special order at 2:30 o'clock p. m. on the day following the announcement of appointment by the president. In the event the senate shall refuse to confirm any committee or committees, such committee or committees shall be forthwith elected by the senate. The following standing committees shall constitute the standing committees of the senate:

<i>Committee.</i>	<i>No of Members.</i>
1. Agriculture	7
2. Appropriations	13
3. Banks and Banking	9
4. Cities of the First Class	7
5. Claims and Auditing	5
6. Commerce and Manufactures	7
7. Constitution and Constitutional Revision	7
8. Corporations other than Municipal	9

9. Counties and County Boundaries	7
10. Dairy and Live Stock	5
11. Dykes, Drains and Drainage	3
12. Education	7
13. Educational Institutions	7
14. Elections and Privileges	5
15. Engrossed Bills	5
16. Enrolled Bills	5
17. Fisheries	7
18. Game	7
19. Game Fish	5
20. Harbors and Harbor Lines	7
21. Horticulture and Forestry	5
22. Insurance	7
23. Irrigation and Arid Lands	7
24. Judiciary	8
25. Labor and Labor Statistics	7
26. Medicine, Dentistry, Surgery and Hygiene	3
27. Memorials	3
28. Military	7
29. Mines and Mining	9
30. Municipal Corporations	7
31. Printing	7
32. Public Buildings and Grounds	7
33. Public Morals	9
34. Public Revenues and Taxation	11
35. Roads and Bridges	13
36. Rules and Joint Rules	5
37. Salaries and Mileage	5
38. State Granted, School and Tide Lands	9
39. State Library	3
40. State Penal and Reformatory Institutions	7
41. State Charitable Institutions	7
42. Senate Employes other than Regular	5
43. Railroads and Transportation	11

Rule 7. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order :

First : The Committee of the Whole Senate.

Second : A Standing Committee.

Third : A Select Committee.

Rule 8. The several committees shall fully consider all measures referred to them, and the Committee on Claims and Auditing shall carefully consider all items of expenditure ordered or contracted on the part of the senate or any of its employes, and report upon the same prior to the voucher being signed by the president and secretary of the senate authorizing the payment thereof.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

The Committee on Rules and Joint Rules shall have charge of the daily calendar of the senate and shall direct the secretary the order in which the business of the senate shall be transacted: *Provided, however*, That by a vote of the majority of the senate any bill may be advanced to any place on the calendar, and any bill may be withdrawn from the committee by a like majority of the senate and placed upon the calendar in such position as may be ordered. No committee shall sit during the daily session of the senate unless by special leave.

Rule 9. All reports of committees shall be signed by such members thereof as concur therein, and the report, with the names of the signers thereof, shall

be read by the secretary, or at the secretary's desk by the member making the report, without a motion, unless, the reading be dispensed with by the senate. The members of the committee not concurring in the majority report may prepare a written minority report, sign and present the same to the senate, and both majority and minority reports shall in all cases be spread in full upon the journal.

Rule 10. No person other than the regular officers of the senate shall be employed by the senate, or any committee thereof, except by consent of the senate having been previously obtained by resolution, which resolution shall be referred to the Committee on Senate Employees other than Regular, and reported upon by that committee before action is taken thereon.

The regular employes or officers of the senate shall not exceed forty in number.

All clerks and stenographers shall report to the secretary or assistant secretary of the senate in answer to roll call thirty minutes before the convening of the senate each day and shall be subject to assignment by him. All other employes shall report to the sergeant-at-arms or the assistant sergeant-at-arms for roll call thirty minutes before the opening of each session.

All committee clerks shall report to the chairman of their respective committees at the opening of the session each day and shall be subject to the orders of such chairman.

All senate employes shall remain on duty daily during the hours designated by the secretary and sergeant-at-arms, respectively. Failure to comply with this requirement will work a forfeiture of one day's salary in each case of delinquency on being reported to the president of the senate.

Rule 11. In forming the committee of the whole, the president shall name a chairman to preside, and all bills considered shall be read by sections and the chairman shall call for amendments and debates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the senate for action.

Rule 12. The rules of the senate shall apply to proceedings in committee of the whole, except that the previous question shall not be ordered nor the ayes and noes demanded, but the committee may limit the number of times that any member may speak at any stage of the proceedings during its sitting.

Rule 13. Messages may be received by the president while the committee of the whole is sitting; in which case the president shall resume the chair, receive the message, and vacate the chair in favor of the chairman of the committee.

Rule 14. A motion that the committee of the whole rise shall always be in order, and shall be decided without debate.

Rule 15. The senate may at any time, by a vote of the majority of the members present, suspend the rules and orders of the senate for the purpose of going into the committee of the whole for the consideration of any bill, memorial or resolution before the senate.

Rule 16. The committees on enrolled and engrossed bills may report at any time during the sitting of the senate.

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order :

First. Presentation of petitions, memorials, resolutions and motions.

Second. Reports of standing committees.

Third. Reports of select committees.

Fourth. Messages from the governor and other state officers.

Fifth. Messages from the house of representatives.

Sixth. Introduction and first reading of bills.

Seventh. Second reading and reference of bills.

Eighth. Business on general file and third reading of bills.

Ninth. Business lying on the table.

Tenth. The orders of the day.

Eleventh. Unfinished business.

Rule 18. The president shall, on each day, announce to the senate the business in order, agreeable to the preceding rule, and no business shall be taken up or considered until the class to which it belongs shall be declared in order.

Rule 19. The unfinished business at the preceding adjournment shall have the preference on the orders of the day, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

Rule 20. Every bill shall receive three readings previous to its passage. The president shall give notice at each, whether it be the first, second or third reading. The first and second readings may, by consent of a majority of the senate, be on the same day. The third reading of every bill shall be by sections, and upon its final passage the vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal, and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

Rule 21. All bills that have passed a second reading which have not been referred, and all bills reported by committees after the second reading, shall be placed upon the general file, and shall be considered in the order in which they became entitled to a position on the file, unless otherwise specially ordered by a majority vote of the senate.

Rule 22. Engrossed bills shall be placed at the head of the general file in the order in which they are reported engrossed (except general appropriation bills, which shall be placed at the head of the general file).

Rule 23. A bill may be committed with special instructions to amend at any time before taking the final vote.

Rule 24. No bill shall embrace more than one subject, and that shall be expressed in a title.

Rule 25. No bill shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

Rule 26. No bill shall be considered in the senate unless the time of its introduction shall have been at least ten days before the final adjournment of the senate, unless the senate shall otherwise direct by a vote of two-thirds of all the members elected thereto, said vote to be taken by yeas and nays, and entered upon the journal, or unless the same be at a special session.

Rule 27. No amendment to any bill shall be allowed which shall change the scope and object of the bill.

Rule 28. On the second day next succeeding the final vote on any bill said vote may be reconsidered on motion of any member, provided notice of intention to move a reconsideration was given on the day or on the next succeeding day such final vote was taken by a senator who voted on that side which prevailed, and no motion to reconsider shall be in order on the day such final vote is taken, except by unanimous consent. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, resolutions and notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Rule 29. Bills appropriating money shall be considered in committee of the whole senate, and no change in the amount appropriated shall be made outside of the committee of the whole.

Rule 30. Unless otherwise ordered, 450 copies of all bills of a general nature originating in the senate shall be printed for the use of the senate and

house of representatives, and such other bills and matter shall be printed as may be ordered by the senate.

Rule 31. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a two-thirds vote, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

Rule 32. All bills introduced in the senate, which are intended to amend existing statutes shall have the words which are amendatory to such existing statute underlined or underscored, so that in the printed bills which are presented for the perusal of the members, such new or amendatory matter shall be easily discerned.

Rule 33. Joint resolutions and memorials addressed to congress, or either house thereof, or to the president of the United States, or the heads of any of the national departments, or proposing amendments to the state constitution, shall be subject in all respects to the foregoing rules governing the course of bills.

Rule 34. Resolutions other than those referred to in rule 33 shall be treated as motions in all proceedings of the senate.

Rule 35. No motion shall be entertained until it shall be seconded, nor debated until announced by the president. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by consent of the senate may be withdrawn before amendment or action.

Rule 36. A motion to adjourn shall always be in order. The name of the senator moving to adjourn, and the time when the motion was made shall be entered on the journal.

Rule 37. When a question is under debate, no motion shall be received but the following, which shall have precedence in the order named :

First. To fix the time to which to adjourn.

Second. To adjourn.

Third. For a call of the senate.

Fourth. To lay on the table.

Fifth. For the previous question.

Sixth. To postpone to a day certain.

Seventh. To commit.

Eighth. To amend.

Ninth. To postpone indefinitely.

The second, third, fourth and fifth motions shall be decided without debate, and no motion to postpone to a day certain, to commit, to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

Rule 38. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Rule 39. The previous question shall not be put unless demanded by three senators, whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the roll shall be immediately called on the question or questions before the senate, and all incidental question or questions of order arising after the motion is made after the previous question, and pending such motion, shall be decided whether on appeal or otherwise, without debate.

Rule 40. All questions relating to the priority of business shall be decided without debate.

Rule 41. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote.

Rule 42. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the senate, and the votes shall be entered upon the journal, and the names of senators demanding the yeas and nays shall also be entered upon the journal.

Rule 43. In filling blanks the largest sum and longest time shall be first put.

Rule 44. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Rule 45. Messages from the governor, other state officers, and from the house of representatives may be considered at any time by consent of the senate.

Rule 46. When any senator is about to speak in debate, or submit any matter to the senate, he shall rise from his seat, and standing in his place, respectfully address himself to "Mr. President," and when recognized shall, in a courteous manner, confine himself to the question under debate, avoiding personalities, and when finished shall resume his seat. No senator shall impeach the motives of any other member, nor speak more than twice (except for explanation) during the consideration of any one question, on the same day, nor a second time without leave, when others who have not spoken desire the floor; but incidental and subsidiary questions arising during the debate shall not be considered the same question.

Rule 47. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call him to order, and when a senator shall be so called to order he shall resume his seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that he be allowed to proceed in order," when if carried, he shall confine himself to the question under consideration.

Rule 48. Every decision of points of order by the president shall be subject to appeal, and no discussion of a question of order shall be allowed except on appeal of three senators, and in all cases of appeal the question shall be "Shall the decision of the chair stand as the judgment of the senate?"

Rule 49. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling him to order shall report the language excepted to, which shall be taken down or noted at the secretary's desk, and no member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

Rule 50. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Rule 51. The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.

Rule 52. Any senator or senators may protest against the action of the senate upon any question, and have such protest entered upon the journal.

Rule 53. Any senator may rise to a question of privilege and explain a matter personal to himself by leave of the president, but he shall not discuss any pending question in such explanation.

Rule 54. No senator shall absent himself from the service of the senate without leave, except in case of accident or sickness, and if any senator or officer shall absent himself his per diem shall not be allowed or paid him, and

no senator, officer or attache shall obtain leave of absence or be excused from attendance without the consent of two-thirds of the members present.

Rule 55. A call of the senate may be moved by three senators, whose names shall be entered upon the journal, and if carried by a majority of all present the secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called. The doors shall then be closed and the sergeant-at-arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

Rule 56. A senator having been absent during roll call may ask to have his name called.

Rule 57. In all cases of election by the senate the votes shall be taken *viva voce*, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes being counted. No senator shall be allowed to vote except when within the bar of the senate, nor upon any question in which he is in any way personally or directly interested, nor be allowed to explain his vote or discuss the question while the yeas and nays are being called, nor change his vote after the result has been announced.

Rule 58. The announcement of all votes shall be made by the president, and the announcement of the result of any vote shall not be postponed.

Rule 59. Witnesses summoned by or on behalf of the senate to appear before the senate, or any of its committees, shall be paid for each day's attendance three dollars. For each mile traveled in coming to the place of examination, ten cents; and nothing shall be paid for travel where the witness was served at the place of examination, and no mileage shall be paid except where the witness actually traveled for the purpose of giving testimony.

Rule 60. The senate chamber shall not be used for any but legislative business during the session, except by permission of the senate given by two-thirds vote.

Rule 61. The following classes of persons shall be entitled to admission to the floor of the senate during the sessions thereof, viz.:

1. The governor and the speaker of the house of representatives.
2. The members of the house of representatives.
3. The state officers.
4. Persons in the exercise of official duty, directly connected with the business of the senate.
5. Representatives of the press, as provided in the next rule.
6. The following persons upon presentation of a card of admission to be signed by the president: (a) Deputy state officers; (b) Such persons as hold limited cards, which cards shall be taken up by the doorkeeper, upon the expiration of the time for which they were issued.

Rule 62. The senate shall designate, by name, the representatives of the press who shall be entitled to the courtesies of the senate and the privileges of the press table, and cards of admission shall be issued to them by the president. The president may, in addition, issue cards of admission to the senate chamber to such other newspaper representatives as in his judgment may be entitled thereto.

Lobbying on the part of holders of cards will work a forfeiture thereto.

Rule 63. The gallery back of the president's desk is reserved for the use of the governor and state officers and their families, for the families of senators, and for members of the house of representatives and their families.

Rule 64. Smoking shall not be allowed in the senate chamber during the session of the senate, nor shall indecorous conduct, boisterous or unbecoming language be permitted there at any time.

Rule 65. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are appli-

cable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

Rule 66. No standing rule or order of this senate shall be rescinded or changed without a vote of two-thirds of the members, and one day's notice of the motion thereof; but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the senate may proceed accordingly; but this shall not apply to that portion of Rule 20 relating to the third reading of bills, which cannot be suspended.

Rule 67. The board of control shall furnish all necessary supplies for the senate upon the requisition of the sergeant-at-arms, when signed by the president of the senate.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Rule 1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one house, dissented from in the other and not receded from by the one making the same, such house shall appoint a committee to confer with a like committee to be appointed by the other, and the committee so appointed shall meet at a convenient hour, to be agreed upon by their respective chairmen, and shall confer upon the differences between the two houses as indicated by the amendment made in one and rejected in the other, and report as early as convenient the result of their conference to their respective houses. If after such a report the two houses shall disagree upon the recommendations of the reporting committees as to their differences between the two houses, a committee of free conference shall be appointed to whom the whole subject matter embraced in the bill or resolution shall be committed, and the committee of free conference may report by new bill or resolution, or otherwise, and bills or resolutions so reported shall be treated as amendments, unless such bills or resolutions are comprised entirely of original matter, in which case they shall receive the treatment required in the respective houses for original bills or resolutions, as the case may be.

Rule 2. Messages from the senate to the house of representatives shall be delivered by the secretary or assistant secretary, and messages from the house of representatives to the senate shall be delivered by the chief clerk or assistant clerk, who shall be announced by the doorkeeper, enter within the bar, announce or deliver his message.

Rule 3. Each house shall communicate its final action on any bill, or resolution, or matter in which the other may be entrusted, in writing, signed by the secretary or clerk of the house from which such notice is sent.

Rule 4. After a bill shall have passed both houses, it shall be duly enrolled by the enrolling clerk of the house in which it originated, and shall be examined by the enrolling committee of such house, who shall carefully compare the enrollment with the engrossed bill, as passed, correcting any errors that may be discovered in the enrolled bill, procure in open session the signature thereto of the necessary officers of the two houses, present the same to the governor, and forthwith report to such house the time when such presentation to the governor was made. The enrolling clerk shall endorse upon the back of each bill the house in which said bill originated.

Rule 5. All joint resolutions to be presented to the governor, excepting such as may be addressed to him, shall take the usual course of bills.

Rule 6. Each house shall transmit to the other papers on which any bill or resolution may be founded.

Rule 7. The standing committees on printing of the two houses shall be a joint standing committee, who shall examine all matters proposed to be printed by concurrent order, and shall report what part of such matter is needful to print. Each house may order the printing of bills introduced, reports of its own committees, and other matters pertaining to such house only; but no other printing shall be ordered except by a concurrent resolution passed by both houses. It shall be the duty of the secretary of the senate and the clerk of the house to compare the bills introduced in each house and such bills as are introduced in both houses and are of the same wording shall only be printed in one house.

Rule 8. Joint resolutions and memorials addressed to congress, or either house thereof, or to the president of the United States, or to the head of any of the national departments, or proposing amendments to the state constitution, shall be treated in all respects as bills.

Rule 9. Bills which have passed a previous legislature, and which are transmitted to the legislature next sitting, accompanied by a message or statement of the governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disproved or vetoed, and the message and bill shall be read by the clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the speaker is, "Shall the bill pass, notwithstanding objections of the governor?" It shall not be in order, any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the chair has stated the question save a motion for the "previous question," but the merits of the bill itself may be debated.

Rule 10. That the senate bills in the house, and house bills in the senate be the special order on Wednesday of each week during the session.

Rule 11. All amendatory acts shall refer to the title of the act amended in full and date of approval. Committees shall amend or substitute all titles to conform to this rule.

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24.	Senator Brown: An act entitled An act amending section 168 of the Game Laws of the State of Washington.....	110								
25.	Senator Rydstrom: An act for the preservation and protection of feathered game and providing a penalty.....	110								
26.	Senator Rydstrom: An act relating to game, water fowl, and prohibiting the formation of feeding grounds for hunting purposes, prohibiting the hunting of or shooting of any such fowls from water, land and premises where grain, cereal or other substance has been deposited, placed or scattered for that purpose, and providing a penalty for the violation of any provision of this act.....	111	385	486	486					
27.	Senator Knickerbocker: An act providing for the purchase of the southeast quarter (SE¼) of the northeast quarter (NE¼) of section sixteen (16) in township twenty-one (21) north of range five (5) east of the Willamette meridian, for state fish hatchery purposes and declaring an emergency.....	111	190	207	586 646	207	550	653	677	1013

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.	NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
28. Senator FALCONER: An act to provide for the creation by popular vote of anti-saloon territory within which, except as herein provided, the sale of intoxicating liquor and the licensing of such sale shall be prohibited; for the enforcement of such prohibition in such territory; and for the abolition by like means of the territory so created; and prescribing the offenses under this act and the penalties therefor	111	166 167 335 336 408	408	167	418					
29. Senator BROWN: An act relating to the collection of assessments for local improvements and amending section 1, of chapter 70, of the Session Laws of 1907.....	111	177	194	525 578	194	194	524	579	596	786
30. Senator STEWART: An act for the relief of R. E. Darnell.....	112	132 } 138 }	138	138 } 215 } 258 }	186	208	271	299	785	
31. Senator COTTRILL: An act re-establishing the special harbor improvement fund, as originally created and established in a certain act entitled "An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor," approved March 10, 1891, and repealed by section 70 of the general land act of 1897 (Chapter LXXXIX, Session Laws of 1897, page 229); providing for the restoration of said fund by an annual levy upon all the property in the state subject to taxation and by the application thereto of all moneys hereafter received from the sale of tide or shore lands not specifically set apart and appropriated for other purposes.....	112 152	144 446	152	152						
32. Senator ROSENHAUPT: An act authorizing and directing a numerical index of the records of the office of county auditors.....	112	388	554	554						
33. Senator STEWART: An act to amend sections 2 and 3 of an act entitled "An act to encourage county agricultural associations and fairs, and to provide funds therefor," approved March 17, 1903.....	112	322	349 754 331	349 754 765	382	747	763	771	1014	

34. Senator RUTH: An act making an appropriation for the payment of sundry expenses in the office of the secretary of state.....	112	152	138	138, 240, 264	138	233	271	299	785
35. Senator RYDSTROM: An act for the preservation, propagation, protection, taking, use and transportation of game animals and game birds, and certain harmless birds and animals, and fixing penalties for the violation thereof.....	112			133					
36. Senators POLSON and KLINE: An act relating to the public highway fund, and amending an act entitled "An act to amend section 2 of an act of the legislature of the State of Washington, approved March 9, 1903, entitled 'An act creating a fund to be known as the public highway fund and making provision for an annual levy to produce revenue therein for the construction and repairs of highways and bridges, approved February 15, 1907'.....	116 238	221 346	522	933	522	881	932	936	
37. Senator PORTER (by request): An act providing for the issuance of a state Sunday liquor license, permitting the sale of liquors on Sunday to guests by hotels holding such licenses, and providing certain penalties for the violation of the terms of this act.....	116	647	743	648 889 948	744	889	940	968	
38. Senator ALLEN: An act creating the office of state commissioner of health; fixing his qualification, term of office and compensation and defining his duties and declaring an emergency.....	116	226 345	398	398 853	398	796	856	859	
39. Senator RUTH: An act making an appropriation for furniture, supplies, clerk hire and sundry expenses for the office of the state insurance commissioner.....	117 160	151 160	160	160 190	160	184	190	207	277
40. Senator CORNERILL: An act in aid of children, providing for the custody, control, treatment, maintenance and adoption of neglected and delinquent children, under the direction and by order of the superior court, repealing chapter 18, Laws of 1905; also chapter 110, Laws of 1907, relating to delinquent children and all acts and parts of acts inconsistent herewith.....	117	405	661	1000	661	911	1000	1001	
41. Senator CORNERILL: An act to provide for the punishment of parents or persons responsible for, or contributing to the neglect or delinquency of children of the age of 18 years or under, and repealing chapter 11, Laws of 1907, relating to the punishment of persons contributing to the delinquency of children.....	117	405	661	949	661	911	940	968	
42. Senator ROBERTS: An act to establish and maintain a home for the indigent blind, aged and infirm, and making an appropriation therefor.....	117	319	581	348	782				

50.	Senator METCALF (by request): An act to amend section 48 of an act of the legislature of the State of Washington entitled "An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damagng of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited," approved March 13, 1907.....	123	685	892	978	892	955	979	1000	.....
51.	Senator RYDSROM: An act to amend "An act to amend section 1606 of chapter LXIX of Ballinger's Code of the State of Washington, and section 7104 of chapter LXIV of Ballinger's Code of Washington Territory, defining the crimes of burglary and prescribing the punishment therefor," approved January 31, 1888, and defining the crime of burglary with dangerous instruments and of fensive weapons and prescribing the punishment therefor.....	124	.....	.....	.....	.....	.....	.....	.....	.....
52.	Senator NICHOLS: An act to amend section 1330 of Ballinger's Annotated Codes and Statutes of Washington, relating to the meeting of the presidential electors.....	124	200	214	531	214	482	560	561	785
53.	Senator ARRASMITH: An act entitled "An act to prohibit all live stock from running at large in any county in the State of Washington, in which three-fourths of the lands therein are under fence, providing a penalty for the violation of this act, and repealing chapter 31 of the Session Laws of 1905, and chapter 230 of the Session Laws of 1907 of the State of Washington".....	124	.....	.....	.....	.....	.....	.....	.....	.....
54.	Senator DAVIS: An act for the protection of water fowl, sage hens, grouse and quail, defining the closed season and limiting the number of birds to be killed, in townships 18, 19, 20 and 21 north of ranges 27 and 28, E. W. M., and fixing the penalties for the violation thereof, and disposal of funds collected therefrom, and declaring an emergency.....	124	.....	.....	.....	.....	.....	.....	.....	.....
55.	Senator MCGREGOR: An act authorizing and empowering the board of regents of the State College of Washington to acquire by lease or purchase a tract or tracts of land for experimental or other purposes.....	124	.....	.....	.....	.....	.....	.....	.....	.....
56.	Senator NICHOLS: An act to amend section 103 of "An act to amend sections 13, 14, 15 and 24 of an act entitled 'An act amending an act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, by amending sections 3, 5, 21, 43, 66, 61, 68, 71, 72, 76, 77, 82, 84, 95, 98, 102, 103, 104, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding	124	.....	.....	.....	.....	.....	.....	.....	.....

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
74. Senator KNICKERBOCKER: An act providing for the establishment and maintenance of free public reading rooms in cities of the first and second classes and elsewhere in the State of Washington, and making an appropriation therefor.....	140	619	980	979	931	957	979	1000	785
75. Senator ROSENHAUPT: An act amending section 4838 of Ballinger's Annotated Codes and Statutes of Washington, in relation to survival of actions for personal injury to any person, occasioning his death	140	223	240	978	240	958	979	1000	
76. Senator ROSENHAUPT: An act amending section 4828 of Ballinger's Annotated Codes and Statutes of Washington, in relation to recovery of damages for the death of a person caused by the wrongful act or neglect of another.....	140	222 235	256	978	266	958	979	1000	
77. Senator RUTH: An act making an appropriation for the payment of sundry expenses in the office of the superintendent of public instruction	140 183	165 183	183	586	183	482	560	561	
78. Senator BOOTH: An act to amend section 2 of an act entitled "An act relating to justices of the peace and constables in cities of the first class and fixing their number and salaries and providing for making one of the justices elected in such cities a police justice, and defining his duties, jurisdiction and powers," approved March 13, 1899, and being chapter LXXXV of Session Laws of 1899 and found on page 135 thereof.....	141								
79. Senator BOOTH: An act to provide for the regulation and control of newsboys in cities of the first class.....	141	201	213	213					

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
88. Senator CORTRELL: An act providing for and regulating the assignment of wages to be earned in the future.....	142	163	184	579	185	550	579	596	786
89. Senator COX: An act to regulate the practice of embalming and licensing of persons to carry on such practice; to regulate the transportation of bodies of deceased human beings and providing punishment for violations	145	533							
90. Senator METCALF: An act to repeal an act entitled "An act to provide for the assessment of the operating property of railroads," approved March 6, 1907, and declaring an emergency.....	145	307							
91. Senator METCALF: An act to repeal an act entitled "An act to provide for the assessment of the property of telegraph companies," approved March 12, 1907, and declaring an emergency.....	145	450							
92. Senator BASSETT: An act to create a state board of charities, prescribing its duties and powers and appropriating money therefor.....	145	645							
93. Senator BASSETT: An act to establish retaliation and reciprocity between this state and others of the United States as regards insurance companies of such respective states.....	146	321	350	578	350	550	579	596	786
94. Senator STEWART: An act to amend the negotiable instruments law relative to the payment of instruments made payable at a bank.	146	449							
95. Senator KLINE: An act to punish derogatory statements affecting banks.....	146 273	292 323		348					
96. Senator POLSON: An act relating to the dividing of counties into districts for judicial purposes and for holding sessions of the superior court of the State of Washington at places other than the county seat and providing means to make this act effective and defraying the expenses incident thereto, and declaring an emergency.	151 194	164 203	185 194 210	592 646	211	550	653	677	1013

state industrial school, the state school for the deaf and blind, the state soldiers' home, the Washington veterans' home, and the state capitol building and grounds, and repealing chapter CXIX of the Session Laws of 1901 and chapter 166 of the Session Laws of 1907.	348				
113. Senator HUTCHINSON: An act declaring it to be a part of the public policy of the State of Washington that all public work for it or any political subdivision created by its laws shall be performed by persons who are citizens of the United States or who have declared their intention to become citizens of the United States, except in cases of extraordinary emergency, with provision for carrying out such policy and providing that all work done by or for the State of Washington or any political subdivision thereof shall be performed by persons who are citizens of the United States or who have declared their intention to become citizens of the United States, and providing penalties for its violation.	159				
114. Senator DAVIS: An act to amend section 1633 of Ballinger's Annotated Codes and Statutes of Washington, relating to the county furnishing a courthouse, supplies, incidental supplies and a jail, and declaring an emergency.	168				
115. Senator DAVIS: An act for the protection of water fowl, and establishing breeding grounds for water fowl in townships 18, 19 and 20 north of ranges 27 and 28 east, Willamette meridian, and fixing penalties for the violation thereof and declaring an emergency.	168	261	299	299	
116. Senator PORTS: An act to make it a misdemeanor to engage in business as a real estate agent without obtaining a license from the state, and without filing a bond for not less than \$5,000 for the benefit of persons with whom agents may deal, and providing penalties for the violation of this act.	168				
117. Senators FETLAND, METCALF, PAULHAMUS, ROBERTS and RYDSTROM: An act relating to the fees of attorneys in actions for a personal injury or for the wrongful death of another, prohibiting certain contracts and agreements therefor, regulating the procedure in such actions, and prescribing penalties for the violation of the terms of this act.	168	585			
118. Senator RYDSTROM: An act to amend an act entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency," approved March 15, 1907, and declaring an emergency.	169	386	508	680	

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
119. Senator RYDBROM: An act to amend an act entitled "An act authorizing the formation of metropolitan park districts, providing for park officials, fixing their powers and duties, and declaring an emergency," approved March 11, 1907, and declaring an emergency.....	169	572	677	983	677	895	932	936	.....
120. Senator DAVIS: An act to amend section 8663 of Pierce's Washington Code, relating to taxes.....	169	451							.....
121. Senator NICHOLS: An act to further regulate the sale of spirituous, malt, fermented, and other intoxicating liquors, delegating to incorporated cities and towns the right to license, prohibit, limit, regulate and control the sale of spirituous, malt, fermented and other intoxicating liquors within the respective limits and limiting the power of the county commissioners of each county to grant licenses for the sale of spirituous, malt, fermented, or other intoxicating liquors.....	169	335 408	420	419, 420 427, 816 817, 844 889, 908	425	771	897	939	.....
122. Senator WILLIAMS: An act providing for the amendment of section 6 of article 4 of the constitution of the State of Washington, relating to the jurisdiction of superior courts.....	170 242	221							.....
123. Senator BROWN: An act vacating a portion of waterway number one (1), in the city of Blaine, establishing a public highway, and restoring such vacated portion, less such public highway, to the public domain of the state.....	170								.....
124. Senator POWERS: An act making an appropriation for the maintenance of the office of the commissioner of public lands and for the payment of sundry salaries and per diem of officers and for sundry expenses of said office.....	222, 170 212, 218	202 212 227	212		227	825	852	856	785

125.	Senator HUXTABLE: An act amending section 1 of chapter 113, Laws of 1905, entitled "An act regulating and fixing the maximum railroad passenger rates in the State of Washington, and providing for the due enforcement and observance of the rates so fixed....."	170 214	201	214	.....	.....	.....	.....
126.	Senator PIPEK: An act to amend section 3 of an act entitled "An act to provide for the establishment of harbor lines, survey, platting and appraisal of shore lands of the first class of Lakes Washington and Union, in King county, Washington, the sale and disposition of said shore lands, the creation of the Alaska-Yukon-Pacific Exposition fund and declaring an emergency," approved February 4, 1907, and declaring an emergency....."	170	221	239	562	239	521	563 584 785
127.	Senator WILLIAMS: An act to authorize the boards of regents of the University of Washington and the State College of Washington to apply for participation in the fund of the Carnegie foundation for the advancement of teaching....."	179	231	271	597	271	550	598 626 786
128.	Senator MCGOWAN: An act to amend section 513 of Ballinger's Annotated Codes and Statutes of Washington, relating to the duties of sheriffs, providing a penalty for the neglect thereof, and providing for the recovery by private parties for damages resulting from such neglect....."	179	.....	.....	.....	.....	.....	.....
129.	Senator STEVENSON: An act amending section 8068 of Pierce's Washington Code, entitled "An act giving honorably discharged Union soldiers and sailors a preference to all public employment and appointments in this state," approved March 19, 1895, Laws of 1895, page 166....."	179	545	770	.....	770	.....	.....
130.	Senator BRYAN: An act to protect the public from imposters, and regulate the practice of druggists, healing in the State of Washington; to devise a plan of registration; providing the right to the use of professional titles and abbreviations thereof; to create a fund to defray the expenses thereof, and providing a penalty for the violation of the provisions of this act....."	179	583	.....	.....	.....	.....	.....
131.	Senator COX: An act for the improvement by grading, graveling, paving with stone or other paving or macadamizing material of any state or county road or roads, or any part of such road or roads, and the appointment of viewers to lay out said road or roads and of appraisers to determine the damages and benefits to lands affected by the proposed improvement, the assessment of benefits and damages, the issue of bonds to pay for the improvement, the collection of assessments herein provided for and the maintenance of said roads....."	180	.....	.....	.....	.....	.....	.....

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
146. Senator FALCONER: An act authorizing the state auditor to audit, and the state treasurer to pay bills or expenses which hereafter may be incurred by the bureau of plant industry of the department of agriculture of the United States, in investigation of and experimentation with the various methods of clearing logged-off and timbered lands in this state, to an amount in the aggregate equal to the sum hereafter to be expended by said bureau, from its congressional appropriation for such purpose within this state, not exceeding five thousand (\$5,000.00) dollars, and making an appropriation therefor	193	541	658	658 1011	659	889	904	975	1013
147. Senator BASSETT: An act relating to the deposit of public funds in banks by the several county treasurers of the state, and amending section 2 of chapter 51 of the Session Laws of 1907, and declaring an emergency	193	449							
148. Senator FALCONER: An act providing for an economic survey of the logged-off and other unoccupied lands of the State of Washington and making an appropriation therefor	193								
149. Senator HUTCHINSON: An act authorizing the issuance of bonds for the payment and redemption of all warrants issued for erecting and equipping the Cheney and New Whatcom normal schools, under the act entitled "An act relating to state normal schools and making an appropriation therefor," approved March 7, 1895.....	193	344	396		397	687	711	741	1013
150. Senator ARASMITH: An act relating to the sale of seed in the State of Washington	194								
151. Senator CAMERON: An act for certain deficiencies in maintenance of the State Fair of Washington.....	194	281							
152. Senator STEVENSON: An act to prevent hunting and fishing on private lands without the written consent of the owner, and providing a penalty	302	302	301	358 650	368	637	653	677	1014

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
160. Senator RYDH: An act relating to and providing liens for labor and services performed, material provisions and supplies furnished, and to amend section 1 of an act approved March 9, 1905 (Laws of 1905, p. 229), amending sections 1 and 2 of an act entitled "An act creating and providing for the encumbrance of liens for labor and material," approved February 21, 1883, being sections 5900 and 5901 of Ballinger's Annotated Codes and Statutes of Washington....	205	260	283	.....	284	.....	.....	.....	.....
161. JUDICIARY COMMITTEE: An act amending section 1 of an act entitled "An act relating to jury trials in the superior court, providing for the payment by litigants of certain jury fees and repealing section 5028 of Ballinger's Codes and Statutes of Washington," being chapter 43 of the Session Laws of 1903.....	205	870	229	843	229	796	864	879	.....
162. Senator BASSETT: An act to organize and regulate the business of life insurance.....	206	510	653	672, 917 1011	655	910	1002	1003	.....
163. Senator BASSETT: An act to make uniform the law of warehouse receipts.....	206	.....	.....	.....	.....	.....	.....	.....	.....
164. Senator BASSETT: An act amending chapter 22 of the Session Laws of 1907 being an act relating to the keeping and depositing of municipal funds and declaring an emergency.....	206	468	.....	.....	.....	.....	.....	.....	.....
165. JUDICIARY COMMITTEE: An act for the purchase and maintenance of law libraries for the superior courts and for the creation of a fund therefor by the taxation of costs.....	216 238	239	241	.....	242	.....	.....	.....	.....
166. Senator ARRASMUTH: An act for the relief of the city of Palouse, Washington.....	216	401	592	1012	593	937	964	975	.....
167. Senator KLINE: An act to provide for the vacation of portions of waterways, the extension of streets over the portions so vacated, and for the sale and disposition of the portions so vacated not embraced within any streets extended over the same.....	216	336	251	.....	351	638	711	741	1014

180.	<i>see.</i>) sections 1, 2, 4, 7, 9, 10, 12, 14, 17 and 18, and repealing section 5, of an act entitled 'An act relating to the taxation of inheritances, and providing for the disposition of the same' (approved March 6, 1901), and amending sections 1 and 2 of an act amending sections 13 and 15 thereof (approved March 9, 1905).....	286	472				
	Senator GRAYES: An act authorizing corporations now existing, or hereafter incorporated under the laws of the State of Washington, other than religious corporations, to issue notes, bonds, mortgages or other evidences of indebtedness, and to secure the same by mortgage, trust, deed or by otherwise encumbering or hypothecating any real or personal property owned by such corporations; repealing all acts or parts of acts in conflict herewith and declaring an emergency	286	471				
181.	Senator GRAVES: An act relating to powers of cities of the first class and granting to said cities of the first class power to license, regulate and control employment agencies, labor agencies, and emigrant agencies	287	402	650			
182.	Senator GRAVES: An act amending section 1 of chapter 17 of the Session Laws of 1905, relating to bonds of guardians and prescribing the requirements thereof	287	471				
183.	Senator GRAYES: An act relative to the authority of city marshals in criminal and civil cases in justice's court of the State of Washington	287	447				
184.	Senator STEVENSON: An act to prevent hunting and fishing on private lands without the written consent of the owner, and providing a penalty	287	506				
185.	Senator EASBHAM: An act to establish a state trout hatchery on the east fork of the Lewis river in Clarke county, Washington.....	287	403 657	804 976	804	955 979	1000
186.	Senator POWYS: An act providing for the payment to the various counties of this state of moneys collected under the provisions of the direct primary law and making an appropriation therefor.....	288	345	397	397		
187.	Senators FAYLAND, RYDSTROM, PAULHAMUS, METCALF and ROBERTS: An act relating to the construction of a state historical building for the use of the Washington State Historical Society and making an appropriation from the general fund for the construction thereof.....	288	929	930	1011	930	1002 1003
188.	Senator BROWN: An act providing for the organization of good roads associations and declaring an emergency.....	288					

196.	Senators HUTCHINSON, HUXTABLE, ROSENHAUPT and WHITNEY: An act relating to township organization and amending an act entitled "An act to provide for township organization, and prescribing the duties and fixing the compensation of township officers, and providing for the assessment, levy and collection of town taxes, approved March 23 1895," by amending sections 11, 17, 48, 73, 80, 81, 82, 93 and 115 and adding sections 117, 118, 119 and 120 to said act repealing all laws in conflict therewith and declaring an emergency.....	275	306	454	334	454	521	653	677	1014
		407	356		407					
			433		585					
				314	917		880	940	967	
197.	JUDICIARY COMMITTEE: An act relating to practice and proceedings in the trial of actions and amending section 1 of chapter 51 of the Session Laws of 1903.....	275	467		949					
198.	Senator GRAVES: An act increasing the number of judges of the supreme court of the State of Washington, providing for the court en banc and for separate departments of such court, for the holding of the terms thereof, for the method of hearing and determining causes therein, authorizing the making of rules; and declaring an emergency.....	276	305	330	589	331	550	589	590	786
199.	Senator FALCONER: An act to repeal chapter 173 of the Laws of 1907, and declaring an emergency.....	276								
200.	Senator BOOTH: An act regulating the location and maintenance of private hospitals and sanitariums for the treatment of inebriates or persons suffering from insanity or other mental diseases and providing that the violation of the provisions hereof shall be a misdemeanor and declaring the maintenance of any such private hospital or sanitarium contrary to the provisions hereof to be a nuisance, and declaring an emergency.....	276								
201.	Senator MCGOWAN: An act to prohibit persons from stealing rides on railroad trains, engines, or cars, and from climbing thereon while the same are standing still or in motion, and to provide the punishment and penalty thereof.....	276	361	459		460				
202.	Senator SMITHSON: An act for the relief of Kittitas county for money expended for the survey of and securing the right-of-way for the Shouquaimie Pass state road and making an appropriation therefor.....	282								
203.	Senator Cox: An act authorizing and directing the commissioner of public lands to certify certain tide lands to the governor for deed, and authorizing and directing the governor to execute, and secretary of state to attest, a deed conveying to the city of Seattle certain tide lands for street purposes.....	282	343	394	917	394	880	964	975	
					1012					

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred . . .	Report of committee	Third reading and amendments	Other action in Senate	Vote on final passage	Report from House	Signed by President	Signed by Speaker	Approved and signed by Governor
219. construction, building, maintenance and repair of state highways, and making an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws of 1905, approved March 13, 1905, and declaring an emergency".	309	448	672	948 979	672	987	979	1001	
Senator DAVIS: An act relating to the registering of marks and brands on horses and cattle shipped over railroads, and providing a penalty for the violation of the provisions thereof.	310								
220. Senator COX: An act requiring county officers to transmit estimates of timber on public lands of the state to the commissioner of public lands.	310	401	598		594				
221. Senator COX: An act relating to lands granted to the State of Washington by the United States for the benefit of state, charitable, educational, penal and reformatory institutions, and other institutions, and repealing chapter 91 of the Laws of 1903, and declaring an emergency	310	784	882		882	960			
222. Senator COX: An act to validate deeds, authorized by the county commissioners, of real property acquired by the county through tax sales	310	506							
223. Senator MYERS: An act entitled "An act to amend article VII of the constitution of the State of Washington relating to the assessment and taxation of property within the state".	317	447	881		881				
224. Senator MINXLER: An act entitled "An act authorizing cities of the third class to provide for the drainage and sewerage of such cities and to provide for the payment of the cost of maintenance thereof".	317	534							
225. Senator BLAIR: An act entitled "An act to provide for submitting propositions to amend the constitution and other questions to the voters by separate ballots".	317	786	829		829				

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred . . .	Report of committee	Third reading and amendments	Other action in Senate	Vote on final passage	Report from House	Signed by President	Signed by Speaker	Approved and signed by Governor
232. COMMITTEE ON CITIES OF THE FIRST CLASS: An act to amend section 23 of an act entitled "An act to enable cities of the first, second and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited," approved March 13, 1907.	325	870	444	807 853	444	832	864	879	.....
233. COMMITTEE ON CITIES OF THE FIRST CLASS: An act requiring bonds from contractors contracting to do public work conditioned to pay laborers, mechanics, materialmen and others; and repealing chapter XII of the Laws of 1888, entitled "An act requiring municipal corporations to take a bond from contractors, contracting to do work or make any improvements for such municipal corporations, conditioned to pay laborers, mechanics, materialmen and others," approved January 31, 1888; and repealing chapter XLIV of the Laws of 1897, entitled "An act amending section 2415, volume 1, Hill's Annotated Code of Washington in relation to an act for bonds of contractors for security of laborers," approved March 6, 1897; and repealing section 2417, volume 1, Hill's Annotated Statutes and Codes of Washington, the same being section 5927, Vol. 2, of Ballinger's Codes and Statutes of Washington in relation to an act for bonds to be taken for municipal contracts and declaring an emergency," approved March 13, 1899; and repealing all other acts or parts of acts in conflict with the provisions of this act.	326	.....	455	807 853	455	784	855	860	.....
234. COMMITTEE ON CITIES OF THE FIRST CLASS: An act to amend sections 2 and 4 of an act entitled "An act relating to and authorizing the collection of assessments for local improvements by a new assessment or re-assessment of the cost and expense of making same in cities and towns, and declaring an emergency," approved March 9, 1893.	326	.....	455	807 853	455	784	855	860	.....

235.	Senator STEWART: An act to repeal section 97½ of an act entitled "An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 70, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97½, 119½, 119¾, 120¼, 120½, 120¾ to said act, and declaring an emergency, adopted March 15, 1899.....	326						
236.	Senator STEWART: An act regulating the issuance of summonses and regulating the procedure for the enforcement of liens for labor.....	327						
237.	Senator ANDERSON: An act to amend sections 5, 12 and 16 of an act entitled "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, and declaring an emergency.....	327						
238.	COMMITTEE ON APPROPRIATIONS: An act to provide for the making of topographical maps within the State of Washington, and the investigation of its water resources in co-operation with the United States government; also for geologic investigations within the State of Washington, and appropriating moneys therefor.....	327	541	658	659	889	940	968
239.	Senator COX: An act for the regulation of public warehouses, relating to the shipping, grading, inspection and weighing of grain and hay, defining the duties of railroads, warehousemen and millers in relation thereto, providing penalties for the violation of this act, and repealing chapter CIX of the Session Laws of 1895.....	328	474	589	589	793	932	936
240.	Senator STEWART: An act creating a state road in Cowlitz, Skamania and Yakima counties and making an appropriation therefor.....	328	507					
241.	Senator RUTH: An act providing for the construction and improvement of county roads at the expense of the lands specially benefited thereby; authorizing the creation of local improvement districts and the levying of special assessments on the lands in such districts for paying the cost and expenses thereof, and the payment of such assessments immediately or by installments; providing for the issuance and disposal of local improvement district warrants to pay the cost and expenses of such construction and improvements, as a charge upon the property of the local district, and providing for the payment of such warrants.....	328	581	866	867	955	1013	1010

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
242. Senator MYERS: An act relating to the destruction of animals affected with glanders, farcy or tuberculosis; providing for compensation to the owners thereof and making an appropriation therefor	328								
243. Senator WILLIAMS: An act requiring judges of the supreme court and superior courts to wear gowns while sitting in the hearing of causes	329	473	511	983	512	889	992	986	
244. Senators WHITNEY, HUTCHINSON, HUXTABLE, GRAYES and ROSENHAUPE: An act appropriating the sum of thirty thousand dollars to the National Irrigation Congress meeting at Spokane	329	539	583	575 583 949	588	980	940	968	
245. Senators KNICKERBOCKER, NICHOLS and PAULHAMUS: An act to provide for the establishment and creation, and the construction and maintenance of a system of dikes and drainage, including flood and drift barriers; for the establishment and creation of districts and boards for such purposes, and providing a method of raising funds for such purposes, when the lands affected are situated in two or more counties.....	334	468	594 638	852	639	836	855	860	
246. Senators KNICKERBOCKER, NICHOLS and PAULHAMUS: An act appropriating the sum of one hundred thousand dollars for the purpose of aiding in the construction of a drift barrier in King county, Washington, at or near a point where White river departs from its old channel	334	810 814		814 948	814	880	940	967	
247. Senator METCALF (by request): An act to regulate the practice of optometry and for the appointment of a board of examiners, and providing penalties for the violation thereof.....	334	583	680	606 1012	680	958	1013	1010	
248. Senators MYERS and ANDERSON: An act making an appropriation and creating a commission, to be known as the Columbia river improvement commission, for the purpose of improvement of the Columbia river between Bridgeport and Kettle Falls.....	347	540 814		814 949	815	880	940	967	

249.	COMMITTEE ON CITIES OF THE FIRST CLASS: An act authorizing cities and towns to construct, condemn and purchase, acquire, add to, maintain, conduct and operate certain public utilities, providing for modes of payment therefor, and repealing all acts in conflict herewith.....	347	683	823	568 1011	823	920	1002	1008	.....
250.	Senator FALCONER: An act requiring persons, firms, or corporations, owning or operating irrigation ditches or canals, and logging railroads, to furnish maps to assessors, and declaring an emergency.....	355	446	.....	.....	.....	.....	.....	.....	.....
251.	Senator FISHBACK: An act to prohibit any manufacturer or wholesaler dealer in intoxicating liquors from owning, operating or having any financial interest in any saloon or other retail liquor store in the State of Washington.....	355	388	566	948	588	937	940	967	.....
252.	Senator BRYAN: An act amending section 2934 of Ballinger's Annotated Codes and Statutes of Washington relating to the licensing of the sale of intoxicating liquors in cities and towns, and declaring an emergency.....	355	404	651	.....	651	.....	.....	.....	.....
253.	JOINT COMMITTEE ON RAILROADS AND TRANSPORTATION: An act relating to railroads, express, telephone and telegraph companies, and providing for the regulation thereof and amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 27, 31, 32, 37 and 38 of an act entitled "An act relating to railroads and express companies and providing for the regulation thereof, and amending sections 2, 3, 4, 6, 12, 13, 15, 20, 22, and 23 of an act entitled 'An act to establish a railroad commission, etc.',"	379	870	555	.....	558	795	870	889	.....
254.	JOINT COMMITTEE ON RAILROADS AND TRANSPORTATION: An act to regulate the manner in which railroads shall cross highways.....	379	.....	460	995 1002 1012	460	1002	1013	1010	.....
255.	Senator PAULAMUS: An act regulating the sale of and fixing the standard of purity of agricultural seeds, and providing penalties for violation thereof.....	379	511	768	1012	768	969	1013	1010	.....
256.	JOINT COMMITTEE ON GAME: An act establishing a state board of state game and game fish commissioners, prescribing the duties, fixing their compensation, providing for the payment of money derived from the sale of hunters' licenses, fines, etc., into the state treasury to be used for the protection and propagation of game and game fish and making an appropriation.....	379.	619	674	461 674 675	674	.....	.....	.....	.....
257.	Senator ANDERSON: An act relating to the assessments of benefits resulting to public or county roads by reason of the construction and maintenance of dikes or drains under the diking and drainage laws of the state, and providing a method of payment of such benefits, and declaring an emergency.....	379	468	597	978	597	940	979	1000	.....

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

	NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Other action on Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
273.	Senator PAULHART'S: An act relating to the sale of fertilizers, and fixing a penalty for the violation thereof.....	406	511	769		769				785
274.	Senator MYERS: An act amending chapter 141, Session Laws of 1905, entitled "An act in relation to poisons and prohibiting the combination of poisonous substances with crackers, bread or other preparations in any manner resembling or in similitude of any edible product and prescribing penalties for its violation",	407								
275.	Senator COTTELL: An act providing for the amendment of section 26 of article 1 of the Constitution of the State of Washington, relating to the calling of grand juries.....	407	786							
276.	JOINT FISHERIES COMMITTEE: An act relating to the taking of food fishes, providing a penalty for the violation thereof, amending section 3 of chapter 247 of the Session Laws of 1907, and declaring an emergency	407		516	491 560	516	550	560	561	
277.	Senator BASSETT: An act to provide for the certification of teachers in the State of Washington and repealing all acts and parts of acts in conflict herewith.....	485	616							
278.	Senator COTTELL: An act to provide for the annexation to cities of any city or town of a lower class, or any unincorporated territory surrounded by territory within the corporate limits of such cities	485	686							
279.	Senator RUTH: An act providing for the examination and licensing of all surveyors and civil engineers practicing in the State of Washington, defining their duties, and prescribing penalties for the violation of any of the provisions of this act.....	485	687							

280.	Senator MYERS: An act to provide for the extermination of coyotes, wolves and other wild animals in the State of Washington, and for the payment of bounties for such extermination, and making an appropriation therefor.....	486	506				
281.	Senator PAULHAMUS: An act to amend section 2 of an act entitled "An act relating to deficiencies in public institutions and departments of this state, and providing a penalty for the violation thereof, and declaring an emergency," approved March 7, 1895.	436	539				
282.	Senator BASSSETT: An act to amend chapter 37 of the Session Laws of 1907 being "An act to provide for the state depositaries and regulate the deposit of statements therein," and declaring an emergency.....	436	508	769	980 1012	769	955 1013 1010
283.	Senator CAMERON: An act requiring insurance companies to pay expenses of examination, prescribing the method of such payment, and of the payment of all taxes, fees and charges, and the payment of the traveling expenses of the insurance commissioner, and declaring an emergency.....	436	505 868	867	868 875		
284.	Senator ALLEN: An act granting rights-of-way to electric light power and street railway companies, associations and individuals over the lands of the State of Washington and providing for the appraisal and disposition of the lands included within and used for such rights-of-way.....	437	570	799	800 1000	799	955 1000 1001
285.	Senator ROSENHAUPT: An act for the relief of W. A. Ritchie, and making an appropriation therefor.....	437					
286.	Senator COX: An act fixing salary of the warden of the state penitentiary.....	437	585				
287.	Senator BASSSETT: An act relating to sale and removal of timber upon state, school or granted lands, etc.....	437	543	791	606	792	
288.	Senator KLINE: An act to protect state and county roads from injury by narrow tires, and to prescribe a penalty.....	437	507				
289.	Senator BOOTH: An act providing the appointment of a commissioner for the purpose of preparing a code of insurance laws of the State of Washington, and making appropriation to pay traveling expenses.....	438	583 827	827	827 978	828	955 970 1000
290.	Senator BOOTH: An act regulating the organization of mutual fire insurance companies.....	438	582				

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

	Read first and second time and referred...	Report of committee....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
291. Senator BOOTH: An act to regulate and control stock fire insurance corporations hereafter organized in this state.....	438	532							
292. Senator PAULHAMUS: An act fixing the tuition fees in the institution of higher education.....	438	540	831	832	832				
293. JUDICIARY COMMITTEE: An act relating to proceedings against corporations in criminal actions.....	451		954		954				
294. COMMITTEE ON PUBLIC REVENUE AND TAXATION: An act providing for the assessment and collection of taxes upon mineral, coal and oil reservations in land, and other reservations of interests in land, and declaring an emergency.....	451								
295. Senator MYERS: An act to provide for the protection of game fish, limiting the catch, the size taken, and providing penalties for the violation thereof.....	452	504	890	890 1011	890	969	1602	1003	
296. Senator BASSETT: An act relating to state lands and amending section 6 of an act entitled "An act amending sections 2134, 2135, 2146, 2179 of Ballinger's Annotated Codes and Statutes of Washington, and sections 2141, 2142, 2145, 2183 and 2192 of volume three (supplement) of Ballinger's Annotated Codes and Statutes of Washington relating to the selection, survey, management, reclamation, lease and disposition of the state's granted school, tide, oyster, and other lands, harbor areas and the conformation and completion of the several grants to the state by the United States, etc.".....	452	570							
297. Senator PAULHAMUS: An act relating to the finances of the State of Washington, providing the time when, and the manner in which moneys shall be paid into the state treasury, and amending chapter 96 of the Session Laws of 1907.....	457	505	830	1011	831	940	964	975	

298.	Senator CAMERON: To provide for changing the location of certain state institutions and making appropriations therefor.....	463							
299.	Senator KLING: Authorizing cities of the first class owning cemeteries to provide, receive and invest funds, the income therefrom to be used in the betterment, care and improvement of such cemeteries	463	571	811	1011	811	969	1002	1003
300.	JUDICIARY COMMITTEE: Relating to crimes and punishments and the rights and custody of persons accused or convicted of crime; and repealing certain acts.....	464	854 860	624, 797 816, 855 607	583, 621 624, 797 816, 855 1000		800 816	1001	1001
301.	Senator MCGOWAN: An act making an appropriation for the destruction of seals and sea lions on the Columbia river.....	464		930	979	981	969	979	1000
302.	Senator MCGOWAN: An act relating to the establishment of fish hatcheries on the Columbia river or its tributaries.....	464	810 868	868	868	868	955	979	1000
303.	Senator STEVENSON: An act to divide the militia reserve of the State of Washington into two classes, and to provide for the enrollment, organization, maintenance and discipline of the militia reserve of the State of Washington.....	464	760	894	978	895			
304.	Senator FATLAND: An act to amend sections 1 and 6 of chapter 140, Session Laws of 1907, relating to the fees of corporations.....	465							
305.	Senator FATLAND: An act amending section 5908 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the time in which liens of mechanics and materialmen may be foreclosed	465							
306.	Senator PAULHAMUS: An act for the relief of Pierce county, Washington, and making an appropriation therefor.....	465	581						
307.	Senator PIPER: An act relating to the due observance of Sunday, and prohibiting the conducting of certain amusements on Sunday, and providing a punishment for the violation thereof.....	465							
308.	Senator PAULHAMUS: An act relating to the investment of sinking and other surplus funds by cities and towns.....	465							
309.	Senator PAULHAMUS: An act relating to the vacation of streets and alleys across tide and shore lands.....	466	618						
310.	Senator STEWART: An act to regulate the catching of smelt in the Columbia river and its tributaries within the State of Washington..	466	726						

319.	Senator ROSENHAUFF: An act relating to the compensation of judges of the supreme court.....	478	620	766	777			
320.	Senator BROWN: An act to regulate billiard and pool rooms, prohibiting minors from playing or congregating therein, and providing a penalty for the violation of the provisions thereof.....	478						
321.	Senator ALLEN: An act relating to civil service employees in cities of the first class.....	478						
322.	Senator MCGOWAN: An act granting to the town of Ilwaco, and to P. J. McGowan & Sons, a corporation, the right to use for certain purposes a portion of the Holma waterway as shown by the plat of tidelands in front of said town, and declaring an emergency.....	478	735	933	933			
323.	Senator MYERS (by request): An act to amend section 1 of chapter 144, Session Laws of 1891, entitled "An act to provide for annexing certain county territory of a neighboring county to which it is contiguous," approved March 9, 1891.....	478						
324.	Senator ANDERSON: An act relating to the government and control of public institutions in the State of Washington, and amending chapter 166 of the Session Laws of 1907.....	478	737					
325.	JOINT COMMITTEE ON RAILROADS AND TRANSPORTATION: An act repealing chapter 1 of the Session Laws of 1893, entitled "An act regulating and fixing railroad freight rates in the State of Washington, etc.".....	491		673	949	673	880	940 968
326.	COMMITTEE ON JUDICIARY: An act to prohibit the sale or disposal of intoxicating drinks to Indians or mixed bloods and providing a penalty for the violation thereof, and repealing section 7316 of Ballinger's Annotated Codes and Statutes of Washington.....	491		673	948	673	796 895	940 967
327.	CERTAIN MEMBERS OF THE COMMITTEE ON APPROPRIATIONS: An act for the collection, by the state dairy and food commissioner, of certain inspection fees as set forth herein; providing for its enforcement and fixing a penalty for violation thereof.....	492	764	873	874 956	873		
328.	Senator FALCONER: An act to amend section 3 of chapter CLXXVIII, Session 1901, relating to revenue and taxation.....	492	617					

336.	11 of chapter 172 of the Session Laws of 1905, and section 2 of chapter 252 of the Session Laws of 1907, and repealing section 8 of chapter 71 of the Session Laws of 1903, section 10 of chapter 172 of the Session Laws of 1905, and sections 1 and 3 of chapter 222 of the Session Laws of 1907.	493	744 755	757 783	75			
	Senator WHITNEY: An act relating to township organization and amending section 19 of an act entitled "An act to provide for township organization and prescribing the duties and fixing the compensation of township officers, and providing for the assessment, levy and collection of town taxes," approved March 23, 1905.	494						
	Senator FALCONER: An act requiring wrappers, packages or boxes of high explosives, containing nitro-glycerine, to be marked in a certain manner; prohibiting the sale or use thereof unless so marked, and prescribing penalties for the violation of the provisions of this act.	494						
338.	Senator ALLEN: An act to provide for the assessment of state lands for local improvements, repealing all acts in conflict therewith, and providing an emergency.	494	764	964	964	967	1002	1003
339.	Senator BOOTH: An act to regulate the business of life insurance, the issuing of policies of endowment or of annuity, and the organization and operations of companies formed to transact such business.	494	728					
340.	Senator ALLEN: An act to amend section 1 of an act entitled "An act to provide for the payment of balliffs of the superior courts," approved February 16, 1891.	494						
341.	Senator BLAIR: An act to amend section 15 of an act entitled "An act providing for the levy, collection and manner of payment of road, bridge, poll and property taxes, and the manner of the expenditure thereof, and providing for the division of the counties into road districts and the appointment of supervisors thereof, and repealing all acts in conflict herewith, approved March 16, 1903, being chapter 119 of the Laws of 1903".	530						
342.	JUDICIARY COMMITTEE: Relating to the change of venue of actions in the superior court, disqualification of judges of such courts, and the change of venue or change of judges on account thereof.	531	892					892

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
343. Senator PAULHAMUS: An act providing for the establishment of certain state roads.....	531	647							
344. Senator SMITH: An act disclaiming title and interest in certain land in Snohomish county.....	548		783	948	783	916	940	968	
345. Senator PAULHAMUS: An act requiring the state board of tax commissioners to take charge of and superintend the enforcement of an act relating to the sale of intoxicating liquors, fixing the state license fee, and providing a punishment for the violation thereof; approved March 15, 1907.....	548	789	924	1011	924	936	964	975	
346. Senator KNICKERBOCKER: An act providing for the appraisal, sale and disposition of lands belonging to the State of Washington containing deposits of coal.....	548								
347. Senator KNICKERBOCKER: An act relating to furnishing of supplies or materials for public use.....	548								
348. JUDICIARY COMMITTEE: An act to amend section 4683 of Ballinger's Annotated Codes and Statutes of Washington, relating to the Jurisdiction of Justices of the peace in criminal cases.....	548		707	948	707	921	940	968	
349. JUDICIARY COMMITTEE: An act authorizing prosecuting attorneys to issue warrants.....	549		707		707				
350. JUDICIARY COMMITTEE: An act to amend section 6802 of Ballinger's Annotated Codes and Statutes of Washington, relating to the prosecution of crimes by information.....	549		708	948	708	920	940	968	

351.	Senator ALLEN (by request): An act prohibiting the making, uttering, circulating, selling or offering for sale any certificate of any warehouse, distillery or depository for intoxicating liquors unless the identical liquors referred to therein have been fully paid for and the owner and holder of such certificate may obtain the same without the payment of any further sum, except government tax and the taxes of the state, county and city where such warehouse, distillery or depository may be located, and providing penalty for the violation thereof.....	549	684	824	978	824	955	979	1000	.....
352.	Senator CORTBERILL: An act relating to the horticulture and prescribing penalties for the violation thereof.....	549	.....	.....	.....	.....	.....	.....	.....	.....
353.	SUB-COMMITTEE ON APPROPRIATIONS: An act relating to the reports of the state officers, departments and institutions, and the printing thereof	573	619	874	574	874	.....	.....	.....	.....
354.	COMMITTEE ON REVENUE AND TAXATION: An act to amend section 1 of chapter 178 of the Session Laws of 1903, the same being an act relating to revenue and taxation.....	573	.....	826	.....	826	.....	.....	.....	.....
355.	Senator CORTBERILL: An act to amend section 84 of chapter 71 of the Session Laws of 1897, relating to the assessment and collection of taxes in the State of Washington, as amended by section 12 of chapter 141 of the Session Laws of 1899.....	573	599 682	826	827	826	.....	.....	.....	.....
356.	Senator POTTS: An act relating to service of process in justice courts	574	618	766	1911	766	940	964	975	.....
357.	Senator BLAIR: An act extending the powers and jurisdiction of incorporated cities into the bays, sounds and other navigable waters adjacent to the boundaries of such cities.....	574	600	671	671, 672 740, 759 942 1011	671	937	964	975	.....
358.	Senator ANDERSON: An act relating to the management of the higher institutions of education of the State of Washington, and providing funds for the maintenance thereof.....	585	682	.....	.....	.....	.....	.....	.....	.....
359.	Senator FALCONER: An act for the relief of Vaughn & Morrill Co....	585	649	658	658 852	659	796	856	859	1014
360.	Senator FISHBACK: An act amending sections 2 and 3 of an act entitled "An act to provide for the drainage of cities of the second, third and fourth class by the construction of sewers and drains," approved March 10, 1891.....	585	759	805	916 948	805	911	939	967	.....
361.	COMMITTEES ON STATE LIBRARY and JUDICIARY: An act fixing the salary of the state law librarian.....	600	.....	714	714 949	714	911	939	967	.....

370.	Senator PRESBY: An act relating to printing, and amending sections 370 and 371 of Ballinger's Annotated Codes and Statutes of Washington	620	738	825	826
371.	Senator HUXTABLE (by request): An act authorizing the governor of the State of Washington to appoint peace officers for railroad companies and steamboat companies.	621			
372.	Senator CORRELL: An act relating to the nomination and election of county superintendents of schools.	633	833		
373.	Senator CORRELL: An act to amend section twelve (12) of chapter 209 of the Session Laws of 1907, being an act entitled "An act relating, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency," approved March 15, 1907.	633			
374.	Senator CORRELL: An act to amend section eighteen (18) of chapter 209 of the Session Laws of 1907, being an act entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency," approved March 15, 1907.	633			
375.	Senator CORRELL: An act to amend section twenty-six (26) of chapter 209 of the Session Laws of 1907, being an act entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency," approved March 15, 1907.	634			
376.	Senator CORRELL: An act to amend sections thirty-six (36) and thirty-seven (37) of chapter 209 of the Session Laws of 1907, being an act entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency," approved March 15, 1907.	634	704		
377.	Senator PIPER: An act to provide against the sale of spirituous, malt, fermented and other intoxicating liquors under certain age, and prohibiting the sale of rectified spirits and blends, and providing a penalty for the violation of the provisions hereof.	634			

385.	COMMITTEE ON APPROPRIATIONS: An act appropriating the sum of sixty-one thousand eight hundred ten and thirty-six hundredths dollars from the military fund for maintenance of the National Guard; providing furniture, fixtures and equipment for state armories situated in Spokane, Seattle, Tacoma, and paying certain assessments levied against military land.....	918	926	978	926	355	979	1000	.....
386.	COMMITTEE ON APPROPRIATIONS: An act making appropriations for the maintenance of and sundry expenses of the various state institutions, etc.....	918	938	1000 1012	938	996	1013	1010	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
1. MR. OLE HANSON: An act relating to betting, wagering, pool-selling, and bookmaking upon horse races, or upon the result of any trial or contest of speed or endurance of any animal; declaring the violation thereof a felony; fixing a penalty, and declaring an emergency.....	195	196	.....	283	284	223 259	326	380
2. MR. DAVID: An act providing for four judges of the superior court of the State of Washington in and for Pierce county; providing for the appointment of the additional judge therein to serve until the general election in November, 1910; providing for the election of his successor to serve thereafter until the second Monday in January, 1913; providing for the election of four judges of said court at the general election in November, 1912, and every four years thereafter, and declaring an emergency.....	159	171	176	195	196	196 241	298	300
12. MR. TENNANT: An act amending section 1 of an act entitled "An act to provide for the payment of bailiffs of the superior courts," approved February 16, 1891.....	195	197	386	487	.....	.....	.....	.....
14. MR. TOPP: An act providing for the amendment of section 10, article 3, of the Constitution of the State of Washington, relating to the executive department of the State of Washington, and providing for the succession to the office of governor.....	584	606	732	864	865	895 915	976	977
16. MR. WHALLEY: An act to encourage the donation of property to the State of Washington, to cities or other municipal corporations therein, by testators, for benevolent, eleemosynary or other philanthropic purposes, and for the exempting of the same and certain devisees from the payment of any inheritance tax.....	164	197	.....	662	662	.....	.....	.....
18. MR. BUCHANAN: An act relating to nurses, the registration thereof, and providing penalties for violations.....	424	440	531	662	662	.....	709	711

21.	Mr. THAYER: An act relating to the venue of civil actions and amending section 4354 of Ballinger's Annotated Codes and Statutes of Washington.....	408	439	470	522	522	626	627
26.	Mr. SPARKS: An act requiring all transcontinental, interstate, interurban or electric passenger cars operating in the State of Washington to be provided with properly equipped toilet rooms and heat.....	482	496 569					
29.	Mr. McMASTER: An act to provide for the creation by popular vote of anti-saloon territory within which, except as herein provided, the sale of intoxicating liquor and the licensing of such sale shall be prohibited; for the enforcement of such prohibition in such territory and for the abolition by like means of the territory so created, and prescribing the officers under the act and the penalties therefor.....	349	355			426		
31.	COMMITTEE ON PRINTING AND SUPPLIES: An act appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, to pay for such printing as may be ordered by the Eleventh legislature or either branch thereof.....	120 135	135	135	135		185	190
33.	Mr. MILLER: An act relating to the construction of an armory for the use of the National Guard of Washington, at Bellingham, appropriating money from the military fund therefor, creating a board to superintend the construction thereof.....	528	551	620	722	722	770	782
37.	Mr. McMASTER: An act dedicating to the city of Seattle all the right, title and interest of the State of Washington in and to certain lands in the city of Seattle, lying within section 16, township 23 north, range 4 east, W. M., for street and boulevard purposes, and declaring an emergency.....	298	311	387	517		559	559
38.	Mr. LAWBERT: An act fixing the time in which certain game birds can be killed, and providing a penalty, etc.....	528	551					
40.	Mr. STAYDEN: An act continuing the appropriation made by an act entitled "An act to provide for an exhibit of the resources, products and advantages of the State of Washington, and the erection of a state building or buildings at the World's Fair of Alaska-Yukon-Pacific Exposition, to be held in Seattle, Washington, in 1909," making an appropriation to pay the cost of such exhibit and state building or buildings out of a special fund to be created, and declaring an emergency," approved February 4, 1907, and amending sections 2, 7 and 8 thereof, making an appropriation and declaring an emergency.....	129	137	146	146	148	185 146	190

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
42. Mr. RUDENE: An act amending section 41 (Pierce's Code, section 4522) of an act entitled "An act to provide for the establishment and creation of diking districts, and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," approved March 20, 1895....	482	496	692	891	891	.....	930	932
46. Mr. TODD: An act authorizing and empowering the board of regents of the State College of Washington to acquire by lease or purchase a tract or tracts of land for experimental or other purposes	233	257	347	441	441	628 530 724 915	975	977
47. Mr. LAMBERT: An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, livery and boarding stable keepers and other persons for herding, keeping, pasturing, feeding and caring for stock.....	584	606	701 790	862	862	702	980	982
53. Mr. EDGE: An act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act, and repealing all acts or parts of acts in conflict herewith.....	482	496	580	722	722	768	895	897
58. Mr. BELL: An act relating to the keeping and deposit of municipal funds and amending section 2 of chapter 22 of the Session Laws of 1907, and declaring an emergency.....	408	439	450	520	520	520	559	559
59. Mr. BELL: An act to amend article 6 of the Constitution of the State of Washington, relating to the qualification of voters within the state	209	217	433	476	476	.....	559	559
61. Mr. GHENT: An act to amend sections 1 and 2 of an act entitled "An act to regulate and limit the hours and employment of females in any mechanical or mercantile establishments, laundry, hotel and restaurant; to provide for its enforcement and a penalty for the violation; approved, March 11, 1901".....	408	439 57.	.....	712	.....	712	.....	.....

62.	Mr. EDGE: An act relating to the superior court of the county of Spokane, the election and apportionment of judges therein, and declaring an emergency.....	349	354	470	711	711	575	752	752
63.	Mr. EDGE: An act to amend section 5 of an act approved March 13, 1895, Laws of Washington, 1895, page 109, entitled "An act defining a homestead and providing for the manner of the selection of the same," and specifying in what cases the homestead shall be liable to execution.....	298	311	410	529	523	.....	626	627
65.	Mr. EDGE: An act to amend section 3 of an act approved March 28, 1890, entitled "An act relating to foreign corporations and to repeal certain laws in conflict therewith".....	349	354	469	523	523	.....	626	627
66.	Mr. F. T. CAMPBELL: An act to amend section 1025 of Ballinger's Annotated Codes and Statutes of Washington, the same being section 3534 of Pierce's Code, relating to the duties of the mayor of fourth class towns, and adding a section thereto.....	482	495	760	.....	.....	.....	.....	.....
67.	Mr. TODD: An act amending section 5071 and repealing section 5073 of Ballinger's Annotated Codes and Statutes of Washington in relation to new trials.....	408	440	469	524	524	.....	626	627
68.	Mr. TODD: An act providing for the taking and filing of official oaths.....	195	499	.....	554	554	.....	626	627
73.	Mr. RUDYNE: Prohibiting the chasing or killing of certain game birds in Skagit county.....	824	842	.....	886	887	.....	930	932
75.	Mr. McCLORE: An act amending sections 715, 716 and 717 of Ballinger's Annotated Codes and Statutes of the State of Washington, the same being sections 3384, 3385 and 3386 of Pierce's Code of Washington, relating to classification of cities and towns.....	362	393	403	518	.....	519	.....	.....
78.	Mr. FARNSWORTH: Amending section 1455 of Ballinger's Code.....	879	906	.....	.....	.....	.....	.....	.....
79.	Mr. McMASTER: An act to prevent the firing of guns or the killing, entraping, shooting, ensnaring, maiming or molesting of any of the wild birds at any season of the year upon the waters of Lake Washington or within one mile of the shores thereof, and providing a penalty for the punishment of the violation of this act.	584	602	649	718	718	.....	770	782
81.	Mr. MILLER: An act changing the limits of the fifty-third and fifty-fourth representative districts in Whatcom county, State of Washington.....	409	488	836	962	962	.....	997	998

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
84. Mr. BELL: An act relating to the levy of an annual tax for the purpose of advertising the advantages of the counties of the State of Washington, as a place of residence, or as a place for business purposes.....	528	551	884	945	945	945	976	977
86. Mr. MILLER: An act amending section 2 of an act amending sections 1 and 2 of an act entitled "An act relating to conditional sales and leases of personal property, approved March 10, 1893," approved February 10, 1903.....	408	439						
87. Mr. MILLER: An act amending section 402a of Ballinger's Annotated Codes and Statutes of Washington, relating to the cancellation of county warrants.....	482	495	790	925	925		976	977
88. Mr. MILLER: An act amending section 8 of "An act relating to chattel mortgages and the filing thereof, and repealing all laws in conflict therewith," approved March 13, 1899.....	584	602						
89. Mr. MCARTHUR: An act relating to the payment of deposits in trust.....	408	439	451	519	519	577		
93. Mr. STONE: An act to regulate the practice of embalming and licensing of persons to carry on such practice; to regulate the transportation of bodies of deceased human beings, and providing punishment for violation.....	612	615 657		718	719		894	897
97. Mr. H. H. HANSON: An act to amend section 1, chapter 44, of an act of the legislature of the State of Washington, approved February 28, 1907, entitled "An act to amend section 1263, Ballinger's Annotated Codes and Statutes of Washington, relating to filing of plats and payment, assessment and collection of taxes upon the same," and declaring an emergency.....	528	552	708	950	950		997	988

99.	Mr. TENNANT: An act relating to justices of the peace and constables in cities having a population of 200,000 or more inhabitants; providing for their election, and appointment; fixing their salaries, and providing for the appointment of clerks and bailiffs of such courts; authorizing clerks to administer such oaths, and declaring an emergency.....	298	311	386 598	486 863	863	318 487 881 891	976	977
100.	Mr. BOLINGER: An act providing for the survey of certain proposed state roads and state road extensions, by the state highway commissioner, and a report on the feasibility of the same.....	362	393	450	521	521	.....	626	627
102.	Mr. BOLINGER: An act to amend section 2 of an act of the legislature of the State of Washington, entitled "An act providing for the establishment, construction and maintenance of state roads, and making appropriations for state roads heretofore established," approved March 13, 1907.....	233	258	385	484	484	529	559	559
103.	Mr. BOLINGER: Providing for a field examination to ascertain location of roadmaking materials, etc.....	916	919	.....	957	957	.....	998	998
105.	Mr. LEONARD: Providing for fire drills in the schools.....	638	695	.....	953	953	.....	997	998
107.	Mr. BOLINGER: An act to create a police relief, health and insurance fund in incorporated cities of the first class; providing for the disbursement thereof, and creating a board of police pension fund commissioners.....	389	393	433	483	483	.....	559	559
112.	COMMITTEE ON PRINTING AND SUPPLIES: An act making an appropriation for the payment of the publication of the notices required to be given by section 2 of chapter 67; section 2 of chapter 69, and section 24 of chapter 209, of the Laws of 1907.....	184	.....	403	518	518	.....	559	559
113.	Mr. VOLLMER: An act to encourage the exhibiting of poultry, live stock or agricultural products, and to provide funds therefor.....	482	495 569	.....	723	723	784	894	897
116.	Mr. WARD: An act regulating the business of fire insurance, and providing a penalty for the violation thereof.....	482	495	532	716	716	717 744	770	782
119.	Mr. TENNANT: An act relating to railroad companies, authorizing them to construct railroads and branches; sell, lease, purchase and consolidate with other railroads, and validating such sales, purchases, leases and consolidations heretofore made, and declaring an emergency.....	660	694	758	864	864	.....	921	922

147.	Mr. THAYER: An act to amend section 1 of an act entitled "An act to secure and perpetuate liens upon chattels for labor, skill and materials expended thereon, and providing for the enforcement thereof," approved March 6, 1906.....	612	615	700	792	798	.....	851	856
150.	Mr. SLAYDEN: Granting to the United States certain tide and shore lands	793	808	884	965	965	.....	1010	1015
152.	Mr. WHALLEY: An act relating to materialmen's liens, and the enforcement thereof	408	440	469	523	523	.....	626	627
155.	Mr. SCOTT: An act relating to the election of county commissioners by providing a forfeiture of office because of absence from, or failure to reside in, such districts, and amending section 326 of Ballinger's Annotated Codes and Statutes of Washington.....	408	440	509	896	897	897 956	997	998
157.	Mr. FRENCH: An act relating to the correction of the survey and supplemental plat of the tide and shore lands in front of, adjacent to, the city of Vancouver, Washington.....	408	440	510	663	664	784	895	897
161.	Mr. F. T. CAMPBELL: An act to create the county of Big Bend, etc..	349	354	377	453	453	.....	524	524
162.	Mr. BRADSHERRY: An act to amend section 45, chapter LXXXI of the Laws of 1887, entitled "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, and declaring an emergency.....	482	497	617	723	.....	724	.....	.....
169.	COMMITTEE ON STATE LIBRARY: An act to create a public archives commission and to define its duties and powers.....	233	258	435	519	519	.....	559	559
171.	Mr. BISHOP: An act amending section 4391 of Ballinger's Codes of Washington, relating to the organization and incorporation of companies for cleaning out and improving rivers, etc.....	820	842	869	869	869	882	.....	.....
173.	Mr. FANCHER: An act making appropriations for deficiencies in maintenance appropriations of certain state institutions.....	585	605	.....	973	973	.....	998	998
179.	Mr. HUBBELL: An act for the relief of Kittitas county, Washington, for money advanced in securing the extradition from the State of Illinois of Paolo Negro, accused of a felony, and making an appropriation therefor.....	528	552	.....	.....	719	719	771	782
180.	Mr. MORSE: An act relating to the sale of propagated game birds or game animals, and declaring an emergency.....	660	693	.....	965	965	.....	967	998
182.	Mr. SPARES: For the relief of veterans of Indian wars of 1855 and 1856	912	919	.....	973	973	.....	1010	1015

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
184. Mr. KENOYER: An act amending section 3 of an act entitled "An act amending section 29 of an act entitled 'An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, etc.'",.....	626	636	788					
186. Mr. BEACH: An act providing for the establishment of certain state roads	349	354 355	509	652	652		741	748
188. Mr. PALMER: An act permitting certain county and city officers to close their respective offices at 1 o'clock on Saturday afternoon..	625	637	703	887	888 962	888	998	998
193. Mr. BUDGE: Prohibiting the shipping of certain game birds from San Juan and Island counties.....	741	764	835	927	927		976	977
194. Mr. H. H. HANSSON: An act to repeal chapter 150 of the Session Laws of 1907, relating to the improvement of public highways....	660	693						
195. Mr. SIMS: An act relating to the rendition of judgments against sureties on cost bonds filed in any court.....	408	440	702	884	884		981	982
196. Mr. FISHER: An act for the protection of crabs in the waters of the State of Washington, and providing a penalty for the violation thereof	528	552	725	964	964		997	998
197. Mr. DAVID: An act requiring street and electric cars to be properly heated, etc.....	349					529		
198. Mr. McARTHUR: An act amending section 4 of an act relating to the adulteration of foods, drinks and drugs, approved March 16th, 1907	661	694		957				

201.	Mr. LAMBERT: An act repealing sections 7319 and 7320 of Ballinger's Annotated Codes and Statutes of Washington.....	604	798	798	894	897
205.	Mr. THAYER: An act relating to evidence.....	602				
206.	Mr. THAYER: An act providing for the determination of the descent of lands in probate in certain cases and for the making and recording of such decisions of descent by the supreme court of the state in probate.....	603				
207.	Messrs. HALFERRY, HEWITT and LOCKE: Amending an act authorizing cities of the second class to provide for the lighting of the public streets, and declaring an emergency.....	900	900	900	930	932
208.	Messrs. HALFERRY, HEWITT and LOCKE: An act empowering cities of the second and third class to fill low lands within their borders, and for that purpose to exercise the right of eminent domain, for the taking and damaging of property, and providing a method for making compensation therefor, and providing for levying and collection of special assessments on the property benefited, and declaring an emergency.....	527	551	600	717	717
211.	Mr. GHENT: To establish a state sanatorium for the prevention, treatment and cure of tuberculosis.....	912	919			
214.	Mr. PALMER: An act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting under the administration of the state auditor.....	528	551	714	715	715
221.	Mr. SCOTT: An act relating to revenue and taxation; making county assessors <i>ex-officio</i> clerks of county boards of equalization; prescribing the method of certifying state, county, municipal and other tax levies, and providing for the compensation and extensions of the same upon assessment and tax rolls.....	482	497	618	742	742
230.	Mr. GORDON: An act providing for the conveyance by boards of county commissioners of rights-of-way over county roads for state road purposes.....	528	554	739	739	739
231.	Mr. BELL: An act providing for the mortgaging of property of minors.....	584	603	703		
233.	Mr. KAYSER: Amending an act relative to estrays; providing for their detention, etc.....	851	876			

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
236. Mr. KROUSE: An act to amend section 703 of Ballinger's Annotated Codes and Statutes of Washington, in relation to proceedings to re-incorporate cities, and declaring an emergency.....	584	603	738	885	886	886	976	977
238. Mr. BISHOP: Providing bounties on cougars and other wild animals.	913	919	.....	973	974	.....	1010	1015
239. Mr. TONKIN: An act to amend section 5 of an act entitled "An act for the protection of persons working in coal mines," approved March 6, 1897.....	528	553	691	721	721	.....	770	782
241. Messrs. LOCKE and HEWITT: An act to amend sections 3, 42, 43 and 47 of an act entitled "An act relating to cities of the second class, and providing for the government of such cities, and repealing sections 24 to 91, inclusive, of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' approved March 27, 1890, and declaring an emergency," approved March 18, 1907, and declaring an emergency.....	482	497	836	899	899	.....	980	982
245. Mr. MCMASTER: An act authorizing the board of regents of the University of Washington to confirm a right-of-way in any railroad company now having in operation a line of railroad, or branches, or sidings, or spurs thereof, etc.....	528	553	736	891	891	.....	980	932
247. COMMITTEE ON APPROPRIATIONS: An act making appropriations for the maintenance and sundry expenses of the state normal schools for the fiscal term beginning April 1, 1907, and ending March 31, 1909.....	528	553	701 883	883	883	883	931	932
250. Mr. HALPERRY: For the relief of Fred H. Green.....	784	808	.....	950	950	.....	998	998
251. Mr. SLAXDEN: An act providing for county exhibits and buildings at the A.-Y.-P. Exposition, etc.....	854	854	404	425	425	407	462	462

257.	Mr. BOLINGER: An act to amend "An act authorizing any county in the State of Washington to join with any city of the first, second and third class in such county in paying for the construction of any bridge, trestle or any structure which crosses any stream or body of water; in constructing roads, streets, avenues or public highways which cross any stream or body of water, etc.".....	523	552	690	739	740	.....	894	897
262.	Mr. SIMS: An act to regulate and limit the hours of employment of females in fruit, fish, shell fish or vegetable canneries and other temporary occupations.....	408	440	579	.....	.....	713	.....	.....
263.	Mr. SIMS: An act providing the rate of interest to be paid on bonds of Jefferson county, and owned by the State of Washington, and declaring an emergency.....	528	552	617	720	721	.....	770	782
264.	Mr. HUBBELL: An act to regulate, restrain, license or prohibit the maintenance or running of pool rooms, billiard halls and bowling alleys outside of incorporated cities and towns.....	660	694	787	951	951	.....	997	998
266.	Mr. SPARKS: An act authorizing cities of the third class to provide for the drainage and sewerage of such cities and provide for the payment of the cost and maintenance thereof, and declaring an emergency.....	610	615	.....	652	652	.....	741	748
267.	Mr. J. E. CAMPBELL: Appointing a female commissioner of labor..	880	907	.....	952	952	.....	998	998
268.	Mr. ROGERS: Relating to the registration of voters.....	851	876	.....	887	887	.....	930	932
269.	Mr. TONKIN: An act regulating the use of lamps in coal mines and prescribing a penalty for the violation of the provisions thereof.	584	603	692	721	721	.....	771	782
271.	Mr. BEACH: Establishing a powder factory at Monroe reformatory..	920	949	.....	.....	.....	.....	.....	.....
277.	Mr. BRADBERRY: Relating to acquisition, control and management of granted school, tide and oyster lands.....	851	876	.....	878	879	.....	975	977
280.	Mr. BRADBERRY: An act relating to procedure in condemnation proceedings affecting lands owned by the state or in which it has an interest, and amending section 2 of chapter 219 of the Laws of 1907.....	584	605	737	.....	.....	.....	.....	.....
281.	Mr. F. C. JACKSON: An act regulating the sale and manufacture of shoddy and the use of the same in the manufacture of mattresses, couches and other like articles; providing for its enforcement, and fixing a penalty for the violation of the provisions thereof.....	595	602	691	718	718	.....	771	782

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
285. MR. ERICKSON: Amending an act prohibiting stock from running at large.....	865	877						
287. COMMITTEE ON MINES AND MINING: An act to regulate the hours of labor of persons employed underground in coal mines, making a violation thereof a misdemeanor and providing penalties.....	585	605	691	861	861		921	922
291. MR. HOLM: An act to amend section 2 of an act entitled "An act to amend an act authorizing the establishment of public libraries in cities," approved March 7, 1907.....	584	604						
294. COMMITTEE ON PRINTING AND SUPPLIES: An act making a deficiency appropriation for public printing.....	698	695			720	719	860	864
296. MR. TOPP: An act relating to the relief of posts of the Grand Army of the Republic.....	528	552	580	713	713		742	748
299. MR. LAMBERT: To provide for the registration and guarantee of concentrated feeding stuffs.....	851	876		949	949		1010	1015
300. COMMITTEE ON PUBLIC REVENUE AND TAXATION: An act relating to revenue and taxation, prescribing a method of levying taxes in counties, cities, towns, road and school districts, requiring the publication of estimates of public expenses, making the violation thereof a misdemeanor and providing a penalty.....	584	605	759	856	856		921	922
305. COMMITTEE ON FISHERIES: An act providing for the protection and propagation of the fishes in the waters of the State of Washington, relating to the catching thereof, fixing penalties, amending section 1 of chapter 247 of the Session Laws of 1907, and declaring an emergency.....	584	603	725	794	796		851	856

NUMBER, AUTHOR AND TITLE.

309.	MESSES. HALFBERTY, HEWITT and LOCKER: Providing for two judges of the superior court of the State of Washington, in and for Chelan county, and fixing the term of office of the additional judge at the general election in November, 1910, and providing for the election of two judges at the general election in November, 1912, and every four years thereafter, and declaring an emergency.	610	615	700	858	859	894	897
310.	COMMITTEE ON STATE CAPITOL AND GROUNDS: An act relating to the sale of lands granted for public buildings at the state capitol, providing for the payment of all the claims against the capitol building fund, and for the erection and completion of a capitol building, and making an appropriation for the carrying out of the provisions of this act, and declaring an emergency.	527	550	598	705	706	798	799
312.	COMMITTEE ON MINES AND MINING: An act to amend sections 1, 2, 4 and 12 of an act entitled "An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors," approved March 5, 1891.	716	733	790	944	944	997	998
313.	Mr. HALSEY: An act for the protection of certain game birds in the counties of Asotin, Columbia, Garfield, Whitman, Spokane, Kootenai, Yahoona, Clark, Kittitas, Ferry, Stevens, Okanogan, Adams, Chelan, Benton, Kootenai, Franklin and Walla Walla, and beaver in the counties of the State of Washington, defining the closed season and fixing penalties for the violation thereof.	661	695	835	838	838	899 994	1015
315.	Mr. SPARKS: Changing the corporate name of the city of La Camas to Camas.	865	877	.....	966	967	998	998
316.	Mr. KENOYER: Providing for the formation and management of road districts.	880	906	.....	966	966	.....	.....
318.	COMMITTEE ON GAME AND GAME FISH: An act for the protection of salmon and salmon trout within the limits of townships 18 and 19, north range 2 and 3, west W. M., in the State of Washington, and declaring an emergency.	585	605	.....	884	884	976	977
320.	JUDICIARY COMMITTEE: An act empowering cities, towns and counties to grant to the United States rights and privileges over streets, alleys and country roads.	584	604	.....	.....	.....	.....	.....
326.	Mr. JOHN ANDERSON: An act to prohibit the maintaining of a bucketshop office, store or other place wherein is conducted or permitted the pretended buying or selling of the shares of stock of corporations, or grain, provisions, cotton or other commodity or personal property either on margin or otherwise, without any intention of receiving or paying for the property so bought or delivering the property so sold, etc.	626	686	787	.....	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
327. Mr. WEBSTER: An act amending section 1 of an act entitled "An act relating to justices of the peace and constables in cities having more than five thousand inhabitants and fixing their number and salaries," approved March 13, 1897; the same being section 559 of Ballinger's Annotated Codes and Statutes of Washington.....	585	606	704	953	953		997	998
329. Mr. BYERLY: An act fixing the place of office of prosecuting attorney.....	660	693	761					
330. Mr. FRENCH: An act to prohibit all live stock from running at large in any organized township in the State of Washington in which three-fourths of the land is under fence.....	638	695						
335. Mr. TRAYER: An act relating to claims for damages against cities and towns of the second, third and fourth class.....	584	603	732	882	883		931	932
338. Mr. F. C. JACKSON: An act relating to the finances of counties and providing the time and manner in which monies shall be paid to the county treasurer, and declaring an emergency.....	716	733	790					
339. Mr. ERICKSON: An act for the relief of Conrad L. Hoska.....	916	919		976	978		1010	1015
344. Mr. KENOXYER: An act creating the Southwest Washington Fair Association.....	380	906		979	980		1010	1015
348. Messrs. MCARTHUR and FISHER: An act to amend sections 4, 5, 6, 8, 10, 12, 13, 15 and 17 of "An act relating to drugs and medicines," etc.....	625	638	692	724	724		894	897
349. Mr. A. M. STEVENS: An act for the prevention of fraud by publishing of advertising, and providing a penalty.....	638	695	737			935		
353. JUDICIARY COMMITTEE: Amending section 225 of Ballinger's Annotated Codes and Statutes of Washington, relating to the salary of the reporter of the supreme court.....	584	604	701	818	818		851	856

356.	Mr. SPARKS: Relative to the appointment of guardians for the estate of minors, insane and mentally incompetent persons.....	851	876	925	925	976	977
357.	COMMITTEE ON MILITARY: An act relating to the state militia, providing for the organization, regulation, maintenance and discipline of the National Guard of Washington, defining certain offenses, prescribing penalties therefor, repealing certain acts and parts of acts, and declaring an emergency.....	585	602	616	696	747 784	881
362.	Mr. FARNSWORTH: An act relating to the biennial reports of state officers.....	880	906				
363.	COMMITTEE ON STATE, GRANTED, SCHOOL AND TIDE LANDS: An act reserving the sea shore or beach of the Pacific ocean from sale, lease or other disposition, making the same a public park and providing for the cancellation of existing contracts of sale and lease, repealing chapters 105 and 110 of the Session Laws of 1901, and declaring an emergency.....	584	604	737			
365.	Mr. McMASTER: Amending an act relating to local improvements in towns.....	865	877				
367.	JUDICIARY COMMITTEE: An act for the relief of inhabitants of cities and towns upon public lands.....	610	616	646	793	794	856
368.	Mr. STUART: An act prohibiting the sale of clams, oysters, or other shell fish which have been opened for a period of more than four days.....	660	693	732	945	945	998
370.	COMMITTEE ON DIKES, DRAINS AND DRAINAGE: An act amending sections 20 and 21 of chapter LXVI of the Laws of 1901, entitled "An act providing for the establishment and construction of ditches for drainage purposes," approved March 8, 1901, and declaring an emergency.....	793	809	835	908	908	977
371.	Mr. BISHOP: An act amending chapter CXL of the Session Laws of 1901, approved March 18, 1901, the same being "An act amending section 4391 of Ballinger's Annotated Codes and Statutes of Washington, the same being section 5 of an act entitled "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this state, and for the purpose of driving, sorting, holding, and delivering logs and other timber products thereon, fixing maximum tolls therefor," approved March 18, 1895".....	820	842	869	869	882	977
374.	JUDICIARY COMMITTEE: An act relating to attorneys and counsels-at-law.....	820	842	952	952	997	998

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONCLUDED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
375. Mr. MILLER: An act relating to the compensation of public officers and providing a penalty for the violation thereof.....	716	783						
378. COMMITTEE ON TIDE LANDS: An act to confirm the title and character of conveyance of certain oyster lands heretofore sold in the state.....	860	877		986	986 959	959	997	998
383. Mr. KROUSE: An act to provide for the licensing of peddlers and prescribing penalties for failure to comply with the provisions of this act.....	920	929		929	932		998	998
391. Mr. TODD: An act changing the boundary line between the representative and senatorial districts in Whitman county, and authorizing and directing the county commissioners of said county to change the lines of the voting precincts in such county to conform to the lines of the representative and senatorial districts established by this act.....	660	693	725	962	962		997	998
401. Mr. MILLER: An act relating to examination of insurance companies in the State of Washington.....	741	764		875	875		976	977
410. Mr. THAYER: Permitting owners of estrays to redeem property within six months upon payment of costs.....	865	877		952	952		998	998
411. Mr. F. C. JACKSON: Providing for the establishing and maintaining of free public libraries and museums.....	741	763	788	870	870	870 871	998	998
412. Mr. F. C. JACKSON: Providing for the refund and rebate of excess amount collected for local improvements.....	880	907		946	946		997	998
413. Mr. LOCKE: Authorizing state board of fish commissioners to move state fish hatchery on Chehalis river to a new site.....	916	918		960	961		998	998
419. Mr. BRAD: Permitting county commissioners to operate quarries for road building.....	793	808	834	882	882		976	977

421. Mr. CAMERON: Changing the boundaries of legislative districts in Pierce county	824	841	963	963	963	998
434. Mr. TENNANT: An act to amend section 22 of an act entitled "An act to enable cities of the first, second and third class, and having a population of over 1,500 inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes," etc.	783	808	927			
439. Mr. BELL: An act prescribing the duties of sheriffs in certain matters	851	876	961	961	997	998
440. Mr. WARD: An act providing for the survey and reservation of tide lands in front of Washington Veterans' Home.....	835	842	924	924	976	977

HISTORY OF SENATE JOINT MEMORIALS.

NUMBER, AUTHOR AND SUBJECT.	Read first time and referred...	Report from committee.....	Third reading and amendments	Vote on final passage.....	Other action in Senate.....	Message from House.....	Signed by President.....	Signed by Speaker.....
1. Senator MINKLER: Against the removal of duty on forest products.....	10	.....	10	11	.....	23	71	71
2. Senator FORBES: Praying Congress to appropriate one million dollars for road purposes in Alaska.....	11	.....	11	12	.....	23	71	71
3. Senator BRAIR: To his excellency, Theodore Roosevelt, president of the United States of America, to the honorable secretary of war, and to the honorable senators and representatives from the State of Washington, requesting that lots 2 and 3, section 12, township 35 north of range 3 west W. M., and lots 4 and 5, section 11, township 35 north of range 3 west W. M., now held as a military reserve on San Juan Island be donated to the State University of the State of Washington for a site on which to erect buildings for a biological school.....	13	.....	13	14	.....	119	156	233
4. Senator COX: Relating to the removal of duty from jute bags.....	78	.....	73	73	.....	119	156	233
5. Senator ROSENHAUPT: Relating to the creation of a new division of the railway mail service, consisting of the states of Oregon, Washington, Idaho and Montana, and the territory of Alaska.....	278	.....	278	278	.....	550	579	596
6. Relating to the establishment of a government townsite on the Colville Indian reservation	304	.....	304	304	.....	389	432	458
7. Senators NICHOLS, KNICKERBOCKER and PAULHAMUS: Relating to floods of the White, Stuck and Puyallup rivers.....	332	.....	332	332	.....	340	516	521

HISTORY OF HOUSE JOINT MEMORIALS IN THE SENATE.

NUMBER, AUTHOR AND SUBJECT.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Vote on final passage.....	Signed by Speaker.....	Signed by President.....
1. MESSRS. BELL and WHALLEY: Memorial to congress setting forth the needs of river and harbor improvements, and that such bill be passed by congress, and directing that the secretary of state transmit the memorial by wire to our representative, Wesley L. Jones, Washington, D. C.....	85	86	.....	86	86	581	584
2. Mr. CAMPBELL: Relating to the surveys for the irrigation of lands in central Washington and southern Douglas county.....	195	200	263	282	282	389	392
3. Mr. HOLM: Relating to the size of apple boxes and grading of fruit.....	195	200	262	262	262	326	330
5. Mr. LOCKE: Relating to Quinault lake and requesting that adjoining lands be made a national park.....	195	200	262	283	283	389	392
6. Relating to a state road through the Mount Rainier reserve.....	585	642	.....	642	642	771	782
7. Mr. EDGE: Relating to the protection and preservation of the American elk.....	642	642	.....	642	642	771	782

SENATE CONCURRENT RESOLUTIONS.

NUMBER, AUTHOR AND SUBJECT.	Presented to Senate.....	Report of committee.....	Action in Senate.....	Message from House.....	Other action in Senate.....
1. Senator CORTELLI: Providing for the proper observation of Lincoln's birthday, appointing a committee and requesting the governor to issue the proper proclamation.....	8	303	9	27	113
2. Senator WILLIAMS: Notifying the governor that the legislature is organized, in session and ready to receive any communication he may have to make.....	9		9	23	
3. Senator BLAIR: Providing for a joint session of the Senate and House on Tuesday, January 12, at 2 o'clock, for the purpose of canvassing the vote of the state officers.....	9		10	23	
4. Senator CAMERON: Relating to memorial exercises in memory of the late Walter J. Reed, senator from Yakima county.....	19		20	27	127 995
5. Senator KLINE: Memorial to the late former Senator Farles, and providing for suitable services on Friday, the 29th day of January, 1909, in the House chamber.....	21		22	27	127
6. Senator HUNTABLE: That the Senate meet with the House in joint session to hear the governor's message.....	24		24	27	
7. Senator KNICKERBOCKER: Relating to the printing of bills introduced in both houses.....	71		72	195	199
8. Senator MCGOWAN: Relating to the appointment of a joint committee from the Senate and House to meet with a like committee from the Oregon legislature to confer on fishing laws.....	86	253	86	119	127
9. Senator BROWN: Relating to a forty-day session of the legislature.....	115		116		
10. Senator BLAIR: Relating to the liberty bell, requesting that it be brought west during the present year.....	120		121	184	
11. Senator STEWART: Relating to the appointment of a commission of seven members to confer with a like commission from the State of Oregon on boundary along the Columbia river.....	129				

12. Senator PAULHAMUS: That it is the sentiment of this session of the legislature that in order to insure competent and reliable employees, the secretary and the sergeant-at-arms of the Senate should be selected by the whole Senate and the balance of the employees of the Senate should be selected by the secretary.....	149	150	188	195	578	579
13. Senator MYERS: Relating to the indefinite leave of absence to the governor, S. G. Cosgrove..	188	188	198	200		
14. Senator PAULHAMUS: Relating to joint memorial exercises; that they go over to future date..	198	198	199			
15. Senator ROSENHAUPT: Relating to the printing of reports.....	199		209	283		
16. Senator BLAIR: Relating to the purchase of Mt. Constitution for a public park.....	209	283	219	220	550	579
17. Senator METCALF: Relating to polygamy.....	219		242	788		
18. Senator BRYAN: Relating to race-track gambling and requesting the governor to enforce the law	242	788	291	291	311	561
19. Senator GRAVES: Relating to the printing of 1,000 copies of the criminal code.....	291	291	303	304	550	804
20. Senator STEWART: Relating to insurance on state building.....	303	304	352	389		
21. Senator ALLEN: Relating to the appointment of a committee to confer with committee from the State of Oregon, regarding interstate bridge across Columbia river.....	352	389	479			
22. Senator HUTCHINSON: Relating to the appointment of an investigating committee to be appointed by the governor to investigate state officers.....	479		488	488	528	
23. Senator BOOTH: Commending President W. H. Taft for the appointment of R. A. Ballinger as one of his cabinet.....	488	528	642	643, 871	746	
24. Senators GRAVES and ROSENHAUPT: Praying President W. H. Taft to visit the State of Washington during the A.-Y.-P. Fair.....	642	643, 871	743	743	747	
25. Senator FORRS: Congratulating William H. Taft.....	743	747	847	850		851
26. Senator PAULHAMUS: Relating to the insurance department; making charges and demanding an investigation	847	850	872	873		921
27. Senator BOOTH: Relating to the investigation of the insurance commissioner; calling for the appointment of a committee of two senators and three representatives; giving them power, etc.	872	873	907	908		
28. Senator FORRS: Regarding permission to introduce the general appropriation bill and the military appropriation bill	907	908	909	909		
29. Senator STEWART: Relating to the employ of E. C. Macdonald and George Turner as special attorneys in the Oregon-Washington boundary case.....	909	909	1015	1016		1015
30. Relating to a committee of two senators and three representatives to call upon the acting governor and notify him that the legislature is about to adjourn.....	1015	1016				1017

HOUSE CONCURRENT RESOLUTIONS.

NUMBER, AUTHOR AND SUBJECT.	Received from House.....	Taken up in Senate.....	Action in Senate.....
1. Mr. FARNSWORTH: Providing for memorial services in honor of the late Wm. H. Thompson.....	27	80	80, 128
2. Mr. STEPHENS: Providing for memorial services in honor of the late Henry F. Strowbridge.....	120	Jan. 20	130
4. Mr. ROGERS: Relating to supplies and that same be provided by the board of control.....	129	130	131
6. Providing for the adjournment of the legislature from February 11 to February 15, 1909, at 2:00 p. m..	350	353	353
9. Relating to status of George Washington by the Daughters of the American Revolution.....	527	575	576, 577
11. Relating to the adjournment of the legislature until February 23 rd , at 2:00 p. m.....	458	459	461
13. Mr. F. C. JACKSON: <i>Resolved</i> , That the song "Washington Beloved" be made the state anthem of Washington	851	1006	1006, 1015
14. Mr. BRACH: Relating to the consideration of bills on the last day of the session.....	889	910	910
15. Making appropriation for extra services rendered by certain employes of the state.....	958	998	998, 1015
16. Mr. SCOTT: Relating to investigating the insurance commissioner and all other state officers.....	1003	1007	1008, 1009

SENATE JOINT RESOLUTIONS.

NUMBER, AUTHOR AND SUBJECT.	Read and referred.....	Vote on final passage.....	Adopted by the House.....
1. Senator MCGOWAN: Relating to traveling expenses of commission appointed to confer with like commission from the Oregon legislature in reference to fishing on the Columbia river, under the authority of Senate concurrent resolution No. 8.....	254	255	521
2. Senator PORTTS: Relating to payment of traveling expenses of joint committee appointed to confer with secretary of the interior in reference to forest reserve, under joint resolution No. 22, passed by the Tenth legislature.....	278	279	521
3. Senator POLSON: Invitation to Samuel Hill to give a lecture on good roads to the legislature....	341	342	889
4. Senator BLAIR: Relating to peace and good government, and requesting a larger navy for the Pacific	431	431	999
5. Senator RUMF: Requesting our representatives and senators in Washington to work for a pension for the mother of Captain Charles Gridley, Mrs. Ann Gridley.....	576	576	688
6. Senator KNICKERBOCKER: Authorizing presidents of the boards or regents of the University of Washington and Washington State College to secure the benefit of Carnegie retiring fund.....	577	577	612
7. Senator GRAVES: Providing for the calling for the election of delegates to the convention for the revision of the Constitution.....	708	709	.....
8. Senator GRAVES: Relating to the amendment of article II of the Constitution.....	709	710	.....
9. Senator PORTTS: Relating to congratulations to Wm. H. Taft, president of the United States....	743	743	747

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NUMBER, AUTHOR AND SUBJECT.		
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	<i>Read first and second time and referred...</i>	199
	<i>Report of committee.....</i>
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By Senator HUXTABLE, authorizing purchase of stamps.....	21
By Senator WILLIAMS, relating to minutes.....	22
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 For enabling railroad commission to bring suits. Senate bill No. 194.
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 For payment of moneys collected under direct primary law. Senate bill No. 186.
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 For creating a state fish hatchery in Walla Walla county. Senate bill No. 61.
 For the construction of an armory at Bellingham. Senate bill No. 59.
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 For home for indigent blind, aged and infirm. Senate bill No. 42.
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SENATE JOURNAL

OF THE

EXTRAORDINARY SESSION

OF THE

ELEVENTH LEGISLATURE

OF THE

STATE OF WASHINGTON

BEGUN AND HELD AT

OLYMPIA, THE STATE CAPITAL

June 23, 1909

Adjourned Sine Die, August 21, 1909

A. S. RUTH, PRESIDENT *Pro Tem.*

WM. T. LAUBE, SECRETARY

OLYMPIA, WASH.:
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WM. T. LAUBE
SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

EXTRAORDINARY SESSION, 1909.

FIRST DAY.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, June 23, 1909.

Pursuant to proclamation of the governor, the Senate of the State of Washington was called to order in extraordinary session at 2:30 o'clock p. m., Wednesday, June 23d, 1909, by Senator A. S. Ruth, president of the last session.

Rev. E. L. Swick offered prayer.

The secretary of the regular session, Wm. T. Laube, read the following proclamation:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA.

A PROCLAMATION BY THE GOVERNOR.

To the Members of the Legislature of the State of Washington:

WHEREAS, An extraordinary occasion exists, requiring the assembling of the Legislature of the State of Washington:

Now, therefore, I, M. E. Hay, governor of the State of Washington, by virtue of the authority in me vested by the constitution, do hereby convene the legislature of the State of Washington in extraordinary session in the capitol, at Olympia, on Wednesday, the 23d day of June, A. D. 1909, at the hour of 2:30 o'clock p. m.

The purpose for which the legislature is called together is that it may consider the findings of the legislative investigating committee, created by the regular session of the Eleventh legislature of the State of Washington to examine into the conduct of state officers, and to take up such other matters as it may deem advisable.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the state to be affixed at Olympia, this third day of June, A. D. nineteen hundred and nine.

Attest:

M. E. HAY, *Governor.*

I. M. HOWELL, *Secretary of State.*

The secretary called the Senate roll, all members being present except Senators Metcalf and Piper.

The following resolution was read by the secretary:

Senate concurrent resolution No. 1, by Senator Bassett:

Be it resolved by the Senate, the House of Representatives concurring, That the joint rules of last session, except rule No. 10, be and are hereby adopted as the joint rules of this session.

Senator Bassett moved the adoption of the resolution.

The secretary called the roll, and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—40.

Those absent or not voting were: Senators Metcalf and Piper—2.

Senator Hutchinson moved that the Senate do now proceed to organize by electing a president and secretary.

The president called Senator Booth to the chair.

The chair ruled the motion of Senator Hutchinson out of order on the ground that the Senate was already organized, and held that the officers of the Eleventh session of the legislature are the officers of this extraordinary session.

The following senators appealed from the decision of the chair: Senators Hutchinson, Falconer, Paulhamus.

A roll call on the question, "Shall the decision of the chair stand as the judgment of the Senate?" was demanded by Senators Paulhamus, Myers, Falconer, Hutchinson, Polson, Fishback, Rosenhaupt.

The secretary called the roll and the decision of the chair was sustained by the following vote:

Those voting aye were: Senators Booth, Cameron, Cotterill, Eastham, Graves, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—21. .

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson—19.

Those absent or not voting were: Senators Metcalf and Piper—2.

The president resumed the chair.

Senator Graves moved that a committee of three senators be appointed by the president to notify the House of Representatives that the Senate is now in session and ready for the transaction of business.

The motion carried.

The president appointed as such a committee Senators Graves, Stevenson and Smith.

Senator Knickerbocker moved the adoption of the following resolution:

Senate concurrent resolution No. 2:

Be it resolved by the Senate, the House concurring, That a committee of two from the Senate and three from the House be appointed to notify the governor that the legislature is in session and ready to receive any communication he may desire to make.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Whitney, Williams, and Mr. President—35.

Those absent or not voting were: Senators Bryan, Graves, Metcalf, Piper, Smith, Stevenson, Stewart—7.

On motion of Senator Booth, the Senate dispensed with the services of all employees except the services of the secretary.

On motion of Senator Booth, the secretary was instructed to select and submit to the Senate a list of employees for its approval.

At 2:50 p. m., on motion of Senator Graves, a recess was taken until 4:30 o'clock this p. m.

The Senate was called to order at 4:30 p. m. by President Ruth.

A committee from the House, consisting of Messrs. Slayden, Stuart and Fancher, appeared before the bar of the Senate and

announced that the House was in session and ready for the transaction of business.

The president appointed as a committee on the part of the Senate under Senate concurrent resolution No. 2, to notify the governor that the legislature is now in session, Senators Knickerbocker and Myers.

The following communications were read, and, on motion of Senator Nichols, ordered referred to the Committee on Elections and Privileges:

WHEREAS, The latest legislature of the State of Washington, acting without regard for the best interests of the people of the state and against their express wishes, did take the offices of supreme court justices out of the operation of the direct primary law and placed their nomination in partisan political conventions; and,

WHEREAS, The supporters of said measure alleged as an excuse for the passage of said act that it was favored by the bar of the state; now, therefore, be it

Resolved, That it is the sense of this organization that said act is vicious and dangerous legislation and ought to be repealed by the special session of the legislature; be it further

Resolved, That we pledge ourselves to the nomination of supreme court justices under the direct primary law, to the end that the judiciary of this state remain nonpartisan and of the people; and be it further

Resolved, That copies of this resolution be furnished each house of the legislature at the opening of the special session thereof, and that copies hereof be sent to the press of the State of Washington, with a request for its publication, and also a copy to the secretary of each local affiliated with this body.

SPOKANE SECTION CENTRAL LABOR COUNCIL,

WM. J. COATES, *President*.

HENRY R. THAYER, *Secretary*.

[SEAL]

SEATTLE, June 22, 1909.

To the Honorable Senate of the State of Washington:

At the last session of our state legislature that portion of the direct primary law relating to the supreme judges was repealed. The nomination of supreme judges was taken from the people and placed in the hands of conventions, which can be controlled by special interests. This was the reason for the change. When the friends of the direct primaries offered some needed amendments to the primary law the enemies of direct primaries rallied and repealed nominations by the people of supreme judges. Some of our direct primary friends in the legislature thought it better to acquiesce in this, as the enemies of direct primaries threatened to repeal the whole direct primary law unless the judges of the supreme court were taken from the people

and given to conventions to nominate. This great outrage on the people was committed so quietly and secretly that some members of the legislature claim that they did not know of it being done. There was no demand by the people of a repeal of any portion of the direct primary law, and they were especially opposed to repealing that portion of the law relating to the nomination of supreme judges. This repeal of supreme judge nominations was worked up by a political ring for special interests. The party platforms declare for direct primaries. Any one voting for taking supreme court nominations from the people have repudiated their party platform. Most of the legislators are pledged to direct primaries, and have no right to break their pledge to the people. This overt act against direct primaries was committed in order to control the supreme court of this state for special interests and personal ends. Five members of the supreme court are to be nominated and elected at the next election. They know that these nominations can be controlled through a packed convention, but fear that the people will not elect the men they wish to put in these offices. This is the reason for trying to control the supreme court.

A great wrong has been done to the people of this state. If you are really public servants and working for the interests of the people, you will right the great wrong done at the last session of the legislature.

The people will not quietly submit, and will be likely to defeat any one upholding this wrong, and all supreme judge candidates nominated by packed conventions.

While a general investigation of all the state offices is desirable and should be made, it is of vastly more importance to the people of this state that the people should have restored to them the nomination of supreme judges that was taken away from them at the last legislature. This cannot be classed as new legislation, but is to restore the old, to keep the party pledges and faith with the people.

We therefore demand of you, in the name of the patriotic citizens of this state, that you restore to the people the nomination of supreme judges at this special session of the legislature.

DIRECT PRIMARY LEAGUE OF THE STATE OF WASHINGTON,
By CHRISTOPHER W. T. CARR, *President*.

The secretary read the following communication :

THE STATE OF WASHINGTON, DEPARTMENT OF STATE,
OFFICE OF THE SECRETARY.

OLYMPIA, June 23, 1909.

To the Honorable President of the Senate, Senate Chamber, Olympia, Wash.:

SIR: I have the honor to transmit herewith for the consideration of the Senate the following bills passed by the Senate and House and vetoed by the governor, together with his veto message:

Senate bill No. 37, "An act providing for the issuance of a state Sunday liquor license, permitting the sale of liquors on Sunday to

guests by hotels holding such licenses, and providing certain penalties for the violation of the terms of this act."

Senate substitute bill No. 66, "An act relating to the qualifications of members of the legislature, supervisors, school directors or members of any legislative body."

Senate bill No. 267, "An act to amend section 1 of chapter 55 of the Session Laws of 1905, and approved March 3rd, 1905, being an act, entitled 'An act to enable cities of the first, second and third classes and other cities and towns working under special charter, having sufficient population to authorize them to reincorporate under the laws of the State of Washington, as cities of the first, second or third classes to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor and providing for special assessments in certain cases upon property benefited and declaring an emergency.'"

Respectfully submitted,

I. M. HOWELL, *Secretary of State.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 20, 1909.

Hon. Sam H. Nichols, Secretary of State.

SIR: I transmit herewith Senate bill No. 37, "An act providing for the issuance of a state Sunday liquor license to hotels of fifty rooms or more in cities of the first class," unapproved.

I cannot approve this bill, for I see no reason why a hotel-keeper who conducts a fifty-room hotel should have privileges not accorded to the proprietor of a forty-nine room or smaller hotel. Neither do I perceive justice in a bill which permits hotels in cities of the first-class to sell liquor on Sundays, but denies the same privilege in cities of the second and third class. A man's thirst is not regulated by the size of the town in which he happens to be Sundaying.

In granting licenses in some of our cities we would probably come into conflict with their ordinances, as all cities clearly have the right to regulate the hours during which liquors may be sold. Furthermore, I believe the sale of liquor on Sundays to the privileged class would not only be a discrimination against those who are not members of that class, but would establish a precedent in legislation at variance with the best interests of our people.

Respectfully submitted,

M. E. HAY, *Acting Governor.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA.

I herewith transmit Senate substitute bill No. 66, entitled "An act relating to the qualifications of members of the legislature, supervisors, school directors or members of any legislative body," with my disapproval, for the reason that, in my judgment, the harm which would result therefrom would be greater than the evils it apparently seeks to overcome. It would act as a protection for those who lack the courage to refuse to sign a pledge upon solicitation, and would prevent the

giving of written pledges by those who are willing to give and stand by such a pledge. The public is in many instances entitled to know whether a candidate, if elected, will be in favor of or oppose some particular bill or measure, and to require his pledge in that regard in tangible form.

It will be observed that the bill prohibits simply the signing of a pledge, but does not prohibit a candidate from giving a pledge in any other manner than over his signature.

If any candidate secures votes by giving a pledge, it can work no hardship on him to sign such a pledge.

Such an act would encourage insincerity and perhaps dishonesty, rather than accomplish any real good.

Respectfully submitted, M. E. HAY, *Acting Governor.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 18, 1909.

Senate bill No. 267 is disapproved for the following reasons: As will be noticed, this bill amends section 1 of chapter 55 of the Session Laws of 1905. Chapter 55 of the Session Laws of 1905 was expressly repealed by chapter 153 of the Session Laws of 1907, and section 1 of the act of 1907, enumerating the purposes for which cities may exercise the right of eminent domain, covers additional subjects than those for which the power of eminent domain was authorized by the act of 1905. This bill, therefore, does not authorize condemnation of land for all the purposes included in the act of 1907, and, being the latest expression of the legislative will, it would probably be held that lands might not be condemned by cities for any purpose other than those enumerated in Senate bill No. 267, if the same became a law.

It might be added that said Senate bill No. 267 purports to amend an act which has been repealed, and there might be some question as to its validity.

Respectfully submitted, M. E. HAY, *Acting Governor.*

On motion of Senator Williams, the consideration of the bills vetoed by the governor was made a special order for 2 o'clock tomorrow afternoon.

A point of order that the vetoed bills could not be acted upon at this session, raised by Senator Rosenhaupt, following the chair's ruling that this was not a new session and that the officers of the Eleventh session held over, was overruled by the president.

Senator Stevenson was granted unanimous consent to introduce a bill out of order.

Senate bill No. 1, by Senator Stevenson, entitled "An act making an appropriation for the payment of the funeral expenses of the late governor of the State of Washington, His

Excellency, Governor Samuel G. Cosgrove": The bill was read first time, and on motion of Senator Stevenson the rules were suspended, the bill read second time by title, and made a special order for consideration in a Committee of the Whole at 10 o'clock tomorrow morning.

On motion of Senator Myers, the Senate, at 5 o'clock p. m., repaired to the House to meet that body in joint session for the purpose of hearing the governor's message.

JOINT SESSION.

The sergeant-at-arms of the House announced the arrival of the Senate and the senators were invited to seats within the bar of the House.

The joint session was called to order by Senator A. S. Ruth, president of the Senate.

The secretary of the Senate called the Senate roll, all senators being present except Senators Metcalf and Piper.

The chief clerk of the House called the House roll, all members being present except Messrs. Bird, Buck, Hewitt, Kenoyer, Weir and Young.

The president of the Senate announced that the joint session was for the purpose of hearing the governor's message.

Senator Myers moved that a committee of two senators and three members of the House be appointed to notify the governor that the joint session was ready to receive the governor's message.

The motion carried.

The president appointed as such a committee Senators Myers and Knickerbocker and Messrs. Stewart, Slayden and Fancher.

The governor appeared before the joint session, escorted by the committee, was received in due form, and from the speaker's desk delivered the following message:

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives of the State of Washington:

Since your adjournment on March 11th last, the State of Washington has sustained a severe loss in the death of Governor Samuel G. Cosgrove, who died at Paso Robles, California, Sunday morning, March 28th. Ill health after election gave Governor Cosgrove little opportunity to devote himself actively to the affairs of state, but we all know

from the example he set as a citizen, the spotless record of his private life and his high ideals of the duties of an official as expressed in his public utterances, that, had he lived, he would have conducted his administration with an unselfish devotion to the general welfare, fearless in the performance of what he conceived to be right and courageous in the prosecution of wrong.

Fully aware of the confidence reposed in Governor Cosgrove by the people of Washington and the exceptional services they anticipated he would render to the state, it was with full appreciation of the grave responsibility thrust upon me by the provisions of our state constitution that I took the oath of office as governor on March 28th.

Just prior to the adjournment last March of the eleventh regular session of your honorable body you passed a resolution creating an investigating committee. This action was taken as a result of serious and alarming charges that had been made in open session upon the floor of the legislature, involving the integrity and official conduct of certain state officers. You clothed your committee with authority to "investigate the affairs, doings and conduct of such state officers and such departments of the state government as said committee shall deem proper" and provided that it should "report the result of such investigation to the governor of this state on or before the 12th day of July, 1909."

At a meeting held in Seattle on June 2nd, your committee made a verbal report to the governor, informing him of the conditions it had found existing in some of our state offices and of the recommendations the written report would contain, also suggesting the advisability of calling your honorable body together for the purpose of considering and acting upon its report.

Knowing the conscientious manner in which the members of your committee have devoted themselves to the unpleasant but gravely important duty imposed upon them, convinced of the honesty of their purpose and believing them to be animated solely by a steadfast desire to ascertain the facts as they exist and report their findings without favor or prejudice, their recommendation weighed strongly with me. Added to this, the disclosures resulting from their investigation revealed the existence of conditions in certain public offices so inimical to the welfare of the state that I deemed an occasion had arisen that demanded the immediate attention of your honorable body. Accordingly I issued a proclamation on June 3rd calling upon you to convene in extraordinary session on this day to consider and act upon the report and recommendations of your committee, which I transmit herewith.

The findings of that committee bring to light conditions repugnant to the best interests of the state, conditions that cannot longer be tolerated. They contain a serious indictment against the present insurance commissioner of this state and the former secretary of state. The evidence cited in these findings develops the fact that these officials were recreant to their duty, betrayed the trust placed in them and vio-

lated every consideration of honor and public obligation that should have regulated their conduct.

Because of these revelations, one of these officials has resigned his office and the evidence that has been gathered brands the other as unfit to continue in a position of responsibility. There is no denial of the moral obliquity on the part of the accused official—merely the specious plea that the letter of the law has not been violated. In the face of the evidence adduced and the admission of the charges made, one course only appears open to the legislature, which is the removal from office of the delinquent officer. There are two methods open to you by which this official may be removed:

1. By impeachment proceedings.
2. By abolishing the office.

The power of impeachment, which is solely vested in the House of Representatives, is an extremely grave and serious responsibility, not lightly to be exercised or heedlessly invoked. But, when an occasion necessitating such proceeding arises, it should be met with firmness, the interests of the individual should be submerged in the interests of the community and deaf ears turned to the sophistry of the corrupt. Such procedure has better application to a case where there are disputed questions of fact as to the guilt or innocence of the officer charged. The other method can be properly applied where the guilt is confessed as in this case.

I recommend that you pursue one or the other of the above methods as you see fit and deem most advantageous.

The fair name of the State of Washington depends upon your action, for, as ex-President Roosevelt so truthfully said, "the exposure of corruption is an honor to a nation, not a disgrace. The shame lies in toleration, not in correction. No city or state, much less the nation, can be injured by the enforcement of the law. * * * If we fail to do all that in us lies to stamp out corruption, we cannot escape our share of the responsibility for the guilt. The first requisite of successful self-government is unflinching enforcement of the law and the cutting out of corruption."

That old saying that "Public office is a public trust" is just as true now as when first uttered, and the official who betrays that trust is a greater menace to society than the highwayman or the murderer. A public official who is so lacking in principle, whose sense of public duty is so dulled that he sees no impropriety in levying a tax or assessment which is little short of blackmail upon those who are compelled to transact business with him officially, outrages every sense of right and morality.

In the case before you for consideration the course for your honorable body to pursue is as well defined as black from white. There is no complication to cloud the right or conceal the wrong. The facts are before you. They have been gathered by a committee of your own creating, a committee composed of those who favored and those who opposed this investigation, and the report of that committee is the

unanimous verdict of its members. This case is one which in its gravity rises above the considerations of personal malice or party faction. The question of motive sinks to insignificance in the presence of the revelations resulting from this investigation. The integrity of the republican party, the honor of the state and the interests of the people are at stake. The responsibility of preserving the party, protecting the state and safeguarding the people rests with you. He who would counsel you to disregard the charges presented in the findings of your committee is not only an enemy to the republican party but false to his state and to his constituents.

This legislative body is almost unanimously republican in its composition, and in you is reposed the dual trust of protecting the interests of your constituents and the reputation of your party. The people who gave to you their suffrage will not only hold you individually to account for the course each of you pursue, but will also hold the republican party to account for the result of your collective action.

The republican party has been returned to power in this state with increasing majorities at each succeeding election because the people believed not only in the wisdom of its policies, but also because they had confidence in the ability and integrity of the men it nominated for office. The only manner in which the party can retain this confidence is to prove itself worthy of the great trust and responsibility of government by purging its ranks of unworthy, dishonest and corrupt officials. The republican party is greater than any individual that it elevates to a position of honor, and, when any such individual fails to measure up to the standard of efficiency and probity demanded by the people, the party cannot afford to countenance the continuance of his presence in its councils or in the place he has debauched. A man who secures an office through his affiliation with a party and then prostitutes that office to mere pecuniary profit deserves no more sympathy from the party which he has imposed upon than from the people whom he has betrayed.

By reason of the exposures made by your investigating committee, a widespread and insistant public demand has arisen for a thorough probing of all offices, departments and institutions of the state government against which the slightest breath of suspicion has been directed. In order that all wrong, if any further exists, may be exposed and corrected and that the honest officials may be freed from unjust suspicion, I recommend that your honorable body continue the present committee and make the necessary provisions for a thorough and searching examination into the administrative affairs of the state.

Opposition to further investigation can come only from those who have something in their official records which they desire to conceal. An honest official welcomes examination into the conduct of his affairs, as such examination can only reflect credit upon him. Absolutely no weight should attach to the argument of expense against the continuance of this committee. The people of this state will never begrudge one cent that is expended in ridding the public service of corruption.

You can render no better service to the state than in providing for a continued and effective crusade against dishonesty and venality in office.

In conclusion, I trust your deliberations will be characterized by a spirit of fairness and be confined to the matters growing out of a consideration of the report of your committee.

M. E. HAY, *Governor.*

REPORT OF SPECIAL COMMITTEE.

REPORT AND FINDINGS OF THE LEGISLATIVE INVESTIGATING COMMITTEE OF THE STATE OF WASHINGTON, AUTHORIZED BY HOUSE CONCURRENT RESOLUTION No. 16 (ADOPTED MARCH 11, 1909), CONCERNING THE DEPARTMENTS OF SECRETARY OF STATE AND INSURANCE COMMISSIONER OF THE STATE OF WASHINGTON.

To Honorable M. E. Hay, Governor of the State of Washington:

On March 11, 1909, the legislature of the State of Washington adopted House concurrent resolution No. 16, authorizing the appointment of a legislative investigating committee. In accordance with this resolution, the president of the Senate and the speaker of the House appointed the following members to constitute the investigating committee, which appointments were duly confirmed by the Senate and the House, viz:

Senator Pliny L. Allen, of King county;
 Senator H. O. Fishback, of Lewis county;
 Representative J. C. Hubbell, of Kittitas county;
 Representative Howard Taylor, of King county;
 Representative W. C. McMaster, of King county.

On April 14, 1909, the committee so appointed convened in the capitol building at Olympia, Washington, all members of the committee being present, Senator Pliny L. Allen presiding as chairman. By virtue of the authority given the committee under the resolution, clerical and stenographic assistance was selected as follows, viz:

Mr. Stewart E. Smith, of Seattle, official clerk, \$35 per week;
 Mr. Chas. B. Eaton, of Seattle, official stenographer, \$10.00 per day during attendance upon sessions of the committee, and an allowance of \$2.50 per day for hotel bills and necessary traveling expenses between Seattle and Olympia, and 30 cents per folio for the original and six carbon copies of transcripts of proceedings.

Messrs. LeMaster & Cannon, of Spokane, and C. M. Williams & Co., of Seattle, were designated as expert accountants in case their services were required by the committee and satisfactory arrangements could be made as to their compensation.

Assistant Attorney General George A. Lee, of Spokane, appeared as counsel for the committee.

The committee decided to investigate the insurance department of the State of Washington, and notified Mr. J. H. Schively, insurance commissioner, of such decision. During the investigation of said department Mr. Schively appeared before the committee at its sessions in

person and by his counsel, Mr. George C. Israel. Subpoenas were issued for the attendance of witnesses before the committee, and thereafter from time to time testimony was taken relating to the conduct, management and affairs of the insurance department. Affidavits and correspondence from various persons and insurance companies were read and considered, and sixteen witnesses appeared and gave testimony.

During the investigation the committee found it necessary to interrogate Mr. Sam H. Nichols, secretary of state, who appeared in person and by his counsel, Mr. J. W. Robinson, of Olympia.

On May 12, 1909, after a thorough and exhaustive investigation of the insurance department, the taking of testimony was concluded. From the record and transcript of evidence, a copy of which is herewith transmitted and made a part of this report, the committee makes the following findings and conclusions concerning the insurance department of the State of Washington, and office of the secretary of state:

1.

That Sam H. Nichols was secretary of state of the State of Washington from 1901 to 1909; was re-elected for the term 1909 to 1913, and that during the period 1901 to 1909 he was *ex-officio* insurance commissioner of this state.

2.

That J. H. Schively was deputy insurance commissioner of the State of Washington from 1901 to 1909; that he became insurance commissioner of this state in 1909, having been elected for the term 1909 to 1913; that as deputy insurance commissioner he had the power to grant certificates of authority to insurance companies, or to revoke certificates, and had other general authority in the insurance department of the state.

3.

That Sam H. Nichols, *ex-officio* insurance commissioner, and J. H. Schively, as deputy insurance commissioner of the state, had the power and authority, under the law, to require in advance certain entrance fees from domestic and foreign insurance companies before issuing to such companies a certificate of authority to transact business in this state, which advance fees are as follows:

"For filing articles of incorporation, or certified copies of articles, or other certificates required by law, \$25; issuing certificates of authority, \$10; for filing annual statement of condition, \$10; for filing each annual statement of business transacted in this state, \$10; for filing any other paper, \$1; for furnishing copies of papers filed, twenty cents per folio; for certifying copies, \$1 each; each fire insurance agent, \$2; each life insurance agent, \$5: *Provided*, That all fees so collected shall be paid into the state treasury." (Pierce's Code, Secs. 5636 and 5649).

4.

That J. H. Schively, as deputy insurance commissioner of this state, almost invariably represented to insurance companies seeking admission

to this state that the entrance fees were \$235 for each company, payable in advance; that the usual representation made by Mr. Schively, as such deputy insurance commissioner, was as follows: "The entrance fees are \$235, \$35 statutory entrance fees and \$200 for the verification and first report, all of which must be paid in advance"; that Mr. Schively, as deputy insurance commissioner, upon receiving this amount from the company seeking admission, issued a certificate of authority to transact business in this state; that a few companies were admitted on the payment of the \$35 statutory fee, after having made strenuous objection to paying the \$235 demanded; a few companies were admitted on the payment of advance fees of \$135 each, but that the great majority of companies admitted during the past eight years were compelled to and did pay to Mr. Schively, as such deputy insurance commissioner, for admission to do business in this state, advance fees of \$235 each; that in at least one case Mr. Schively demanded and received an entrance fee of \$335; that an inspection of the books of the insurance department discloses that in no case did the State of Washington receive from Mr. Schively, or the insurance department, more than the statutory fee of \$35 from any company admitted to do business in this state.

5.

That Mr. Schively, as deputy insurance commissioner, had no right or authority to demand and receive \$200 from any company for "verification and first report"; that it was, under the law, his duty, for which the state paid him his salary, to satisfy himself that the insurance laws of this state had been fully complied with before admitting companies to transact business in this state; that when he had performed such duties and so satisfied himself, as the law required, he was authorized to demand and receive, on behalf of the State of Washington, an entrance fee of \$35 and nothing more.

6.

That no authority is found in the law for the collection of any but a \$35 entrance fee from any insurance company seeking a certificate to transact business in this state, and all fees collected by Mr. Schively, as deputy insurance commissioner, in excess of such statutory entrance fee of \$35 were demanded and collected by him wrongfully and wholly without warrant of law.

7.

It is impossible for this committee to accurately determine the total amount of fees so collected wrongfully and wholly without warrant of law by J. H. Schively, as deputy insurance commissioner, during the eight years of his term as such deputy, but from the evidence received from about one-fourth of the insurance companies transacting business in this state the committee finds that such fees so collected will aggregate several thousand dollars, and that Sam H. Nichols and J. H. Schively have been the beneficiaries of such fees.

8.

That J. H. Schively testified that the extra fee of \$200 not provided by statute was collected to insure the expenses which would be incurred in prospective and future examinations and to keep out what he designated as "wildcat insurance companies"; but the evidence before the committee shows that approximately five thousand dollars has been collected in the past five years from insurance companies which have never been examined, and Mr. Schively testified that no part of said sum so collected is now on hand, and that such sum or amount is carried in what Mr. Schively designated when before the committee as a "sliding account." In this connection the committee finds that Mr. Schively had ample protection under the law to insure his expenses incurred in the examination of any insurance company, and that it is and was unnecessary and wrongful to demand and receive an examination fee in advance; that the law provides as follows:

"SEC. 5622. *Expenses.* The expense of every examination or other investigation of the affairs of any organization, pursuant to the authority conferred by the provisions of this act, shall be borne and paid by the corporation so examined. No charge shall be made for any examination of an insurance organization except for necessary traveling and other actual expenses incurred.

"All charges for making an examination shall be presented in detail and shall be paid by the organization examined. Should payment be refused, the bill shall be approved by the commissioner, audited by the state auditor and paid on his warrant drawn in the usual manner on the state treasurer to the person making the examination. The commissioner shall revoke the certificate of authority granted the company that refuses to pay the bill for expenses of examination and shall not again grant it certificate of authority until it has paid to the state treasurer the amount of such bill." (Pierce's Code, Sec. 5622).

That under this law it is necessarily implied that examination fees cannot be collected in advance; that under the law the deputy insurance commissioner was amply and fully protected, and therefore exceeded his authority in exacting wrongfully and illegally examination fees in advance. The committee also finds that the law gave the insurance department ample powers to keep out any "wildcat" or irresponsible insurance company without exacting any advance fee.

9.

The committee further finds that the insurance laws of this state authorize the insurance commissioner, or his deputy, to examine the business and affairs of every insurance company doing business in this state; that the expense of such examination when made shall be paid by the company examined; that no charge shall be made by the insurance commissioner, or his deputy, for any examination except for necessary traveling and other actual expenses incurred, and that all charges for making an examination shall be presented in detail to the

company examined (Pierce's Code, Sec. 5622); that J. H. Schively testified before the committee, under oath, that he was familiar with this law governing the expenses of examining insurance companies; that notwithstanding his knowledge of this law and its injunction that only actual expenses may be charged and collected, the evidence before the committee shows Mr. Schively at no time, nor in any examination made while deputy insurance commissioner, presented a detailed statement of expenses to the company examined; that such action on his part was a flagrant violation of this law, which law is too plain to admit of misinterpretation or misconstruction.

10.

That in the past eight years Sam H. Nichols, as *ex-officio* insurance commissioner, and J. H. Schively, as deputy insurance commissioner, have collected several thousand dollars to cover expenses of prospective examinations, which examinations have never been made; that such amount was divided equally between them; that no part of said sum now remains, nor has it ever been kept as a trust fund for the companies advancing it, and that such collections were wrongfully and illegally made.

11.

That the testimony before the committee, undisputed by Mr. Schively, shows, and the committee finds, that Sam H. Nichols and J. H. Schively invariably charged a flat rate for examining an insurance company, which flat rate ranged from \$10 to \$200 for each company; that this flat rate was charged in direct contravention of the law, which authorizes the collection of nothing but actual expenses; that J. H. Schively testified that this flat rate was always placed high enough to cover expenses; that if there was any balance over expenses, as there undoubtedly was in most cases, such balance was divided equally with Sam H. Nichols, and his (Schively's) portion "was spent in any way that happened to occur to him"; that in several instances an examination charge of \$200 was made for a perfunctory examination occupying but a few hours; that in the case of Washington Hardware and Implement Dealers Mutual Fire Insurance Company, of Spokane, the examination by Mr. Schively, as deputy insurance commissioner, occupied less than one hour, consisting merely in receiving an accountant's report of the affairs of the company, and \$200 was demanded by Mr. Schively, no statement of expenses having been presented; on payment of that sum being refused, Mr. Schively accepted \$100 for the examination; that Mr. Schively testified before the committee that if an itemized statement of expenses had been requested it would have been given; that such conduct on the part of Mr. Schively was arbitrary and illegal.

12.

That on September 28, 1905, Sam H. Nichols, as *ex officio* insurance commissioner, and J. H. Schively, as deputy insurance commissioner, examined the affairs of the Masonic Mutual Accident Company, of

Springfield, Massachusetts, as shown by affidavits of officers of the company furnished to the committee and attached to this record; that the total time spent by them in making such examination was less than one hour; that the examination was merely perfunctory and consisted of asking a few questions; that no statement of expenses was presented to the company as by law required; that Mr. Nichols and Mr. Schively demanded \$200 for said examination, which amount the officers of the company deemed excessive and refused to pay; that the company officer for official examinations as an officer of the State of Washington, was highly reprehensible, and shows him to be an unworthy official; that the foregoing facts and other evidence before the committee indicate to the committee that any insurance company, regardless of its responsibility or financial condition and standing, which would pay excessive examination charges to the deputy insurance commissioner, J. H. Schively, could and did receive the greatest consideration and highest recommendation from him as such deputy insurance commissioner of this state.

14.

The committee further finds that in April, 1907, J. H. Schively, as deputy insurance commissioner, received from the Walla Walla Fire Insurance Company, of Walla Walla, Washington, \$200 for examining the company, and again in July of the same year received \$200 to cover an examination charge; that Mr. Schively did not present on either occasion to the officers of the company any statement of the expenses, and that the law was not complied with; that these charges made to the Walla Walla company seem to the committee to be unreasonable, arbitrary and excessive, and, following each other by such a short period of time, are difficult of explanation; that the company was later placed in the hands of a receiver; that this incident further confirms the conclusions of the committee expressed in the preceding paragraph of these findings, and is additional evidence of the reprehensible practices of J. H. Schively, as deputy insurance commissioner.

15

The committee further finds that any sums collected from any insurance company to cover examination charges in excess of actual expenses incurred in the examination were collected wrongfully and without warrant of law; that it is impossible for this committee to accurately determine the amount of excessive and illegal examination fees collected by J. H. Schively, as deputy insurance commissioner, from 1901 to 1908, since Mr. Schively testified that no statement of expenses was ever presented to an insurance company, nor was any record kept of such expenses, nor of the amount paid; that the total amount collected from insurance companies by J. H. Schively, as deputy insurance commissioner, in excess of actual expenses incurred in making the examinations, was unquestionably large; that several thousand dollars was collected by Mr. Schively for "official examination," which examinations have never been made; that the money so collected by

Mr. Schively in his official capacity, received from insurance companies to cover future examinations, has, by Mr. Schively's own testimony, been spent and has not been kept as a trust fund of the companies advancing it; that the state has received no part of said sums; that such conduct on the part of J. H. Schively, as deputy insurance commissioner, was extremely wrongful and indicates to the committee that any company, whether responsible or irresponsible, could be admitted to the state to do business on payment to Mr. Schively of a \$35.00 statutory fee and an additional \$200 fee to cover a future examination or "verification and first report."

16

The committee further finds that J. H. Schively, as deputy insurance commissioner, has for a long time past demanded of and received from insurance companies a fee of \$2 for attaching to the annual published statement of the affairs of the company what Mr. Schively terms "the insurance commissioner's certificate of publication"; that the state has never received the fees so collected; that there is no authority in law for such arbitrary charge; that it is a source of income to the deputy insurance commissioner not contemplated by law, nor authorized either expressly or impliedly; that no record of the receipts from this source has been kept, and it is therefore impossible for the committee to accurately determine the total amount received from this unauthorized and illegal source of revenue.

17.

The committee further finds that the insurance laws of this state require the insurance commissioner, or his deputy, to make a detailed examination of all local or domestic insurance companies "at least once a year" (Pierce's Code, Sec. 5623); that if the condition of the company warrants it, its license may be revoked; that this law is a salutary one and is for the benefit and protection of the insuring public; that if the law were followed, it would be difficult, if not impossible, for fraudulent, irresponsible and insolvent companies to exist; that J. H. Schively, deputy insurance commissioner, has failed to perform his duties under this law; that such neglect and failure has permitted insolvent companies to flourish and exist for a time at the expense of the insuring public; that Mr. Schively testified before the committee that his failure to examine local companies as the law requires was due to inadequate office assistance; that this excuse seems to the committee to be weak and unsatisfactory; that Mr. Schively's failure to observe this law has cost the people of this state thousands of dollars, which money has been received by insolvent and now defunct companies whose licenses should have been revoked after a proper examination by the insurance department.

18.

The committee further finds that Sam H. Nichols, on the 28th day of April, 1909, gave testimony before the committee concerning the insurance department of the secretary of state's office; that before the next

meeting of the committee, Sam H. Nichols resigned as secretary of state of the State of Washington; that his successor was thereafter appointed and has qualified; that after Mr. Nichols' resignation the committee did not further pursue the investigation as to him.

The foregoing findings are based upon the evidence introduced before the committee, a transcript of which is herewith submitted, and upon these findings the committee makes the following conclusions:

I.

That for the eight years ending January 10, 1909, Sam H. Nichols was *ex-officio* insurance commissioner of the State of Washington; and during said time J. H. Schively was deputy insurance commissioner, and as such deputy insurance commissioner was for all of said time practically in full control of the insurance department of this state; that he issued and revoked licenses, and conducted and managed the entire department; that his wrongful, arbitrary and unwarranted conduct, as set forth in the above findings, was not only highly reprehensible, but extremely injurious to the interests of the insuring public in this state; that his gross neglect of official duties has caused insolvent, irresponsible and fraudulent companies to flourish and prosper for a time; that his failure to perform the duties imposed upon him by the insurance laws shows him to be incompetent and inefficient, and has brought the insurance department of the State of Washington into great disrepute, both in this state and abroad; and that his practices in wrongfully collecting excessive fees and retaining them brands him as a corrupt and unworthy public official.

The committee further reports that in the investigation of the insurance department it has expended the following sums:

EXPENSES INCURRED BY COMMITTEE IN INVESTIGATING THE OFFICE OF INSURANCE COMMISSIONER.

Witness fees	\$297 51
Clerical services and stenographer.....	573 00
Per diem and expense of members.....	692 36
Miscellaneous expense	69 68
	————— \$1,632 55

STATE TREASURER.

The legislative investigating committee authorized by House concurrent resolution No. 16 beg leave to report that at the close of business May 14th we examined the affairs of the office of the state treasurer in so far as they pertain to the administration of the Hon. J. G. Lewis, who took charge of the office on the 13th day of January, 1909, with the following results:

1st. See schedule "A" for detail.

Cash received from G. G. Mills, January 13.....	\$678,812 93
Cash collected since January 13.....	2,661,881 76
Cash paid out since January 13.....	1,648,336 07
Balance on hand at close of business May 14.....	1,692,365 62

•

2d. See schedule "B" for detail.

Bonds received from G. G. Mills January 13.....	5,673,290 00
Bonds purchased since January 13.....	385,700 00
Bonds redeemed since January 13.....	17,200 00
Amount of bonds on hand May 14.....	6,041,790 00

3d. See schedule "C" for detail.

Tide Land notes belonging to Tide Land Fund, received from G. G. Mills, January 13.....	14,811 41
Tide Land notes redeemed since January 13.....	300 87
Tide Land notes on hand May 14.....	14,510 54

4th. See schedule "D" for detail.

Cash on hand.....	99 90
Checks and drafts for deposit.....	8,357 69
Deposits in banks.....	1,683,908 03
	\$1,692,365 62

5th. See schedule "E" for detail.

Deposits secured by Surety Bonds, United States Bonds and State Warrants in hands of State Treasurer.

We feel that we would not be doing our duty did we not call your attention to the fact that so far as we have been able to learn there is not now, nor has there ever been, any ledger account kept, either in the office of the treasurer or auditor, of the bonds or other securities showing what amount of securities should be in the hands of the treasurer belonging to the several school or other special funds. In justice to the state treasurer, we will say that he seems to realize the necessity for such a set of books or accounts, but informs us that he deemed it advisable to await the action of the accountancy board provided for by the last legislature, rather than inaugurate any new system for so short a time.

We have carefully checked all securities purchased for the Permanent General School Fund, Permanent Normal School Fund, Permanent State University Fund, Permanent Agricultural College Fund, Permanent Scientific School Fund, and Permanent Charitable, Educational, Penal and Reformatory Institutions Fund. We have also checked all securities belonging to these several funds which were paid from time to time. The securities as noted in schedule "F" is a correct list of what should be, and which we find are, in the hands of the state treasurer.

The labor of preparing this schedule was very considerable, as it necessitated a very careful checking from data in the offices of both the state treasurer and the state auditor since the year 1891, at which time the first securities were purchased.

We believe the result attained in knowing that the state has all the securities belonging to the several permanent funds in the hands of its treasurer is well worth the time and money expended.

We recommend that proceedings be instituted immediately to cancel all tide land contracts which are represented by tide land notes in the hands of the treasurer, all of which notes are long past due. We believe the title to these lands should be vested in fee simple in the state,

so that the state may be able to sell or lease them the same as other state tide lands.

Schedule "A."

<i>Fund.</i>	<i>Cash rec'd from G. G. Mills Jan. 13th.</i>	<i>Cash collected Jan. 13th to May 14th.</i>	<i>Cash paid out on warrants Jan. 13th to May 14th.</i>	<i>Balance on hand at close of business May 14th.</i>
General	\$194,506 39	\$1,202,822 09	\$839,332 28	\$557,996 20
Military	18,378 01	85,972 91	95,744 35	8,606 57
Public highway	12,354 26	210,570 46	30,119 48	192,805 24
Current school	47,604 09	287,162 74	142,793 07	191,973 76
Permanent school	322,162 53	687,186 52	336,800 00	672,549 05
University, current	2,667 57	9,778 69	5,078 15	7,368 11
University, permanent..	2,178 71	1,376 68	3,500 00	55 39
U. S. Soldiers' home...	8,891 10	8,877 42	6,571 66	11,196 86
Capitol building	5,769 31	6,031 72	12,860 17 ^{o-d}	1,059 14
Scientific School, perm't.	4,928 88	23,275 55	23,400 00	4,804 43
Agricul'l Coll., current..	424 97	4,787 37	.....	5,212 34
Agricul'l Coll., perm't..	3,953 18	7,091 03	10,900 00	144 21
C., E., P. & R. I., current	999 65	9,659 96	6,110 03	4,549 58
C., E., P. & R. I., perm't.	909 23	5,154 02	2,350 00	3,713 25
Normal schools, current..	307 20	11,391 49	2,679 44	9,019 25
Normal schools, perm't..	2,474 91	8,079 75	8,750 00	1,804 66
A.-Y.-P. exposition	33,553 99	49,665 67	78,948 39	4,271 27
Governor's residence ...	4,637 25	.....	4,637 25	.....
Capitol improvement ...	107 03	.....	103 20	3 83
Deposit interest	14,197 33	3,305 56	14,197 33	3,305 56
	\$681,005 59			
Scientific School cur., o-d	2,192 66	12,238 92	.....	10,046 26
Capitol interest .....	.....	24,369 87	23,209 87	1,160 00
A.-Y.-P. interest .....	.....	3,090 34	251 40	2,838 94
				\$1,693,424 76
Less o-d capitol building				1,059 14
Totals	\$678,812 93	\$2,661,888 76	\$1,648,336 07	\$1,692,365 62

Schedule "B."

Bonds in hands of State Treasurer belonging to permanent funds.

<i>Fund.</i>	<i>Rec'd from G. G. Mills Jan. 13th.</i>	<i>Purchased since Jan. 13th.</i>	<i>Redeemed since Jan. 13th.</i>	<i>Amount on hand May 14th.</i>
Permanent school	\$5,143,890 00	\$336,800 00	\$17,200 00	\$5,463,490 00
Agricultural College...	120,600 00	10,900 00	.....	131,500 00
University	51,600 00	3,500 00	.....	55,100 00
Normal schools	64,750 00	8,750 00	.....	73,500 00
C., E., P. & R. Inst....	178,000 00	2,350 00	.....	180,350 00
Scientific School	114,450 00	23,400 00	.....	137,850 00
Totals	\$5,673,290 00	\$385,700 00	\$17,200 00	\$6,041,790 00

Schedule "C."

	<i>Rec'd from G. G. Mills Jan. 13th.</i>	<i>Redeemed since Jan. 13th.</i>	<i>Amount on hand May 14th.</i>
Tide land notes.....	\$14,811 41	\$300 87	\$14,510 54

Schedule "D."

Cash on hand and in banks at close of business May 14th, 1909:

Balance	Capital National Bank, Olympia.....	\$646,908	03
"	Hayes & Hayes, Bankers, Aberdeen.....	75,000	00
"	First National Bank, Bellingham.....	100,000	00
"	U. S. National Bank, Centralia.....	10,000	00
"	First National Bank, Everett.....	25,000	00
"	Bank of Commerce, Everett.....	25,000	00
"	Washington National Bank, Ellensburg.....	10,000	00
"	Olympia National Bank, Olympia.....	12,000	00
"	Willapa Harbor State Bank, Raymond.....	5,000	00
"	Old National Bank, Spokane.....	50,000	00
"	Spokane & Eastern Trust, Spokane.....	25,000	00
"	Exchange National Bank, Spokane.....	50,000	00
"	National Bank of Commerce, Seattle.....	150,000	00
"	Dexter Horton & Co., Seattle.....	100,000	00
"	Union Savings & Trust Co., Seattle.....	15,000	00
"	Seattle National Bank, Seattle.....	50,000	00
"	Pacific National Bank, Tacoma.....	60,000	00
"	Scandinavian-American Bank, Tacoma.....	75,000	00
"	National Bank of Commerce, Tacoma.....	75,000	00
"	Bankers Trust Company, Tacoma.....	50,000	00
"	Vancouver National Bank, Vancouver.....	25,000	00
"	Baker-Boyer National Bank, Walla Walla.....	50,000	00
Cash on hand.....		99	90
Checks and drafts for deposit.....		8,357	69
Total.....		\$1,692,365	62

Schedule "E."

Deposits secured by surety bonds, U. S. bonds and state warrants in the hands of the State Treasurer:

Capital National Bank, Olympia, Surety Bonds.....	\$255,000	00
Capital National Bank, Olympia, State Warrants....	340,942	21
		\$595,942 21
Hayes & Hayes, Bankers, Aberdeen, Surety Bond.....		75,000 00
First National Bank, Bellingham, Surety Bond.....		125,000 00
U. S. National Bank, Centralia, Surety Bond.....		10,000 00
First National Bank, Everett, Surety Bond.....		25,000 00
Bank of Commerce, Everett, Surety Bond.....		25,000 00
Washington National Bank, Ellensburg, Surety Bond.....		10,000 00
Olympia National Bank, Olympia, Surety Bond.....		12,000 00
Willapa Harbor State Bank, Raymond, Surety Bond.....		5,000 00
Old National Bank, Spokane, Surety Bond.....		50,000 00
Spokane & Eastern Trust Co., Spokane, Surety Bond.....		25,000 00
Exchange National Bank, Spokane, Surety Bond.....		50,000 00
National Bank of Commerce, Seattle, Surety Bond....	\$100,000	00
National Bank of Commerce, Seattle, State Capitol Warrants	50,000	00
		150,000 00
Union Savings & Trus. Co., Seattle, Surety Bond.....		15,000 00
Dexter Horton & Co., Seattle, Surety Bond.....		100,000 00
Seattle National Bank, Seattle, Surety Bond.....		50,000 00
Pacific National Bank, Tacoma, Surety Bond.....	\$10,000	00
Pacific National Bank, Tacoma, U. S. Bonds.....	50,000	00
		60,000 00
Scandinavian-American Bank, Tacoma, Surety Bond..	\$25,000	00
Scandinavian-American Bank, Tacoma, State Warrants	50,000	00
		75,000 00

National Bank of Commerce, Tacoma, Surety Bond.....	\$75,000 00
Bankers Trust Company, Tacoma, Surety Bond.....	50,000 00
Vancouver National Bank, Vancouver, Surety Bond.....	25,000 00
Baker-Boyer National Bank, Walla Walla, Surety Bond.....	50,000 00
Total.....	<u>\$1,657,942 21</u>

Schedule "F."

List of securities in hands of the State Treasurer belonging to Permanent School Fund at close of business, May 14th, 1909:

<i>War. No.</i>	<i>Kind of Bonds</i>	<i>District No.</i>	<i>Par Value.</i>	
1812	Adams County School.....	1	\$20,000 00	
1830	Adams County School.....	5	800 00	
2086	Adams County School.....	15	30,000 00	
1522	Adams County School.....	17	1,000 00	
1778	Adams County School.....	35	1,000 00	
1811	Adams County School.....	37	5,000 00	
1483	Adams County School.....	59	800 00	
1757	Adams County School.....	61	800 00	
1815	Adams County School.....	74	800 00	
1717	Adams County School.....	77	600 00	
1761	Adams County School.....	78	500 00	
1876	Adams County School.....	80	800 00	
				<u>\$62,100 00</u>
1884	Asotin County School.....	1	1,000 00	
1651	Asotin County School.....	7	4,000 00	
2028	Asotin County School.....	7	4,400 00	
2054	Asotin County School.....	7	20,000 00	
1819	Asotin County School.....	25	14,500 00	
2019	Asotin County School.....	25	8,000 00	
				<u>51,900 00</u>
2018	Benton County School.....	6	4,000 00	
2033	Benton County School.....	16	12,000 00	
				<u>16,000 00</u>
2102	Cashmere, Town of			10,000 00
1872	Charleston, Town of.....			2,500 00
1484	Chehalis County School.....	4	8,000 00	
2000	Chehalis County School.....	4	5,000 00	
1480	Chehalis County School.....	5	8,000 00	
1980	Chehalis County School.....	5	11,000 00	
2031	Chehalis County School.....	5	20,000 00	
2068	Chehalis County School.....	28	40,000 00	
				<u>92,000 00</u>
1481	Chelan County School.....	1	4,000 00	
1657	Chelan County School.....	1	6,000 00	
1885	Chelan County School.....	1	10,000 00	
2027	Chelan County School.....	2	9,500 00	
1875	Chelan County School.....	4	1,600 00	
2071	Chelan County School.....	4	8,000 00	
1610	Chelan County School.....	5	4,400 00	
1939	Chelan County School.....	5	2,950 00	
1318	Chelan County School.....	15	400 00	
1998	Chelan County School.....	21	1,200 00	
2003	Chelan County School.....	23	700 00	
1359	Chelan County School.....	29	500 00	
1667	Chelan County School.....	31	1,500 00	
1938	Chelan County School.....	39	600 00	
2042	Chelan County School.....	46	12,000 00	
2118	Chelan County School.....	46	80,000 00	
				<u>143,950 00</u>

War. No.	Kind of Bonds.	District No.	Par Value.	
1603	Chelan, Town of.....			\$5,000 00
234	Clarke County School.....	51	\$800 00	
1663	Clarke County School.....	6	12,000 00	
<hr/>				12,800 00
2074	Clarkston, Town of.....			4,000 00
1810	Columbia County School.....	2	.....	41,000 00
1879	Columbia, Town of.....			3,900 00
1992	Colville, Town of.....			12,000 00
1652	Cowlitz County School.....	4	700 00	
271	Cowlitz County School.....	10	6,000 00	
1808	Cowlitz County School.....	18	10,000 00	
1718	Cowlitz County School.....	28	1,500 00	
1602	Cowlitz County School.....	39	500 00	
1666	Cowlitz County School.....	61	500 00	
1609	Cowlitz County School.....	65	350 00	
1710	Cowlitz County School.....	67	1,000 00	
<hr/>				20,550 00
1765	Douglas County.....		25,000 00	
1762	Douglas County School.....	6	1,000 00	
1981	Douglas County School.....	39	1,000 00	
2089	Douglas County School.....	57	8,000 00	
1768	Douglas County School.....	65	800 00	
1665	Douglas County School.....	75	1,000 00	
1760	Douglas County School.....	76	1,000 00	
1877	Douglas County School.....	77	850 00	
1713	Douglas County School.....	82	500 00	
1767	Douglas County School.....	88	700 00	
1767	Douglas County School.....	96	900 00	
1768	Douglas County School.....	98	700 00	
1881	Douglas County School.....	99	1,200 00	
1818	Douglas County School.....	101	600 00	
1930	Douglas County School.....	105	1,400 00	
2030	Douglas County School.....	105	1,150 00	
1871	Douglas County School.....	106	700 00	
1936	Douglas County School.....	108	550 00	
1997	Douglas County School.....	118	1,000 00	
<hr/>				48,050 00
2022	Franklin County School.....	14	1,000 00	
1933	Franklin County School.....	16	600 00	
1880	Franklin County School.....	21	600 00	
1832	Franklin County School.....	22	800 00	
<hr/>				3,000 00
2016	Garfield County School.....	15	2,100 00	
1994	Garfield County School.....	26	800 00	
<hr/>				2,900 00
1828	Harrington, Town of.....			9,000 00
81	Island County.....			2,000 00
4	Jefferson County.....		35,000 00	
160	Jefferson County.....		1,000 00	
<hr/>				38,000 00
1654	King County School.....	18	15,000 00	
1987	King County School.....	23	1,200 00	
2090	King County School.....	30	5,000 00	
1659	King County School.....	34	800 00	
1833	King County School.....	39	1,800 00	
2109	King County School.....	46	11,000 00	
2053	King County School.....	50	70,000 00	
312	King County School.....	54	1,000 00	
1670	King County School.....	71	12,000 00	

War. No.	Kind of Bonds.	District No.	Par Value.	
2094	King County School.....	86	\$5,000 00	
2036	King County School.....	124	1,000 00	
1831	King County School.....	134	400 00	
1820	King County School.....	143	20,000 00	
2005	King County School.....	145	7,500 00	
2117	King County School.....	153	20,000 00	
1984	King County School.....	154	18,000 00	
2035	King County School.....	155	1,000 00	
				<hr/>
				\$190,700 00
2084	Kitsap County School.....	6	5,000 00	
2014	Kitsap County School.....	8	2,150 00	
2038	Kitsap County School.....	13	500 00	
2045	Kitsap County School.....	21	300 00	
2034	Kitsap County School.....	33	2,000 00	
2032	Kitsap County School.....	47	400 00	
2120	Kitsap County School.....	54	4,000 00	
				<hr/>
				14,350 00
1669	Kittitas County School.....	25		8,000 00
1769	Klickitat County School.....	16	900 00	
1763	Klickitat County School.....	19	1,800 00	
1807	Klickitat County School.....	38	300 00	
1817	Klickitat County School.....	40	500 00	
2108	Klickitat County School.....	66	4,500 00	
2082	Klickitat County School.....	85	3,500 00	
				<hr/>
				11,500 00
2121	Mabton, Town of.....			12,800 00
2085	Mason County School.....	1	17,000 00	
2092	Mason County School.....	1	3,000 00	
				<hr/>
				20,000 00
197	Lewis County School.....	3		15,000 00
2049	Lincoln County School.....	6	25,000 00	
1814	Lincoln County School.....	10	7,000 00	
1821	Lincoln County School.....	19	1,500 00	
1991	Lincoln County School.....	31	8,000 00	
2026	Lincoln County School.....	31	7,000 00	
1985	Lincoln County School.....	72	9,000 00	
2002	Lincoln County School.....	79	800 00	
1986	Lincoln County School.....	84	5,000 00	
1821	Lincoln County School.....	96	3,000 00	
				<hr/>
				66,300 00
1764	Odessa, Town of.....			11,000 00
1940	Okanogan County School.....	11	400 00	
2041	Okanogan County School.....	17	1,900 00	
2088	Okanogan County School.....	19	4,100 00	
963	Okanogan County School.....	39	500 00	
2013	Okanogan County School.....	43	2,000 00	
				<hr/>
				8,900 00
2025	Olympia, City of.....			200,000 00
2052	Pacific County School.....	5		7,000 00
2029	Pierce County.....		78,000 00	
2047	Pierce County School.....	3	17,000 00	
2104	Pierce County School.....	18	8,000 00	
2111	Pierce County School.....	88	10,000 00	
2087	Pierce County School.....	302	7,000 00	
				<hr/>
				120,000 00
1608	Pomeroy, City of.....			19,000 00
2023	Puyallup, City of.....			33,000 00
2122	Quincy, City of.....			8,000 00

War. No.	Kind of Bonds.	District No.	Par Value.	
2044	San Juan County.....		\$6,000 00	
1565	San Juan County School.....	2	640 00	
1613	San Juan County School.....	5	2,700 00	
2015	San Juan County School.....	7	600 00	
1485	San Juan County School.....	17	2,000 00	
1662	San Juan County School.....	26	250 00	
918	San Juan County School.....	27	100 00	
				\$12,290 00
1661	Seattle Light & Power, series "A"....		400,000 00	
2138	Seattle Light & Power, series "B"....		190,000 00	
2067	Seattle Light & Power, series "C"....		200,000 00	
2073	Seattle Light & Power, series "D"....		140,000 00	
2075	Seattle Light & Power, series "E"....		60,000 00	
2080	Seattle Light & Power, series "F"....		200,000 00	
2063	Seattle Park		100,000 00	
2066	Seattle Park		100,000 00	
				1,390,000 00
1813	Skagit County		100,000 00	
2116	Skagit County School.....	3	20,000 00	
2059	Skagit County School.....	18	20,000 00	
1891	Skagit County School.....	47	2,500 00	
1887	Skagit County School.....	74	800 00	
				143,300 00
2046	Skamania County School.....	2	1,000 00	
1934	Skamania County School.....	3	2,000 00	
2083	Skamania County School.....	8	3,000 00	
1878	Skamania County School.....	12	400 00	
2024	Skamania County School.....	17	1,000 00	
				7,400 00
84	Snohomish County		37,000 00	
196	Snohomish County		35,000 00	
1995	Snohomish County		53,000 00	
2050	Snohomish County School.....	24	150,000 00	
2055	Snohomish County School.....	24	25,000 00	
2056	Snohomish County School.....	24	25,000 00	
2064	and 2065 Snohomish County School..	24	50,000 00	
2098	Snohomish County School.....	24	40,000 00	
2099	Snohomish County School.....	24	30,000 00	
2100	Snohomish County School.....	24	30,000 00	
2112	Snohomish County School.....	24	10,000 00	
2113	Snohomish County School.....	24	10,000 00	
2114	Snohomish County School.....	24	5,000 00	
2119	Snohomish County School.....	24	25,000 00	
1996	Snohomish County School.....	71	1,000 00	
2070	Snohomish County School.....	89	15,000 00	
2101	Snohomish County School.....	98	10,000 00	
2103	Snohomish County School.....	100	10,800 00	
				561,800 00
1816	Spokane County School.....	34	9,000 00	
1889	Spokane County School.....	44	1,500 00	
1822	Spokane County School.....	90	8,000 00	
2093	Spokane County School.....	118	10,000 00	
				28,500 00
1401	State Bonds, No. 246 to 249 inclusive (5,000)....		20,000 00	
1405	State Bonds, No. 250 to 261 inclusive..		60,000 00	
1527	State Bonds, No. 262 to 276 inclusive..		75,000 00	
1666	State Bonds, No. 277 to 286 inclusive..		50,000 00	
1716	State Bonds, No. 287 to 325 inclusive..		195,000 00	
1935	State Bonds, No. 326 to 342 inclusive..		85,000 00	

War. No.	Kind of Bonds.	District No.	Par Value.	
1999	State Bonds, No. 343 to 382 inclusive.		\$200,000 00	
2011	State Bonds, No. 383 to 400 inclusive.		90,000 00	
2020	State Bonds, No. 401 to 415 inclusive.		75,000 00	
2069	State Bonds, No. 416 to 445 inclusive.		150,000 00	
2072	State Bonds, No. 446 to 485 inclusive.		200,000 00	
				\$1,200,000 00
233	Stevens County		20,000 00	
1942	Stevens County School.....	103	500 00	
2021	Stevens County School.....	106	500 00	
2017	Stevens County School.....	123	350 00	
				21,350 00
2105	Stevenson, Town of.....			5,000 00
1834	Thurston County, series "A".....		7,000 00	
1834	Thurston County, series "B".....		10,000 00	
1834	Thurston County, refunding.....		16,000 00	
1399	Thurston County School.....	3	1,500 00	
2039	Thurston County School.....	25	300 00	
2012	Thurston County School.....	28	300 00	
2048	Thurston County School.....	41	3,000 00	
2091	Thurston County School.....	41	2,900 00	
2081	Thurston County School.....	44	7,000 00	
1525	Thurston County School.....	52	100 00	
1770	Thurston County School.....	67	400 00	
				48,500 00
2043	Waitsburg, Town of.....			11,000 00
2115	Walla Walla County School.....	1	167,000 00	
1823	Walla Walla County School.....	5	10,000 00	
				177,000 00
2107	Wenatchee, City of.....		55,000 00	
1890	Wenatchee, Town of.....		16,000 00	
				71,000 00
1604	Whatcom County School.....	4	35,000 00	
1708	Whatcom County School.....	9	400 00	
1824	Whatcom County School.....	12	300 00	
1827	Whatcom County School.....	14	600 00	
1611	Whatcom County School.....	16	1,000 00	
1714	Whatcom County School.....	17	4,000 00	
1607	Whatcom County School.....	19	2,000 00	
2057	Whatcom County School.....	27	1,500 00	
1973	Whatcom County School.....	28	3,500 00	
2040	Whatcom County School.....	33	1,000 00	
1712	Whatcom County School.....	35	1,200 00	
1941	Whatcom County School.....	41	600 00	
1523	Whatcom County School.....	49	200 00	
1403	Whatcom County School.....	53	400 00	
1873	Whatcom County School.....	64	350 00	
1888	Whatcom County School.....	69	1,500 00	
1712	Whatcom County School.....	75	500 00	
2076	2077-8-9, Whatcom County School...	81	70,000 00	
2007	Whatcom County School.....	86	1,000 00	
2058	Whatcom County School.....	90	400 00	
				125,450 00
2096	Whitman County School.....	24	20,000 00	
1826	Whitman County School.....	36	10,000 00	
1825	Whitman County School.....	47	3,500 00	
2106	Whitman County School.....	50	7,000 00	
2037	Whitman County School.....	153	4,000 00	
				44,500 00

War. No.	Kind of Bonds.	District No.	Par Value.
123	Yakima County		\$18,000 00
1990	Yakima County School.....	6	1,200 00
1653	Yakima County School.....	7	22,000 00
1979	Yakima County School.....	7	25,000 00
2060	Yakima County School.....	7	50,000 00
2061	Yakima County School.....	7	50,000 00
2062	Yakima County School.....	7	50,000 00
1612	Yakima County School.....	8	1,200 00
1816	Yakima County School.....	9	1,200 00
1982	Yakima County School.....	16	8,000 00
198	Yakima County School.....	17	3,900 00
1929	Yakima County School.....	21	1,000 00
1874	Yakima County School.....	25	2,000 00
1356	Yakima County School.....	31	600 00
1931	Yakima County School.....	31	3,500 00
1988	Yakima County School.....	32	3,000 00
1989	Yakima County School.....	34	2,500 00
1275	Yakima County School.....	35	1,000 00
1886	Yakima County School.....	36	4,200 00
1404	Yakima County School.....	37	1,000 00
1937	Yakima County School.....	43	1,500 00
2097	Yakima County School.....	49	23,000 00
1362	Yakima County School.....	56	1,500 00
2001	Yakima County School.....	57	1,800 00
2009	Yakima County School.....	59	2,000 00
1605	Yakima County School.....	62	1,000 00
1882	Yakima County School.....	64	1,000 00
1892	Yakima County School.....	65	500 00
1759	Yakima County School.....	71	1,400 00
1882	Yakima County School.....	74	1,000 00
1993	Yakima County School.....	77	700 00
2110	Yakima County School.....	80	4,500 00
2095	Yakima County School.....	83	3,000 00
			\$292,200 00
Total			\$5,463,490 00

List of securities in hands of the State Treasurer belonging to State Normal Schools Permanent fund at close of business, May 14th, 1909:

	District No.	No. of Bonds.		
Benton County School.....	1	5	@\$1,000 00	\$5,000 00
Benton County School.....	1	1		400 00
Chelan County School.....	15	3	300 00	900 00
Chelan County School.....	15	1		400 00
Chelan County School.....	17	2	550 00	1,100 00
Chelan County School.....	51	2	250 00	500 00
Douglas County School.....	44	3	500 00	1,500 00
Douglas County School.....	44	1		200 00
Douglas County School.....	147	4	250 00	1,000 00
Douglas County School.....	155	3	500 00	1,500 00
Franklin County School.....	27	3	200 00	600 00
Franklin County School.....	27	1	150 00	150 00
				750 00

	<i>District</i>		<i>No. of Bonds.</i>		
	<i>No.</i>				
King County School.....	1	30	@ \$1,000 00	\$30,000 00	
King County School.....	40	5	300 00	1,500 00	
King County School.....	84	5	200 00	1,000 00	
King County School.....	102	2	550 00	1,100 00	\$33,600 00
Klickitat County School.....	86	5	1,000 00		5,000 00
Lincoln County School.....	146	6	100 00	600 00	
Lincoln County School.....	146	1		150 00	750 00
Pierce County School.....	33	6	500 00	3,000 00	
Pierce County School.....	61	10	100 00	1,000 00	4,000 00
Skamania County School.....	20	2	500 00		1,000 00
Stevens County School.....	139	4	200 00		800 00
Thurston County School.....	72	3	500 00		1,500 00
Walla Walla County School...	8	3	500 00		1,500 00
Whatcom County School.....	39	5	200 00	1,000 00	
Whatcom County School.....	42	5	500 00	2,500 00	
Whatcom County School.....	70	4	250 00	1,000 00	
Whatcom County School.....	82	5	500 00	2,500 00	7,000 00
Yakima County School.....	14	3	500 00	1,500 00	
Yakima County School.....	82	2	450 00	900 00	
Yakima County School.....	84	3	500 00	1,500 00	
Yakima County School.....	85	4	300 00	1,200 00	5,100 00
Total.....					\$73,500 00

List of securities in hands of the State Treasurer belonging to State Agricultural College Permanent Fund at close of business May 14th, 1909:

	<i>District</i>		<i>No. of Bonds.</i>		
	<i>No.</i>				
Asotin County School.....	1	3	@ \$1,000 00	\$3,000 00	
Asotin County School.....	15	5	1,000 00	5,000 00	\$8,000 00
Blaine, City of.....		5	1,000 00		5,000 00
Chehalis County School.....	16	2	350 00	700 00	
Chehalis County School.....	102	5	500 00	2,500 00	3,200 00
Chelan County School.....	13	3	250 00	750 00	
Chelan County School.....	37	2	200 00	400 00	
Chelan County School.....	56	29	500 00	14,500 00	15,650 00
Clarke County School.....	53	6	500 00		3,000 00
Colville, Town of.....		12	500 00		6,000 00
Cowlitz County School.....	36	19	500 00		9,500 00
Douglas County School.....	152	4	300 00	1,200 00	
Douglas County School.....	159	2	325 00	650 00	
Douglas County School.....	172	5	400 00	2,000 00	
Douglas County School.....	180	2	500 00	1,000 00	4,850 00
Island County School.....	19	5	200 00		1,000 00
King County School.....	34	10	500 00	5,000 00	
King County School.....	52	5	200 00	1,000 00	
King County School.....	130	5	500 00	2,500 00	
King County School.....	138	3	500 00	1,500 00	
King County School.....	164	4	500 00	2,000 00	12,000 00

		<i>District</i>				
		<i>No.</i>	<i>No. of Bonds.</i>			
Kitsap County School.....	4	5 @	\$500 00	\$2,500 00		
Kitsap County School.....	51	2	250 00	500 00		\$3,000 00
Lincoln County School.....	90	4	500 00			2,000 00
Skagit County School.....	26	11	500 00	5,500 00		
Skagit County School.....	32	4	500 00	2,000 00		
Skagit County School.....	36	5	500 00	2,500 00		10,000 00
Skamania County School.....	19	2	400 00			800 00
Spokane County School.....	161	2	350 00	700 00		
Spokane County School.....	162	15	500 00	7,500 00		
Spokane County School.....	162	1		400 00		8,600 00
Stevens County School.....	31	2	250 00			500 00
Thurston County School.....	20	6	200 00			1,200 00
Walla Walla County School...	9	5	500 00			2,500 00
Whatcom County School.....	17	6	500 00	3,000 00		
Whatcom County School.....	88	6	500 00	3,000 00		
Whatcom County School.....	91	5	200 00	1,000 00		
Whatcom County School.....	92	5	500 00	2,500 00		
Whatcom County School.....	92	1	200 00	200 00		9,700 00
Whitman County School.....	117	32	500 00	16,000 00		
Whitman County School.....	171	5	300 00	1,500 00		17,500 00
Yakima County School.....	32	10	500 00	5,000 00		
Yakima County School.....	34	5	500 00	2,500 00		7,500 00
Total.....						\$131,500 00

List of securities in hands of the State Treasurer belonging to State Scientific School Permanent Fund at close of business May 14th, 1909:

		<i>District</i>				
		<i>No.</i>	<i>No. of Bonds.</i>			
Asotin County School.....	25	9 @	\$500 00	\$4,500 00	\$4,500 00	
Blaine, City of.....		5	1,000 00			5,000 00
Chelan County School.....	44	5	500 00	2,500 00		
Chelan County School.....	44	1		100 00		2,600 00
Creston, Town of		65	100 00			6,500 00
Douglas County School.....	160	3	500 00	1,500 00		
Douglas County School.....	167	3	250 00	750 00		
Douglas County School.....	176	3	400 00	1,200 00		3,450 00
Franklin County School.....	18	3	250 00			750 00
Island County School.....	5	4	250 00			1,000 00
King County School.....	148	12	500 00	6,000 00		
King County School.....	152	3	400 00	1,200 00		7,200 00
Kitsap County School.....	18	4	250 00	1,000 00		
Kitsap County School.....	20	2	500 00	1,000 00		2,000 00
Lincoln County School.....	105	12	1,000 00	12,000 00		
Lincoln County School.....	147	5	200 00	1,000 00		13,000 00
Okanogan County School.....	52	2	275 00			550 00
Skamania County School.....	3	2	500 00			1,000 00
Spokane County School.....	35	12	500 00	6,000 00		
Spokane County School.....	53	4	500 00	2,000 00		8,000 00

		<i>District</i>					
		<i>No.</i>	<i>No. of Bonds.</i>				
Thurston County School.....	6	14 @	\$500 00	\$7,000 00			
Thurston County School.....	13	5	500 00	2,500 00			
Thurston County School.....	14	6	500 00	3,000 00			
Thurston County School.....	22	5	500 00	2,500 00			
Thurston County School.....	56	4	250 00	1,000 00			
Thurston County School.....	71	3	400 00	1,200 00			
Thurston County School.....	73	4	300 00	1,200 00			\$18,400 00
Walla Walla County School...	5	12	1,000 00				12,000 00
Waterville, Town of		30	500 00				15,000 00
Whatcom County School.....	62	6	500 00				3,000 00
Whitman County School.....	82	26	500 00	13,000 00			
Whitman County School.....	108	7	500 00	3,500 00			
Whitman County School.....	133	3	400 00	1,200 00			
Whitman County School.....	169	4	300 00	1,200 00			18,900 00
Yakima County School.....	49	15	1,000 00				15,000 00
Total.....							\$137,850 00

List of securities in hands of the State Treasurer belonging to State Charitable, Educational, Penal and Reformatory Institutions Permanent Fund at close of business May 14th, 1909:

		<i>District</i>					
		<i>No.</i>	<i>No. of Bonds.</i>				
Auburn, Town of.....		28 @	\$500 00				\$14,000 00
Benton County School.....	7	10	500 00	\$5,000 00			
Benton County School.....	31	4	250 00	1,000 00			
Benton County School.....	33	2	500 00	1,000 00			7,000 00
Chehalis County School.....	71	4	500 00				2,000 00
Douglas County School.....	7	3	500 00	1,500 00			
Douglas County School.....	7	1	200 00	200 00			
Douglas County School.....	121	4	500 00	2,000 00			
Douglas County School.....	178	2	500 00	1,000 00			
Douglas County School.....	186	4	250 00	1,000 00			
Douglas County School.....	191	3	500 00	1,500 00			7,200 00
Franklin County School.....	29	3	200 00	600 00			
Franklin County School.....	29	1		250 00			850 00
Island County School.....	20	2	500 00				1,000 00
King County School.....	1	20	1,000 00	20,000 00			
King County School.....	161	4	500 00	2,000 00			22,000 00
Kitsap County School.....	1	40	500 00				20,000 00
Klickitat County School.....	1	8	100 00				800 00
Lind, Town of.....		30	500 00				15,000 00
Lincoln County School.....	81	3	400 00				1,200 00
Pierce County School.....	42	10	500 00	5,000 00			
Pierce County School.....	98	6	100 00	600 00			
Pierce County School.....	104	5	100 00	500 00			
Pierce County School.....	106	10	100 00	1,000 00			7,100 00
Skagit County School.....	70	15	1,000 00	15,000 00			
Skagit County School.....	72	4	500 00	2,000 00			17,000 00

	<i>District</i>	<i>No.</i>	<i>No. of Bonds.</i>		
Snohomish County School.....	33	3 @	\$400	00	\$1,200 00
Walla Walla County School...	75	2	500	00	1,000 00
Whatcom County School.....	66	8	500	00	4,000 00
Whatcom County School.....	77	8	250	00	2,000 00
Wilson Creek, Town of.....					7,000 00
Yakima County	50		1,000	00	50,000 00
Total.....					\$180,350 00

List of securities in hands of the State Treasurer belonging to State University Permanent Fund at close of business May 14th, 1909:

	<i>District</i>	<i>No.</i>	<i>No. of Bonds.</i>		
Chehalis County School.....	52	2 @	\$350	00	\$700 00
Douglas County School.....	190	4	250	00	1,000 00
Franklin County School.....	32	4	200	00	800 00
King County School.....	1	50	1,000	00	50,000 00
Kitsap County School.....	55	3	500	00	1,500 00
Kitsap County School.....	55	1			200 00
Okanogan County School.....	9	2	200	00	400 00
Skamania County School.....	11	2	250	00	500 00
Total.....					\$55,100 00

Schedule "F."

RECAPITULATION.

Permanent Fund, General School.....	\$5,463,490.00
Permanent Fund, State Normal Schools.....	73,500.00
Permanent Fund, State University.....	55,100.00
Permanent Fund, State Agricultural College.....	131,500.00
Permanent Fund, State Scientific School.....	137,850.00
Permanent Fund, State Charitable, Educational, Penal and Reformatory Institutions.....	180,350.00
Total	\$6,041,790.00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

The committee has carefully gone over the vouchers of the superintendent of public instruction for the past two years, and finds that they are regular as to form; that where sub-vouchers have been taken for traveling and other expenses they show economical management and a regard for the best interests of the state.

The superintendent was interrogated regarding the deficiency of about \$300 provided for by the recent legislature, and from the statements made by him the committee finds that about \$150 of said deficiency was created by the purchase of postage stamps and other necessary expenses prior to the appropriation by the legislature for the deficiency, and the balance was to pay other like expenses during the interim between the passage of the appropriation and the end of the biennial period; that if the deficiency appropriation had not been made,

the superintendent would personally have lost the \$150 advanced by him, and the department would have been hampered for lack of funds during the remainder of the biennial period.

EASTERN WASHINGTON HOSPITAL FOR INSANE.

The committee, together with Senator R. A. Hutchinson, Architect John K. Dow and several contractors of Spokane, made an exhaustive examination of the new building at Medical Lake, erected during 1905-6, the condition of that building being the basis of charges made by Senator Hutchinson against the board of control.

The committee finds that the cement floors in all parts of the building are cracked and uneven; that in certain of the assembly rooms where the area is large, the center of the floors have settled from one to two inches. The floors are constructed of reinforced concrete, and the settling undoubtedly occurred during the process of building. Other minor defects and carelessness on the part of the contractor in finishing certain portions of the building were noted.

From the examination made, the committee believes that the building is entirely safe for occupancy; but the committee finds that in accepting the building and paying the full contract price the board of control did not exercise the regard for the interests of the state that men in their position should have done, and deserve censure for neglect of their duty as officials.

In connection with the above report, the committee submits the following letter from Mr. Dow, the architect for the board of control, and a copy of stenographic notes taken during the committee's inspection of the building:

SPokane, Wash., June 12, 1909.

IN RE INVESTIGATION AT MEDICAL LAKE, WASHINGTON
SENATOR P. L. ALLEN, 117 *Columbia St.*, Seattle, Wn.

MY DEAR SETANOR:—I should like to have your committee submit the following letter as a part of their report in the investigation of the Medical Lake buildings. I consider the charge that the building was unsafe the most important of any, and for that reason wish this statement of our test of the floors to be included in the report.

On January 26th, 1909, Dr. Semple, the foreman of the building and myself tested the floors in the following manner: We placed a slender strip of wood between the second floor and the second floor ceiling, and another strip between the third floor and the third floor ceiling, and in the center of a panel that is in the day room on the third floor, and around this last strip on the third floor we placed a load of 4,740 lbs. This load covered an area of 11 square feet, making the load per square foot on the floor 430 lbs., and this load did not seem to effect the floors in any way, except that the strip upon the floor became loose enough to move freely without touching the ceiling. The strip below the load did not indicate any change at all, and an additional load of 5,000 lbs. was placed on one of the girders and a load of 5,800

lbs. on another girder and in addition to the load on the girders and the load on the floor, we had twenty-five men standing on the floor near where the load was applied and just in front of the load on the girders.

I am sending you this information that you may see by actual tests that the floors are sufficient to carry at least twice the load which will ever be placed upon them, and even a greater load than they were designed to carry, which was 125 lbs. per square foot.

I wish to call your attention to the following: Your committee made notes of a number of small items such as "doors are rubbing on the floor," "small chips of loose plastering," "two pieces of footings that project inside of wall," "small piece of concrete out of opening in basement," "holes around radiators for steam pipes," etc., etc.

I think a fair estimate of the cost of patching up all these small items would be \$25.00. So much for this part of the report.

Cement Floors. The building contains on the three floors about 18,000 square feet of cement finish; of this amount, 4,500 square feet, or less than one-third is in bad condition. I refer to the large room on each floor called the day room, which is about 36x40 feet in dimension, and this bad condition is partially due to lack of care of the building after completion, and further this could be replaced with a cement finish and leveled up for not to exceed \$275, and if the state wants a cement floor, I will agree to replace and refill up the floor with cement finish in that part of the building, a total of 4,500 square feet, for the above amount, \$275. The other parts of the cement floors show no defects except cracks, which are bound to appear, and are due to expansion and contraction of cement in large superficial areas. The location of the building made it necessary in order to get a suitable foundation to carry some parts of the walls to a greater depth than shown on the plans, and the grade was changed and a small part of the foundation walls were made lower and some outside steps omitted and the other walls carried down to a greater depth. At that time a careful estimation was made of the work added and omitted, and there was a difference of about \$100 in favor of the contractors, but no charge was made by them for this difference.

The building, as your committee must admit, has an excellent foundation, has good substantial walls, is well built and in good condition in every other respect; it is fireproof, and was built for a reasonable amount. The contract was let on competitive bids and the building was erected without extras, and, in view of the small amount, namely \$300, to cover defects above referred to.

Very respectfully,

JOHN K. DOW.

CONDITION OF NEW WING AT THE EASTERN WASHINGTON HOSPITAL FOR THE INSANE, MEDICAL LAKE, WASHINGTON.

Coming in west door, crack in floor in left hand corner; a piece about twelve inches long of floor gone; one crack running entirely across

floor, with several cracks intersecting it; hallway ten feet by eleven feet; no baseboards around the wall; door only opened half way connecting with basement; water drains through walls and runs along center of building; east end floor cracked clear across, with several intersecting cracks; plaster dropped right off. Six inches or foot of water stood in this basement for a considerable period of time. First winter after building was completed there was eighteen inches of snow on roof. Building was not heated, and when the snow melted with a heavy rain it came down through the roof of the building. The cross-beam over the door sticks out over the door, and the brick and cement knocked out not repaired. No steps finished into kitchen. Door swelled and cannot open it. The kitchen not in use. The sink in kitchen is supported by 2x6 feet wood frame. In the northeast corner of kitchen a footing projects out of the floor eight inches into the room, three feet long and ten inches high, and there are no baseboards around the brick in the floor in the kitchen. Coming up out of the basement on the second floor the plaster is cracked around the floor where it connects with the cement so you can stick your fingers into it. The concrete is broken where it connects with the steps in three places. The plaster is cracked in this room in two places half way around the room; walls left in a dirty and marred shape. Day room, first floor, a line was drawn exactly across thirteen feet from one crack to another which extended entirely across the room. There is a depression of one inch. Going out on the porch from the assembly room, the cement floor is cracked from wall to wall as you step out of door. There are three drains leading off from the porch and there is one-eighth inch of water standing on one end of the porch, about two and a half by two feet. The cement on the porch is cracked in several places. There is one of the concrete frames on the porch sticking through the concrete on the floor. The sag in the floor in the day room is 2 to 2½ inches. The water has been leaking through the porch. The plaster is cracked in two or three places and it has been affected by the water. Not finished over the top of the radiator in the assembly room, and a hole nine inches by two feet left when the connections were made with the steam radiator. Nearly all of the radiators in the same condition; the radiator one and a half to one-fourth inches from the floor. The cement in the floor in the assembly room is cracked in any number of places in all directions. Cracks over the girders. Plaster around the dust shoot is off and cracked. In the shower-bath room, finished with hard wall, it is coming off around the shower-baths. One of the shower-bath connections is leaking. The wall is soaked for a radius of eighteen inches, which has loosened the plaster. In the patients' rooms off from the assembly room the floor is cracked. One room, with nine cots in it, over the radiator, the work has not been completed. Radiator is three inches from the wall at top and five inches at the bottom; one of the legs stands off from the floor three-fourths of an inch. The ceiling is cracked in one of the corners, and in any number of places the plaster is off. On the ceiling of the patients' rooms the plaster is off in small

places. Floors in all of the patients' rooms are cracked. This assembly floor and the adjoining rooms are now being used. Ward eight, on the second floor, is cracked clear across and in every direction. Plaster is starting to drop off in a few places on the ceiling. Large dormitory in ward eight—the whole floor is about one-fourth inch out of level. The two supports in this room are both twisted. There is a big patch in day room of ward 8. Supports in general assembly room are out of plumb. New patch in center of room is cracked and plaster is dropping off from ceiling. Room is cracked clear across ceiling. The steam-heating apparatus has never been completed here. It is loose. The cement floors are cracked in a number of places. On the third floor in the general assembly room in thirteen feet there is a depression of about $1\frac{3}{4}$ inches. Floor is cracked in every direction and the cement is coming off; in one place there is three inches by one foot. The cement is loose and can be kicked out with your foot. The ceiling in this entire room is in very good shape; two inches sag, taken by a level, in a space of twelve feet; one-half inch depression from assembly room to other end of hall. Cement floor is cracked to a depth of one and a half to two inches. No hose on reel in the third floor, and floor not in use. Dr. Semple says fire apparatus is not what it ought to be, but he says fire hose has been ordered. This matter is now before the board of control. There is hose in all the wards that are used. This is supposed to be a fire-proof building. There doesn't seem to be any depression over any of the piers. Twenty-seven men, two and a half tons of brick, in a space of forty inches, and 10,000 pounds of bran and shorts on this floor. Selected panel that was claimed to be the weakest by Mr. Hutchinson and architect. Roof paint is coming off from ventilator, and contractor says it is a water paint. Tar paper is covered with granite. The paper is exposed and not covered with granite in a great number of places. The winter after the building had been accepted the snow remained on the roof.

The committee spent several hours in an inspection of the other hospital buildings and the farm, in charge of Dr. Semple, as superintendent, and found that excellent discipline is maintained among the employes and inmates; that the buildings and surroundings are kept scrupulously clean and sanitary, the farm in a high state of cultivation, and the live stock in splendid condition.

The committee also examined the business methods and system of accounting employed at the hospital, and finds that all large items of supplies and materials are purchased by the board of control, the superintendent making only small purchases of perishable articles and emergency supplies.

From the examination and inspection made by the committee, we believe the institution to be in very competent hands.

The committee made an especially careful examination of the north wing of the main building, which was erected about 1898, and found the walls badly cracked, and that only a complete survey by competent builders could determine whether or not said wing is safe for occu-

pany. The committee therefore recommends that such board of survey be immediately employed to inspect said wing and make a detailed report of the condition.

The committee finds that the fire escapes on all buildings at Medical Lake are entirely inadequate, and a fire in any one of these buildings must necessarily result in great loss of life. We believe it would be criminal for the state not to immediately provide suitable fire escapes on all these buildings.

SCHOOL FOR DEFECTIVE YOUTH.

The committee was shown through this building by Superintendent Woodruff.

The class of inmates in this institution is the most helpless of all the wards of the state, and particular methods are necessary for their teaching and welfare. They should have plenty of room, both in and out of doors, neither of which are provided in the present location. The building was intended to house one hundred and twenty inmates, while the present population is one hundred and sixty. The grounds consist of twenty acres, being a part of the Eastern Washington Hospital site. The recent legislature appropriated money for the purchase of adjoining land and the erection of a new building. The owners of the land have refused to sell at the price agreed upon at the time the appropriation was made, and the committee considers that it is absolutely necessary that immediate steps be taken to secure more ground and more commodious quarters, even if it is necessary to remove the institution to some other part of the state.

STATE PENITENTIARY.

The committee spent two days in examining the penitentiary at Walla Walla, conducted by Superintendent Charles S. Reed.

The committee found on such examination that the best of order and discipline is maintained; that the sanitary conditions are of the best; that, with a population of over eleven hundred, only thirteen were in the hospital, three of these being afflicted with tuberculosis, and the others being old men whose age is largely responsible for the need of the care of a physician.

The committee was specially pleased at the showing made of work done by convicts, the present superintendent having completed the new administration building, erected a new brick smokestack about one hundred and twenty feet high, and is now engaged in the construction of a brick and steel, practically fireproof jute mill and a new brick stockade wall, all of the labor on which has been done by convicts under the supervision of one civilian.

The farm work, milking, gardening, cooking, waiting on table—in fact, most of the work of all kinds—is done by convicts, thus giving employment to the inmates and making a saving to the state.

The method of handling the prisoners is of the approved humane

type, and Superintendent Reed is to be congratulated on the results obtained since his incumbency.

The committee believes that more land is needed by the institution in order that more prisoners may be put at work, and the cost of maintenance reduced by raising potatoes, vegetables, etc., in the state's land.

The committee recommends that a representative of the state should contract direct with the handlers of jute in the ports of India, in order that the profits of the middlemen, through whom the jute is now purchased, may be saved to the state.

WASHINGTON STATE COLLEGE.

The committee visited the Washington State College, and after interrogating the president and members of the faculty (a stenographic report of which was taken), and making a hurried examination of the various fund accounts, are of the opinion that it will be necessary for a further exhaustive examination to be had before a report can be made.

WASHINGTON STATE FAIR.

The committee would report that we visited the office of the Washington State Fair, at North Yakima, on Monday, June 14, 1909, and also visited the fair grounds.

The books and records have not been kept in the most approved manner, and we were not able in the limited time at our disposal to make an exhaustive examination. We took a memorandum of moneys disbursed during the last biennium, as shown by vouchers in the hands of the treasurer; also a memorandum of moneys received and deposited as shown by bank book and deposit slips. We did not have the time to prove figures or check up accounts as they should be checked, and from the totals of receipts and disbursements as shown by memoranda in our possession we are satisfied that a further investigation is advisable.

We find that the state is the owner in fee simple of one hundred and twenty acres, more or less, of valuable land adjoining the city of North Yakima, on which the fair buildings, race courses, etc., are located. The buildings are worth in the neighborhood of twenty thousand dollars, and the land can all, or nearly all, be irrigated—in fact, is now under irrigation ditches, with an abundant supply of water.

Our criticism of the management is that the books and records are not kept in such a manner that they readily show how much and from what source moneys are received, and to whom and for what purpose they are paid out. Our further criticism is that the management is too expensive for an institution of no greater magnitude. We are of the opinion that a state fair which will be a credit to our state cannot be maintained for some years to come without a very liberal appropriation at each session of the legislature, both for maintenance and permanent buildings.

We herewith attach memorandum of receipts and disbursements for the biennium 1907-1908.

MEMORANDUM OF RECEIPTS OF WASHINGTON STATE FAIR, BIENNIUM 1907-1908.

Race entries	\$ 4,637.65
Other entries	2,194.28
Gate receipts	18,297.00
Grand stand	6,570.90
Betting ring and saloon	2,960.00
Pool room	100.00
Subscriptions	1,602.50
Mchts. race	400.00
Tickets	294.00
Concessions	5,765.65
Pasture rent	521.40
Stall rent	99.70
Ground rent	70.65
Rent on Fourth of July	214.75
Hay sold	433.78
Wood sold	89.00
Track hire	1.00
Refund Ins. Com.	61.15
Refund S. J. C.	29.65
Borrowed money	1,050.00
Camp privilege	15.00
Manure sold	35.50
J. & L.	74.00
Freight	271.92
Refund stake dep.	247.50
State warrants	15,219.67
	\$61,256.65

MEMORANDUM OF DISBURSEMENTS OF WASHINGTON STATE FAIR, BIENNIUM 1907-1908.

Races	\$17,213 51
Superintendent of grounds and staff	6,136 51
Secretary	1,930 50
Office help	285 55
Marshals, ticket sellers, gate keepers, judges, etc.	3,352 85
Office rent	375 00
Postage	324 00
Printing and stationery	1,195 97
Advertising	1,681 85
Water rent (irrigation)	112 50
Music	1,445 44
Blacksmith works	126 63
Paints, etc.	38 72
Hardware and implements	\$605 39
Lumber	1,398 76
Corbett & Raymond, including bill of Cascade Lumber Co.	719 25
Telephone and telegraph	137 75
Express and freight	909 70
Traveling expense	403 42
Livery and boarding	24 50
Photos and cuts	10 10
Janitor work	18 55
Refunds	257 15

Publicity	\$207 05
Insurance and indemnity bonds.....	978 50
115 loads of straw.....	446 75
Chicken feed	26 49
Paper plates for horticulture department.....	9 00
Premium ribbons	170 64
Loans paid, \$900.00; interest, \$172.91.....	1,072 91
Ice for dairy department.....	20 55
Electric supplies and light.....	406 20
Entertainment, "Vesuvius"	3,492 45
Grand stand	285 34
Furniture	25 75
Balloon ascension	125 00
Indian races	306 00
Indian dance	50 00
Yakima Valley Band, overdraft 1906.....	7 05
Tent	75 00
Line shafting	71 43
Salt	2 25
Rubber mitts	2 50
40 hop poles	10 00
Fireworks	500 00
H. Lange & Co. (not stated what for).....	25 00
Making sleeve numbers and straps.....	3 75
Washington saddle cloths.....	3 00
Rent of chairs for orchestra.....	24 00
Material, labor, etc., S. J. Cameron.....	227 20
Proceeds from sale of butter, paid to owners.....	180 48
Decorating	417 21
Total.....	\$47,875 10
Premiums, stock (not stated what kind).....	\$8,067 40
Premiums, horse	1,024 00
Premiums, cattle	1,697 60
Premiums, swine	333 10
Premiums, sheep	814 00
Premiums, poultry	1,627 00
Premiums, apiary and honey.....	294 40
Premiums, fruit	2,609 70
Premiums, vegetables	659 40
Premiums, barley	75 00
Premiums, hops	50 00
Premiums, art and flowers.....	1,009 45
Premiums, unclassified	571 50
Premiums, stock judging contest.....	100 00
Premiums, culinary	165 40
Total.....	\$19,542 45

STATE AUDITOR.

The committee spent two days in the state auditor's office, and from what we learned we are satisfied that the time and means at our disposal are entirely inadequate to make a complete and intelligent report. The committee, however, is of the opinion that a full investigation should be made.

 EXPENSES INCURRED BY LEGISLATIVE INVESTIGATING COMMITTEE
 UP TO JUNE 19, 1909.

Paid per diem of members of committee, 191 days at \$5.00..	\$955 00	
Paid traveling and hotel expenses of committee.....	850 96	\$1,805 96
		<hr/>
Paid for clerical and stenographic services.....		833 00
Paid for witness fees and expenses.....		297 51
Expenses of Asst. Atty. Gen'l and miscellaneous expenses....		195 48
		<hr/>
Total.....		\$3,131 95

Respectfully submitted,

PLINY L. ALLEN, *Chairman.*

H. O. FISHBACK.

J. C. HUBBELL.

HOWARD TAYLOR.

W. C. McMASTER.

At 5:15 p. m., on motion of Senator Kline, the joint session dissolved.

The Senate was called to order at 5:18 in the Senate chamber by President Ruth.

At 5:20 p. m., on motion of Senator Smith, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

 SECOND DAY.

 MORNING SESSION.

SENATE CHAMBER,
 OLYMPIA, WASHINGTON, Thursday, June 24, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth.

Rev. A. A. Doyle, of Pomeroy, Wash., offered prayer.

The secretary called the roll, all members being present except Senators Metcalf and Piper.

On motion of Senator Booth, Senators Metcalf and Piper were excused from attendance on sessions of yesterday and today and were further excused until such time as they may be able to be present.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

The following communication was read by the secretary:

SEATTLE CHAMBER OF COMMERCE,
SEATTLE, WASHINGTON, June 23, 1909.

President State Senate, Olympia, Washington.

DEAR SIR: Herewith I have the honor to transmit self-explanatory report containing recommendation unanimously adopted by this chamber.

Trusting that the subject may receive your favorable consideration, I beg to remain,

Yours very truly,

C. B. YANDELL, *Secretary.*

SEATTLE, WASH., June 12, 1909.

Seattle Chamber of Commerce, Seattle, Wash.

GENTLEMEN: Your Committee on Harbor and Harbor Improvement, to which was referred the resolution introduced Tuesday, June 8th, by Mr. C. E. Fowler, regarding the Duwamish river project, begs to report as follows:

As pointed out, the inhabitants and freeholders have organized a club in the south end of the city of Seattle for the purpose of widening, straightening, deepening and otherwise improving the Duwamish river, for the reason that most of the land is subject to overflow, and that it is desired to make said river a commercial waterway. Arrangement of the necessary preliminaries for the formation and creation of a district which will include approximately 10,000 acres of land to be specially benefited has for some time been under way. The proposed improvement will make accessible for manufacturing sites many thousands of acres of land along the shores of the Duwamish river and along the valley.

Since it appears that the present law on the statute books covering the case is in some respects deficient and not general enough for its application, your committee respectfully recommends that this chamber petition the Honorable M. E. Hay, governor of the State of Washington, to call attention in his message to the legislature, in special session, to the insufficiency of the present law, and to urge enactment of a bill which will leave no question as to the right of said proposed district to widen, deepen and straighten the Duwamish river for the purpose of preventing overflow and creating a commercial waterway.

All of which is respectfully submitted.

THOMAS BURKE, *Chairman.*

ALFRED BATTLE.

C. E. FOWLER.

Adopted by Seattle Chamber of Commerce, June 15, 1909.

On motion of Senator Cotterill, the communication was ordered referred to the Committee on Harbors and Harbor Lines.

SPECIAL ORDER.

The hour of 10 o'clock having arrived, the Senate considered Senate bill No. 1, entitled "An act making an appropriation for the payment of the funeral expenses of the late governor of the State of Washington, His Excellency, Governor Samuel G. Cosgrove."

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 1.

The bill was considered in the Committee of the Whole, Senator Knickerbocker in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Knickerbocker, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended, and the reading had of the bill in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 1 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—40.

Absent or not voting were: Senators Metcalf, Piper—2.

There being no objections, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Stevenson, the rules were suspended and Senate bill No. 1 ordered immediately transmitted to the House.

The secretary read the following:

Senate concurrent resolution No. 3, by Senator Nichols:

Be it resolved by the Senate, the House concurring, That this special session of the legislature will not consider any legislation except such as is relative or pertains to the investigation of state offices except appropriation or relief bills.

Senator Nichols moved the adoption of the resolution.

Senator Presby moved to amend the resolution by inserting the word "affirmative" before the word "legislation."

A roll call on the proposed amendment was demanded by Senators Falconer, Brown, Graves, Booth, Knickerbocker, Paulhamus, Polson.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Booth, Cameron, Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Williams, Whitney, Mr. President—20

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, McGregor, Myers, Nichols, Paulhamus, Polson, Rosenhaupt, Stewart—20.

Absent or not voting were: Senators Metcalf, Piper—2.

The secretary called the roll on passage of Senate concurrent resolution No. 3, with the following result:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, McGregor, Myers, Nichols, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those voting nay were: Senators Booth, Cameron, Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—19

Absent or not voting were: Senators Metcalf, Piper—2.

The president ruled that the resolution, not having received the constitutional majority, failed to carry.

Senator Nichols appealed from the decision of the chair and was supported in his appeal by Senators Falconer and Anderson.

Senator Nichols withdrew his appeal.

On motion of Senator Knickerbocker, the consideration of Senate concurrent resolution No. 3 was made a special order for 3 o'clock this afternoon.

On motion of Senator Nichols, the following resolution was made a special order for 10 o'clock tomorrow morning:

Senate concurrent resolution No. 4, by Senator Nichols:

Be it resolved by the Senate, the House concurring, That the special committee appointed at the last general session of the legislature for the purpose of investigating offices is hereby authorized to continue said investigation and to report their findings to the governor not later than April 1, 1910. Said findings shall be made public within 15 days after the report of said committee to the governor.

The following report was read:

REPORT ON EMPLOYEES.

Pursuant to instructions of the Senate, I beg to recommend as follows:

First: That George Gregory, minute clerk of the last session, be assigned to the same position, and that his title be "assistant secretary," and that he draw the usual per diem of the assistant secretary. This suggestion is made in view of the responsibility of the position and the fact that it is necessary for him to be present during the entire day, taking the proceedings of the Senate, and then writing the minutes following the close of the day, which work consumes several hours. The House of Representatives has, for several years past, followed this system.

Second: That E. K. Matlock and Fred Remann be assigned to the positions of journal and assistant journal clerks respectively at the per diem of five dollars per day. The first day's minutes, which include the sixteen-thousand-word report of the investigation committee, will fill about seventy-five to one hundred pages of journal, which shows the necessity of having two men assigned to this department.

Third: That A. W. Swenson be assigned to the position of reading clerk and assistant clerk at five dollars per day.

Fourth: That Lucius McGuire be assigned to the position of docket clerk and assistant clerk at five dollars per day.

Fifth: That Nick Miles be assigned to the position of general committee clerk and assistant clerk at five dollars per day.

Sixth: That Robert W. Kelsey be assigned to the position of stenographer at five dollars per day.

Seventh: That A. J. Ahola be assigned to the position of sergeant-at-arms at five dollars per day.

Eighth: That A. F. Haynes be assigned to the position of janitor at four dollars per day; that other janitors be appointed when necessary.

Ninth: That W. W. Swing and Charles Broughton be assigned to the positions of doorkeepers, and that they do also act as mail deliverers and as night watchmen, at four dollars per day.

Tenth: That two pages be selected by lot from the pages of last session and the most competent applicants.

Eleventh: That the secretary's salary be the same as during the regular session.

Respectfully submitted.

WM. T. LAUBE, *Secretary.*

Senator Paulhamus moved that the report of the secretary be adopted.

The motion carried.

At 11:05 a. m., on motion of Senator Allen, a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2 o'clock p. m. by President Ruth.

On motion of Senator Allen, Rule 64 was suspended for this afternoon's session.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., June 24, 1909.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 2, relating to procedure of special session;

Senate concurrent resolution No. 1, relating to joint rules;

Senate concurrent resolution No. 2, notifying the governor that the legislature is in session;

House concurrent resolution No. 1, extending an invitation to President W. H. Taft to attend the Conservation Congress in Seattle;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Booth, the special order set for this hour for the consideration of bills vetoed by the governor was laid over until 2 o'clock tomorrow afternoon.

The secretary read the following resolution:

Senate concurrent resolution No. 5, by Senator Hutchinson:

WHEREAS, Direct and indirect charges have been and are being made that certain state offices and institutions are improperly conducted; and

WHEREAS, The effect of such charges has been to create suspicion in the minds of the people of the state with respect to the conduct of the state offices and state institutions; and

WHEREAS, It is desirable to ascertain the truth of such charges, not

only because the people appear to demand such an investigation, but as a matter of simple justice to the state officials and persons connected with the state institutions; and

WHEREAS, It is essential that the charges should be investigated speedily, in order that the irregularities, if any are found to exist, may be put an end to as quickly as possible, and, if none exist, that the officials against whom charges are made may be cleared from the cloud cast upon them and be restored to the public confidence; and

WHEREAS, The work necessary to a thorough investigation of all the state offices and institutions is so great that one committee would be unable to complete it within the time that it ought to be completed; now, therefore, be it

Resolved, That three (3) committees, each to consist of four (4) members, two (2) to be members of the House of Representatives, to be named by the speaker of the House, and two (2) to be members of the State Senate, to be named by the president *pro tem.* of the Senate, be appointed;

That one of said committees be designated to investigate the manner in which the State University, the State College, the three (3) state normal schools and the State Fair are conducted; the second committee to be designated to investigate the manner in which the state penal, reformatory and charitable institutions are conducted, and the third committee to be designated to investigate the manner in which all other state offices and institutions not hereinbefore specifically enumerated are conducted.

That the speaker and president, in making the appointment of said committees, shall specifically designate the committee to which the appointee is assigned;

That the several committees are instructed to make the most full and thorough investigation of the offices and institutions they are appointed to investigate; they are authorized and empowered to employ stenographers and clerical help essential to the proper conduct of the investigation and to issue subpoenas and compel the attendance of witnesses and the production of books, documents and papers appurtenant to the investigation being carried on;

That the attorney general is directed to furnish such legal assistance to the several committees as they may require from time to time or throughout the whole investigation;

That the several committees may hold their meetings at any place or places within the state they deem proper; they are authorized and empowered to institute any actions or take any proceedings that may be necessary or desirable in order to facilitate the investigation; any member of any committee is authorized and empowered to administer oaths in the progress of investigations; each committee, when sitting as such in the progress of its investigation, is authorized and empowered to punish any person appearing before it, or summoned to appear before it, for contempt, direct or constructive; and generally, in all its

proceedings in compelling the attendance of witnesses and the orderly conduct of its investigation, shall have all the power that the superior courts of the state possess;

That the members of each committee shall receive their per diem when actually engaged in such investigation and their actual traveling expenses;

That the expense of the investigation, including therein the salary of the several committees, of the clerical help and of any other expenses rendered necessary in progress of investigation shall be paid out of the sum appropriated for defraying the expenses of the Eleventh legislature, extraordinary session, of 1909; be it further

Resolved, That when the extraordinary session of the Eleventh legislature adjourn, it adjourn until November 15, 1909, at the hour of two (2) o'clock p. m., and the several investigating committees are directed to have finished their investigations before that time and to submit to the legislature when it convenes their several reports, together with such recommendations as they may desire to make thereupon, and such reports and recommendations, if any, will then be considered by the legislature.

Senator Hutchinson moved that the resolution be included in the special order for 10 o'clock tomorrow morning. Senator Cotterill moved as a substitute that the motion be indefinitely postponed.

Senator Cotterill withdrew his substitute motion.

Senator Cotterill moved that, as an amendment to Senator Hutchinson's motion, the resolution be made a special order for 8 o'clock this evening.

The motion failed to carry.

The motion of Senator Hutchinson carried and the consideration of Senate concurrent resolution No. 5 was included in the special order set for 10 o'clock tomorrow morning.

House concurrent resolution No. 1 was read by the secretary, as follows:

WHEREAS, The highest welfare of states and nation demands that all citizens possess in common an elementary knowledge respecting the conservation of our country's related and interdependent natural resources, chief among which are water, soil, forests, minerals, and ways for transportation; and

WHEREAS, The First National Conservation Congress of the United States will be held in Seattle, Washington, August 26, 27, and 28, 1909, under the auspices of the Washington Conservation Association, and in connection with the Alaska-Yukon-Pacific Exposition; and

WHEREAS, The object of the congress is to bring together in a general assembly special representatives of all of the numerous industries,

commercial bodies and callings throughout the county for the exchange of views, and the formulation of plans for practical conservation, consistent with the right use of all of the related and interdependent natural resources of the states and nation; and

WHEREAS, The fullest realization of the common problems to be developed at this congress will further national unity; wherefore be it

Resolved by the House of Representatives of the State of Washington, the Senate concurring, That an urgent invitation be extended to His Excellency, William Howard Taft, president of the United States, to attend the First National Conservation Congress of the United States; be it further

Resolved, That we believe that the people of the nation should have the benefit of your excellency's presence and wisdom during the sessions of the First National Conservation Congress, when so many patriots of peace will be uniting for the common good in obedience to the primal command of God—"Replenish the earth."

Senator Cotterill moved the adoption of the resolution.

The secretary called the roll and House concurrent resolution No. 1 was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—39.

Absent or not voting were: Senators Graves, Metcalf, Piper—3.

The secretary read the following:

House concurrent resolution No. 2:

Resolved by the House of Representatives, the Senate concurring, That at this special session of the legislature, convened on the 23d day of June, 1909, at 2:30 p. m., nothing be considered in the way of legislation but the following subjects:

1. The continuation of the present legislative investigating committee and appropriation for the expenses of such committee.

2. The consideration of legislation and proceedings relating to the report of the legislative investigating committee appointed under House concurrent resolution No. 16.

3. An appropriation for the expenses of this special session of the legislature, ex-Governor Cosgrove's funeral expenses and printing of journals of the Eleventh session of the legislature.

4. Adjournment of the special session.

On motion of Senator Paulhamus, House concurrent resolu-

tion No. 2 was made a special order for 10 o'clock tomorrow morning.

On motion of Senator Nichols, the special order set for 3 o'clock this afternoon was taken up at this time.

SPECIAL ORDER.

The Senate took up the consideration of Senate concurrent resolution No. 3.

By unanimous consent, the resolution was again read.

Senator Presby moved to amend the resolution by adding to the end of same the words "and the repeal of appropriation laws."

Senator Fatland moved to amend the amendment by adding the words "and the metropolitan park board law."

The amendment of Senator Fatland failed to carry.

Senator Cotterill moved to amend the amendment of Senator Presby by inserting after the word "repeal" the words "or modification."

The amendment of Senator Cotterill carried.

The amendment of Senator Presby also carried.

On motion of Senator Nichols, the words "and institutions" were inserted after the word "offices."

The secretary called the roll on final passage of Senate concurrent resolution No. 3, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Eastham, Falconer, Fatland, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Myers, Minkler, Nichols, Potts, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Mr. President—30.

Those voting nay were: Senators Anderson, Booth, Davis, Fishback, McGregor, Paulhamus, Polson, Rosenhaupt, Smithson, Williams—10.

Absent or not voting were: Senators Metcalf, Piper—2.

The secretary read the following communication:

STATE OF WASHINGTON, DEPARTMENT OF PRINTING,
OLYMPIA, June 24, 1909.

To the Honorable Members of the State Senate, Olympia, Wash.

GENTLEMEN: The appropriation of \$10,000 made at the Eleventh legislative session for the publication of the session laws and the House

and Senate journals will not be sufficient to complete the latter volume, and, as this office cannot create a deficiency, the facts in the case are herewith laid before you:

The publication of the session laws, owing to their unusual length, cost \$7,483.57, and it will take approximately from \$2,300 to \$2,500 each to publish the House and Senate journals. The publication of the former was started first, the copy for the same being the first to reach this office, and there is sufficient left in the appropriation to complete the publication of the House journal, but it will require approximately from \$2,300 to \$2,500 to complete the Senate journal, about 130 pages of which were printed before it was known the appropriation was insufficient.

All of which is respectfully submitted.

Yours truly,

E. L. BOARDMAN, *Public Printer.*

On motion of Senator Paulhamus, the foregoing communication was ordered referred to the Committee on Printing.

At 3:20 o'clock p. m., on motion of Senator Cameron, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

A. S. RUTH,

President of the Senate.

THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Friday, June 25, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth.

Rev. J. M. Orrick, of Olympia, offered prayer.

The secretary called the roll, all members being present except Senators Metcalf and Piper, both excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

SPECIAL ORDER.

The Senate took up the consideration of Senate concurrent resolutions Nos. 4 and 5, which were special order for this hour.

The secretary read Senate concurrent resolutions Nos. 4 and 5.

On motion of Senator Nichols, the Senate first considered Senate concurrent resolution No. 5.

The president called Senator Knickerbocker to the chair.

Senator Hutchinson moved to amend Senate concurrent resolution No. 5 as follows:

Insert after the semicolon following the word "assigned" in line 5 of page 2 of the typewritten copy of the resolution the following: "That Senators Fishback and Allen, and Representatives Taylor, Hubbell and McMaster be appointed upon one of such committees and designated to conduct the investigation into the conduct of the offices and institutions not specifically enumerated, but, with that exception, the president and speaker shall name the committees and designate the work assigned them as in their discretion seems best."

Senators Brown, Knickerbocker and Booth demanded the previous question on the adoption of the above amendment.

The motion for the previous question carried.

A roll call on the adoption of the above amendment was demanded by Senators Nichols, Booth, Brown, Myers, Williams, Hutchinson, Paulhamus.

The secretary called the roll, and the motion of Senator Hutchinson to amend Senate concurrent resolution No. 5 carried by the following vote:

Those voting aye were: Senators Booth, Cameron, Eastham, Falconer, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—22.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Fatland, Fishback, McGregor, Myers, Nichols, Paulhamus, Polson, Stewart—18.

Absent or not voting were: Senators Piper, Metcalf—2.

Senator Hutchinson moved the adoption of the resolution as amended.

The previous question on the above motion was demanded by Senators Falconer, Brown and Booth.

The motion for the previous question carried.

The secretary called the roll on passage of Senate concur-

rent resolution No. 5 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Booth, Cameron, Eastham, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—17.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, McGregor, Myers, Nichols, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—22.

Absent or not voting were: Senators Graves, Metcalf, Piper—3.

Senator Hutchinson gave notice that at the proper time he would move to reconsider the vote by which Senate concurrent resolution No. 5 failed to pass the Senate.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., June 24, 1909.

MR. PRESIDENT:

The House has passed House bill No. 1, entitled "An act creating the state board of insurance commissioners, prescribing its duties, making an appropriation, and repealing chapter 109 of the Laws of 1907.

House bill No. 2, making an appropriation for the expenses of the extraordinary session of the legislature.

House bill No. 3, making an appropriation for printing during extraordinary session;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Booth, House bill No. 1 was made a special order for 11:30 o'clock this morning.

On motion of Senator Cotterill, House bills Nos. 2 and 3 were made a special order for consideration immediately following the special order set for 11:30 o'clock this morning.

Senator Hutchinson moved that the Senate do now adjourn until Monday afternoon, June 28, 1909, at 2 o'clock.

The motion was lost.

The secretary read Senate concurrent resolution No. 4.

Senator Nichols moved the adoption of the resolution.

The secretary called the roll, and Senate concurrent resolution No. 4 was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—38.

Absent or not voting were: Senators Booth, Metcalf, Graves, Piper—4.

SPECIAL ORDER.

The Senate took up the consideration of House concurrent resolution No. 2.

On motion of Senator Presby, the resolution was ordered referred to the Committee on Memorials.

On motion of Senator Cotterill, the special order set for 11:30 a. m. was taken up at this time.

The secretary read House bill No. 1, entitled "An act creating the board of insurance commissioners, repealing chapter 109 of the Laws of 1907, and declaring an emergency."

On motion of Senator Allen, the rules were suspended and House bill No. 1 was read the second time by title.

Senator Allen moved that the bill be ordered referred to the Committee on Public Morals.

Senator Nichols moved as a substitute that the bill be indefinitely postponed.

A roll call on the motion to indefinitely postpone was demanded by Senators Falconer, Knickerbocker, Graves, Cotterill, Williams, Cameron, Bryan.

The secretary called the roll, and the motion to indefinitely postpone was lost by the following vote:

Those voting aye were: Senators Cameron, Cotterill, Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Nichols, Potts, Presby, Roberts, Rydstrom, Smith, Whitney, Williams, Mr. President—19.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cox, Davis, Falconer, Fatland, Fishback, McGregor, Myers, Paulhamus, Polson, Rosenhaupt, Smithson, Stevenson, Stewart—20.

Absent or not voting were: Senators Booth, Metcalf, Piper—3.

Senator Nichols moved as a substitute that the bill be placed on final passage at this time.

Senator Nichols withdrew the above motion.

The motion of Senator Allen was put and carried, and House bill No. 1 was ordered referred to the Committee on Public Morals.

At 12:05 p. m., on motion of Senator Allen, a recess was taken until 2:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:30 o'clock p. m. by President Ruth.

SPECIAL ORDER.

The Senate took up the consideration of bills vetoed by the governor at the Eleventh session of the legislature.

On motion of Senator Falconer, the special order set for this afternoon for the consideration of vetoed bills was laid over until 2 o'clock Tuesday afternoon, June 29, 1909.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., June 25, 1909.

MR. PRESIDENT:

The House has passed engrossed House bill No. 4, entitled "An act relating to the management of the State College of Washington," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Resolution by Senator Knickerbocker:

Resolved, That the state auditor be and he is hereby directed to draw his warrants for the payment of the members and employees of the Senate every week of this extraordinary session upon payrolls which shall be signed by the members and employees, and certified by the president and secretary of the Senate, and he is hereby authorized and directed to deliver the warrants so issued to the secretary of the Senate, taking his vouchers therefor. The incidental expenses of the Senate shall be paid upon vouchers signed by the payees and certified by the president and secretary.

On motion of Senator Knickerbocker, the above resolution was adopted.

SPECIAL ORDER.

The Senate took up the consideration of House bills Nos. 2 and 3, which were special order for this hour.

House bills 2 and 3 were read the first time.

On motion of Senator Cotterill, the rules were suspended and House bills Nos. 2 and 3 were read the second time by title, and both bills referred to the Committee of the Whole.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bills Nos. 2 and 3.

The bills were considered in the Committee of the Whole, Senator Smith in the chair, and reported back to the Senate with the following recommendations:

House bill No. 2: That it do pass with the following amendments: Strike the words and figures "twelve thousand (12,000)" in line 1 of the title of the original bill and substitute therefor the words and figures "forty thousand (40,000)." Strike the words and figures "twelve thousand (12,000)" in the body of the bill, and substitute for same the words and figures "forty thousand (40,000)."

House bill No. 3: That it do pass with the following amendments: Strike the words and figures one thousand (1,000) from the title of the bill and substitute therefor the words and figures "thirty-five hundred (3,500)." Change the words and figures "one thousand (1,000)" in line 3 of section 1 of the original bill to the words and figures "thirty-five hundred (3,500)." Add to the end of section 1 the following: "and for the printing of the journals of the Senate and House of Representatives of the regular and special sessions of the legislature of the State of Washington of 1909." Add to the end of the title the following: "and for the printing of the journals of the Senate and the House of Representatives of the regular and special sessions of the legislature of the State of Washington of 1909."

On motion of Senator Smith, the report of the Committee of the Whole was adopted.

On motion of Senator Cotterill, the rules were suspended, the reading of House bills Nos. 2 and 3 had in the Committee of the Whole was considered the third reading of the bills and the bills placed on final passage.

The secretary called the roll on final passage of House bill No. 2 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Stevenson, Stewart—29.

Those voting nay were: Senators Cameron, Eastham, Hutchinson, Potts, Smith, Smithson, Whitney, Williams, Mr. President—9.

Absent or not voting were: Senators Booth, Graves, Metcalf, Piper—4.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

The secretary called the roll on final passage of House bill No. 3, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Stevenson, Stewart, Mr. President—30.

Those voting nay were: Senators Eastham, Hutchinson, Kline, Potts, Smith, Smithson, Whitney Williams—8.

Absent or not voting were: Senators Booth, Graves, Metcalf, Piper—4.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., June 25, 1909.

MR. PRESIDENT:

You are hereby notified that the following resolution has been passed by the House of Representatives:

WHEREAS, The joint committee appointed to investigate certain offices have made findings which warrant the impeachment of the insurance commissioner of the State of Washington, John H. Schively; and,

WHEREAS, It is the duty of the House of Representatives to find and present said impeachment; now therefore, be it

Resolved by the House of Representatives of the State of Washington, That John H. Schively, insurance commissioner of the State of

Washington, be impeached before the Senate of said state for high crimes or misdemeanors, or malfeasance in office; and be it further

Resolved, That a committee consisting of seven members of the House be appointed by the speaker to prepare articles of impeachment and report the same to the House for consideration.

E. B. PALMER,
E. MILTON STEPHENS,
T. J. BELL,

Committee.

On motion of Senator Falconer, the rules were suspended and House bills Nos. 2 and 3 were ordered immediately transmitted to the House.

Senator Rosenhaupt moved that the Judiciary Committee of the Senate prepare and submit to the Senate rules to govern the Senate when that body shall sit as a court of impeachment.

The motion carried.

On motion of Senator Stevenson, the following resolution was adopted:

Resolved by the Senate, That the secretary be instructed to have printed five hundred copies of the governor's message and report of the investigating committee.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., June 25, 1909.

MR. PRESIDENT:

We, your Committee on Salaries and Mileage, beg leave to report the following mileage due the members of the Senate in traveling to and from the extraordinary session, and we recommend that the same be adopted:

NAME.	Post Office.	County.	Miles.	Amount.
Allen, P. L.	Seattle	King	147	\$14 70
Anderson, A. W.	Colville	Stevens	1,058	105 80
Arrowsmith, Joseph	Palouse	Whitman	1,085	108 80
Bassett, J. D.	Ritzville	Adams	754	75 40
		Franklin		
		Walla Walla		
		Clallam		
Blair, John L.	Friday Harbor	Jefferson	307	80 70
		San Juan		
Booth, Robert F.	Seattle	King	147	14 70
Brown, Ed.	Blaine	Whatcom	371	87 10
Bryan, James W.	Bremerton	Island	179	17 90
		Kitsap		
		Mason		
		Benton		
Cameron, Samuel J.	North Yakima	Yakima	394	39 40
Cotterill, Geo. F.	Seattle	King	147	14 70
Cox, D. H.	Walla Walla	Walla Walla	725	72 50
Davis, Evan C.	Ephrata	Douglas, Ferry	681	68 10
		Grant		
Eastham, A. B.	Vancouver	Okanogan	280	28 00
Falconer, J. A.	Everett	Clarke		
Fatland, H. H.	Tacoma	Snohomish	210	21 00
Fishback, H. O.	Adna	Pierce	66	6 60
Graves, W. G.	Spokane	Lewis	90	9 00
Hutchinson, R. A.	Spokane	Spokane	875	87 50
Huxtable, Jesse	Spokane	Spokane	875	87 50
Kline, Robert L.	Bellingham	Spokane	875	87 50
Knickerbocker, I. B.	Bellingham	Whatcom	340	34 00
McGregor, Peter	Auburn	King	110	11 00
	Colfax	Whitman	1,015	101 50
McGowan, Henry S.	McGowan	Pacific	230	23 00
		Wahkiakum		
Meyers, Charles E.	Davenport	Lincoln	939	93 90
Minkler, B. D.	Lynan	Skagit.	339	33 90
Nichols, Ralph D.	Seattle	King	147	14 70
Paulhamus, W. H.	Sumner	Pierce	90	9 00
Poison, Alex.	Hoquiam	Chehalis	120	12 00
Potts, William G.	Seattle	King	147	14 70
Presby, Winthrop B.	Goldendale	Klickitat	484	48 40
		Skamania		
Roberts, John L.	Tacoma	Pierce	66	6 60
Rosenhaupt, Harry	Spokane	Spokane	875	87 50
Ruth, A. S.	Olympia	Thurston		
Rydstrom, Arvid	Tacoma	Pierce	66	6 60
Smith, S. T.	Maryville	Snohomish	220	22 00
Smithson, John H.	Ellensburg	Chelan	320	32 00
		Kititas		
		Asotin		
		Columbia		
Stevenson, John R.	Pomeroy	Garfield	880	88 00
		Columbia		
Stewart, F. L.	Kelso	Cowlitz	158	15 80
Whitney, E. L.	Foothills	Spokane	915	91 50
Williams, E. M.	Seattle	King	147	14 70
Laube, W. T.	Seattle	King	147	14 70

JOHN L. ROBERTS, *Chairman.*

We concur in this report: A. W. Anderson, W. B. Presby, S. J. Cameron.

On motion of Senator Roberts, the report of the committee was adopted.

The secretary read the following resolution:

Senate concurrent resolution No. 6, by Senator Bryan:

WHEREAS, The right of the people of the State of Washington to nominate at direct primaries the candidates for the office of judges of

the supreme court of the state was taken away by an amendment to the direct primary law at the regular session of the Eleventh legislature; and

WHEREAS, Under the terms of the said amendment, the name of no candidate for the office of judge of the supreme court shall be printed on an official ballot or presented to the electors of the state for approval till such person has received the endorsement of a partisan political convention; and

WHEREAS, There has been and now is great resentment among the people to the said action and to the said amendment of the direct primary law; therefore, be it

Resolved by the Senate, the House concurring, That authority is hereby given for the introduction in the Senate and House of a bill restoring to the people the right to nominate judges of the supreme court at a direct primary election on the same date as other state officers are nominated.

On motion of Senator Bryan, the consideration of Senate concurrent resolution No. 6 was made a special order for 10 o'clock Wednesday morning, June 30, 1909.

The following communication was read, and, on motion of Senator Bryan, ordered referred to the Committee on Elections and Privileges.

The Honorable Senate of the State of Washington, Olympia, Washington.

DEAR SIR: At a meeting of the King County Bar Association, held at the court house in the city of Seattle, Washington, on June 17, 1909, the following resolution was moved and adopted by a unanimous vote:

"WHEREAS, The latest legislature of the State of Washington, acting without regard for the best interests of the people of the state and against their express wishes, did take the offices of supreme court justices out of the operation of the direct primary law and placed their nomination in partisan political conventions; and

"WHEREAS, The supporters of said measure alleged as an excuse for the passage of said act that it was favored by the bar of the state; now therefore, be it

Resolved by the King County Bar Association, in regular meeting assembled, That it is the sense of the bar of King county that said act is vicious and dangerous legislation and ought to be repealed, and that it be repealed by the special session of the legislature; be it further

Resolved, That we pledge ourselves to the nomination of supreme court justices under the direct primary law, to the end that the judiciary of this state remain nonpartisan and of the people; and be it further

Resolved, That copies of this resolution be furnished each house of the legislature at the opening of the special session thereof, and that copies hereof be sent to the press of the State of Washington, with a

request for its publication, and also a copy to the secretary of each bar association in the state."

Your obedient servant,

WM. FARMERLEE,

Chairman King County Bar Association Committee.

INTRODUCTION OF BILLS.

Senate bill No. 2, by Senator Rydstrom, entitled "An act repealing an act entitled 'An act for the purchase of the highway bridge across the Columbia river at Wenatchee.'"

The bill was read the first time, and on motion of Senator Rydstrom the rules were suspended, the bill read the second time by title and referred to the Committee of the Whole.

Senate bill No. 3, by Senator Booth, entitled "An act repealing an act entitled 'An act making an appropriation and creating a commission to be known as the Columbia river improvement commission.'"

The bill was read the first time, and on motion of Senator Potts the bill was read the second time by title, the rules being suspended, and referred to the Committee of the Whole.

Senate bill No. 4, by Senator Ruth, entitled "An act for the relief of the Olympia National Bank, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Potts the rules were suspended, the bill read the second time by title and referred to the Committee of the Whole.

House bill No. 4, entitled "An act relating to the management of the State College of Washington."

The bill was read first time, and on motion of Senator McGregor the rules were suspended, the bill read second time by title and placed on final passage.

House bill No. 4 was read third time.

The secretary called the roll and House bill No. 4 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—38.

Absent or not voting were: Senators Booth, Graves, Metcalf, Piper—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator McGregor, the rules were suspended and House bill No. 4 ordered immediately transmitted to the House.

Senate bill No. 5, by Senator Nichols, entitled "An act relating to the establishment and creation of the commercial waterway districts and the construction and maintenance of a system of commercial waterways, etc."

The bill was read the first time, and on motion of Senator Nichols the rules were suspended, the bill read the second time by title and ordered referred to the Committee on Harbors and Harbor Lines.

Senate bill No. 6, by Senator Fatland, entitled "An act repealing an act entitled 'An act authorizing the formation of metropolitan park districts, providing for park officers, fixing their powers and duties, etc.'"

The bill was read first time, and on motion of Senator Fatland the rules were suspended, the bill read second time by title and referred to the Committee of the Whole.

Senate bill No. 7, by Senator Bryan, entitled "An act relating to the nomination of candidates for public office in the State of Washington and amending sections 1 and 11 of chapter 82 of the Session Laws of the regular session of 1909, and declaring an emergency."

The bill was read first time, and on motion of Senator Bryan the rules were suspended, the bill read second time by title and ordered referred to the Committee on Elections and Privileges.

On motion of Senator Falconer, the following resolution was adopted.

Resolved, That the state highway commission be and hereby is directed to make a report on the value and condition of the Wenatchee bridge, said report to be presented at the time of consideration of Senate bill No. 2.

At his request, Senator Smith was excused from attendance at sessions until 2 o'clock Tuesday, June 29, 1909.

At 3:40 p. m., on motion of Senator Allen, the Senate adjourned until 2 o'clock p. m. Monday, June 28, 1909.

W. M. T. LAUBE,

Secretary of the Senate.

A. S. RUTH,

President of the Senate.

SIXTH DAY.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Monday, June 28, 1909.

The Senate was called to order at 2 o'clock p. m. by Senator A. S. Ruth, president *pro tem.* of the Senate.

Rev. J. M. Orrick, of Olympia, offered prayer.

The secretary called the roll, all members being present except Senators Allen, Booth, Cameron, Falconer, Metcalf, Paulhamus and Piper, all of whom were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

INTRODUCTION OF BILLS.

Senate bill No. 8, by Senator Stevenson, entitled "An act in relation to certain forms of commercial paper, and providing a penalty for the violation thereof."

The bill was read first time, and on motion of Senator Stevenson the bill was read second time by title, the rules being suspended, and referred to the Committee of the Whole.

Senate bill No. 9, by Senator Stevenson, entitled "An act repealing an act entitled 'An act for the construction of a State Historical building for the use of the Washington State Historical Society, and making an appropriation from the general fund for the construction thereof.'"

The bill was read first time, and on motion of Senator Stevenson the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 10, by Senator Rydstrom, entitled "An act for the protection of game animals and game birds of the State

of Washington, defining violations thereof, providing punishment for the same and repealing all laws in conflict herewith.”

The bill was read first time, and on motion of Senator Rydstrom the rules were suspended, the bill read second time by title and referred to the Committee on Game.

REPORT OF COMMITTEE.

To the Senate of the State of Washington:

We, your Committee on Judiciary, to whom was referred the drafting of the rules to govern your body in the trial of the impeachment proceedings which we have been notified by the House of Representatives will be instituted against John H. Schively, insurance commissioner of the State of Washington, have had the same under consideration, and report back the annexed rules, with the recommendation that they be adopted as the rules to govern the Senate upon the hearing of such impeachment proceedings. We have deemed it proper in this connection to say that, in the trial of such proceedings, the constitution of the state and every precedent renders it clear that the Senate, when hearing impeachment proceedings, sits as a court of justice to try the question of the guilt or innocence of the accused official according to the law and the evidence submitted to the Senate upon the trial, and that we have, therefore, deemed it best to conform so far as possible in the proceedings upon such trial to the procedure in the courts of law of the state, this being the course always pursued in such trials, so far as our investigations advise.

Respectfully submitted,

WILL G. GRAVES, *Chairman.*

We concur in the above report: W. B. Presby, Harry Rosenhaupt, J. W. Bryan, Ralph D. Nichols, I. B. Knickerbocker.

RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHILE SITTING ON THE TRIAL OF IMPEACHMENT.

1. Whenever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against John H. Schively, and are directed to carry articles of impeachment to the Senate, the secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment agreeably to said notice.

2. When the managers of the impeachment shall be introduced at the bar of the Senate and shall signify that they are ready to exhibit articles of impeachment against such person, the presiding officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

3. Upon such articles being presented to the Senate, the Senate

shall proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the articles of impeachment, the chief justice shall administer the oath hereinafter provided to the members of the Senate then present, and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

4. The presiding officer shall have power to make and issue, by himself or by the secretary of the Senate, all orders, mandates, writs and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

5. The Senate shall have power to compel the attendance of witnesses, the production of books, documents and papers, to enforce obedience to its orders, mandates, writs, precepts and judgments, to preserve order, and to punish in a summary way contempts of and disobedience to its authority, orders, mandates, writs, precepts or judgments, and to make all lawful orders, rules and regulations which it may deem essential or conducive to the ends of justice; and the sergeant-at-arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute and carry into effect the lawful orders, mandates, writs and precepts of the Senate.

6. The presiding officer upon the trial shall direct all the forms of proceeding while the Senate is sitting for the purpose of trying the impeachment and all forms during the trial not otherwise specifically provided for. The presiding officer shall rule upon all questions of evidence and incidental questions, but said ruling may, on demand of one-fifth of the members present, be submitted to the Senate for its decision, and shall be decided by yeas and nays.

7. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the accused, reciting said articles and notifying him to appear before the Senate on a day and at a place to be fixed by the Senate and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide by the orders and judgments of the Senate thereon, which writ shall be served by the sergeant-at-arms or his assistant forthwith, either by the delivery of an attested copy thereof to the accused, or, if that cannot conveniently be done, by leaving such copy at his usual place of abode or at the office of the insurance commissioner in the capitol building; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the accused, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer

to such articles of impeachment, the trial shall proceed nevertheless as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

8. At the convening of the Senate on the day appointed for the return of the summons against the accused the legislative and executive business of the Senate shall be suspended and the secretary of the Senate shall administer an oath to the returning officer in the form following, viz:

"I,, do solemnly swear that the return made by me upon the process issued on the day of, 1909, by the Senate against John H. Schively is truly made, and that I have performed such service as herein described. So help me God."—which oath shall be entered at large on the records.

9. The accused shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself or by agent or attorney, naming the person appearing and the capacity in which he appears. If he do not appear, either personally or by agent or attorney, that fact shall be recorded.

10. On the day appointed for the trial of impeachment, the legislative and executive business of the Senate shall be suspended and the secretary shall give notice to the House of Representatives that the Senate is ready to proceed with the impeachment of John H. Schively in the Senate chamber.

11. The secretary of the Senate shall record all the proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate. It shall be the duty of the secretary of the Senate to procure the services of competent stenographers to report all the testimony and proceedings in impeachment, and to have the same extended and incorporated in the proceedings of the Senate.

12. Counsel for the parties shall be admitted to appear and be heard upon the impeachment.

13. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he or any senator shall require it they shall be committed to writing and read at the secretary's table.

14. Witnesses shall be examined by one person on behalf of the party producing them and then cross-examined by one person on the other side. Senators shall not propound questions to witnesses, but questions may be submitted in writing to the presiding officer, whose ruling thereon shall be governed as all other questions of fact.

15. All preliminary or interlocutory questions and all motions shall be argued for not exceeding fifteen minutes on each side, unless the Senate shall by order extend the time.

16. The case on each side shall be opened by one person. The final argument on the merits may be made by two persons on each side, and the argument shall be opened and closed on the part of the House of Representatives.

17. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately, and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of twenty-eight members, a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said articles by the votes of twenty-eight of the members, the Senate shall proceed to pronounce judgment, and a certified copy of such judgment shall be deposited in the office of the secretary of state.

18. All interlocutory orders and decisions shall be made by the presiding officer, but, upon demand of one-fifth of the members of the Senate, any such interlocutory order or decision shall be submitted to the house and decided by a vote taken upon yeas and nays. The decision shall be entered upon the record, whether made by the presiding officer or by the house, and the record shall also show whether the question was decided by the presiding officer or by the house. All decisions shall be made without debate, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate.

19. The following oath shall be administered to the witnesses, viz:

"You,, do swear (or affirm, as the case may be) that the evidence you shall give in the impeachment proceedings against John H. Schively now pending before this body shall be the truth, the whole truth, and nothing but the truth. So help you God."

—which oath shall be administered by the secretary or by the presiding officer.

The following form of subpoena shall be issued on the application of the managers of the impeachment, or of the accused official, or of his or their counsel:

"State of Washington, to, greeting:

"You and each of you are hereby commanded to appear before the Senate of the State of Washington on the day of, 1909, at the Senate chamber, in the city of Olympia, then and there to testify as to matters upon which you may be interrogated in the cause which is before the Senate in which the House of Representatives have impeached John H. Schively.

"Fail not.

"Witness the Honorable A. S. Ruth, President *pro tempore* of the Senate, at the city of Olympia this day of, A. D. 1909.

.....
"Secretary of the Senate."

To the subpoena shall be attached the following form of direction for service:

"The State of Washington, to, greeting:

"You are hereby commanded to serve and return the within subpoena according to law.

"Dated at Olympia, this day of, A. D. 1909.

.

"Secretary of the Senate."

The following oath shall be administered to the members of the Senate before sitting for the trial of the impeachment proceedings:

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of John H. Schively, now pending, I will do impartial justice according to the Constitution and the laws and according to the law and the evidence that may be produced before this body upon the hearing of such proceeding. So help me God."

Such oath shall be administered by the chief justice of the supreme court of the state prior to proceeding with the hearing of the trial.

The following form of summons shall be issued and served upon the accused official:

"THE STATE OF WASHINGTON, SS:

"The State of Washington to John H. Schively, greeting:

"Whereas, The House of Representatives of the State of Washington did on the day of, A. D. 1909, exhibit to the Senate articles of impeachment against you, the said John H. Schively, in the words following (here insert articles) and demand that you should be put to answer the accusations set forth in said articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice;

"Now, therefore, you, the said John H. Schively, are hereby summoned to be and appear before the Senate of the State of Washington, at the Senate chamber, in the city of Olympia, on the day of, 1909, at M., then and there to answer the said articles of impeachment, and then and there to abide by, obey and perform such orders, directions and judgments as the Senate of the State of Washington shall make in the premises, according to the Constitution and laws of the United States and of the State of Washington, and therein fail not.

"Witness the Honorable A. S. Ruth, president *pro tempore* of the Senate, at the city of Olympia, this day of, A. D. 1909.

.

"Secretary of the Senate."

Upon said writ of summons the following return or precept shall be endorsed:

"THE STATE OF WASHINGTON, SS:

"The State of Washington, to, greeting:

"You are hereby commanded to deliver to and leave with John H. Schively, if conveniently to be found, or, if not, to leave at his usual

place of abode or at his usual place of business, in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and, in whichever way you perform the service, let it be done at least days before the appearance day mentioned in said writ of summons.

"Fail not, and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in said writ of summons.

"Witness the Honorable A. S. Ruth, president *pro tempore* of the Senate, at the city of Olympia, this day of, A. D. 1909.

.....
"Secretary of the Senate."

20. The accused official shall be required to join issue upon each article of the articles of the impeachment proceeding, which he may do by answer, and by such answer may present, as to each article, the question of the sufficiency of the facts alleged as cause for impeachment, a denial of such facts, or new matter tending to defeat their effect. In the event that new matter is pleaded as a defense, the managers shall be required to join issue thereupon. The rules of the common law, save as modified by statute, and as now administered by the courts of this state, shall govern in the decision of all questions of evidence and of all interlocutory matters arising during the progress of the trial whereinsoever they are applicable. The board of managers shall open the case, presenting the evidence to sustain the articles of impeachment. The accused official shall then introduce such evidence as he desires, and the managers may close with rebuttal evidence. At the conclusion of the evidence and the arguments, the secretary of the Senate shall read the several articles successively, and after the reading of each article the secretary will put the question of guilty or not guilty to each senator, who shall rise in his place, as follows: "Mr. Senator: How say you, Is the defendant, John H. Schively, insurance commissioner of the State of Washington, guilty or not guilty of the offense charged in this article?" Each senator shall thereupon answer "Guilty" or "Not Guilty" and his vote shall be so recorded, and, in addition, he may have entered upon the record an explanation of his vote.

21. Should the sufficiency, as matter of law, of the allegations contained in the articles of impeachment or of the evidence adduced in support thereof to warrant an impeachment, be questioned at any stage during the proceedings, such question shall be then tried and determined by a yea and nay vote. Should the articles be declared legally insufficient to warrant impeachment by such vote, or the evidence adduced in support thereof be so declared, the impeachment proceedings shall thereupon terminate, but upon the final question of guilty or not guilty such prior decision shall not be conclusive, but the whole question, both upon the law and the facts, shall be open for consideration.

On motion of Senator Graves, the report of the committee was adopted.

Senator Graves moved that the rules recommended by the Committee on Judiciary for the conduct of impeachment proceedings be adopted by roll call.

The motion carried.

The secretary called the roll, and the rules above-mentioned were adopted by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—35.

Absent or not voting were: Senators Allen, Booth, Cameron, Falconer, Metcalf, Paulhamus, Piper—7.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., June 28, 1909.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House bill No. 2, entitled "An act making an appropriation of forty thousand dollars to defray expenses of special session."

The speaker has signed House bill No. 2, entitled "An act appropriating \$40,000 for legislative expenses," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 2.

On motion of Senator Presby, the secretary was instructed to have printed 200 copies of the rules adopted by the Senate governing impeachment proceedings.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., June 28, 1909.

MR. PRESIDENT:

We, your Committee on Harbors and Harbor Lines, to whom was referred Senate bill No. 5, entitled "An act to provide for establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, water courses and

streams and the protecting of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend by striking out the final letter in the word "districts" where it occurs in line 6 of section 1 in the printed bill.

Amend by adding the letter "s" to the word "place" where it occurs in line 19 of section 4 in the printed bill.

Amend by inserting the words "each of" between the word "for" and the word "said" in line 23 of section 4 in the printed bill, and by inserting the word "places" after the word election in said line 23.

Amend by inserting the words "designate the voting places and" between the word "shall" and the word "contain" in line 12 of section 6 in the printed bill; also by inserting the words "for each of said voting places" between the word "District" and the word "as" in said line 12; and also by inserting said words "for each of said voting places" between the word "District" and the word "as" in line 13 of said section 6 in the printed bill.

Amend by striking out the words "The districts" in line 1 of section 7 in the printed bill and inserting in lieu thereof the words "Any district."

Amend by striking out the word "may" in line 5 of section 7 in the printed bill and inserting in lieu thereof the word "shall."

Amend by inserting the word "engineers" between word "competent" and the word "surveyors" in line 4 of section 12 in the printed bill.

GEO. F. COTTERILL, *Chairman.*

We concur in this report: J. W. Bryan, Arvid Rydstrom, Alex Polson, John L. Roberts.

On motion of Senator Cotterill, the report of the committee was adopted.

On motion of Senator Nichols, Senate bill No. 5 was amended by striking the word "good," being the last word in line 3, and the word "and," being the first word in line 4, both in section 12 of the printed bill.

INTRODUCTION OF BILLS.

Senate bill No. 11, by Senator Anderson, entitled "An act to amend section 19 of chapter 115, an act entitled 'An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage and to provide for the means of payment thereof and declaring an emergency.'"

The bill was read first time, and on motion of Senator Ander-

son the rules were suspended, the bill read second time by title and referred to the Committee of the Whole.

Senator Williams' motion that rule No. 64 be suspended for today was lost.

At 3:20 p. m., on motion of Senator Graves, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

SEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, June 29, 1909.

The Senate was called to order at 10 o'clock a. m. by President Ruth.

Rev. J. M. Orrick, of Olympia, offered prayer.

The secretary called the roll, all members being present except Senators Cameron, Graves, Metcalf, Paulhamus, Piper and Whitney, all of whom were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

On motion of Senator Presby, the secretary was instructed to have 300 additional copies of the Senate impeachment rules printed, making a total of 500 copies printed.

At 10:15, on motion of Senator Kline, a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:00 o'clock p. m., by Senator A. S. Ruth, president *pro tem.* of the Senate.

A. W. Swenson and Emmett Holmes were sworn in as employees of the Senate.

SPECIAL ORDER.

On motion of Senator Booth, the special order set for this hour for the purpose of considering the governor's veto messages was continued and set for 2 o'clock in the afternoon of Tuesday, July 6, 1909.

At the request of Senator Hutchinson, unanimous consent was granted extending the time for reconsideration of the vote by which Senate concurrent resolution No. 5 failed to pass the Senate, and Senator Hutchinson was given tomorrow to take up the matter of reconsideration.

At 2:05 p. m., on motion of Senator Huxtable, the Senate adjourned until 11:30 tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Wednesday, June 30, 1909.

The Senate was called to order at 11:30 o'clock a. m. by Senator A. S. Ruth, president *pro tem*.

Rev. J. M. Orrick offered prayer.

The secretary called the roll, all members being present except Senators Booth and Piper, who were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., June 29, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 4, entitled "An act relating to the management of the State College of Washington";

House bill No. 3, entitled "An act appropriating the sum of \$3,500,

or so much thereof as may be necessary, for printing ordered by the special session”;

The House has passed Senate bill No. 1, entitled “An act making an appropriation for the payment of the funeral expenses of the late Governor S. G. Cosgrove”;

House concurrent resolution No. 4, relating to the powers of the Alaska-Yukon-Pacific Exposition committee;

And the same are herewith transmitted.

The House has concurred in amendments to House bill No. 3, making an appropriation for printing.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 3 and 4.

A request for the unanimous consent of the Senate to take up the reconsideration of Senate concurrent resolution No. 5, made by Senator Hutchinson, was denied.

Senator Hutchinson moved that the vote by which Senate concurrent resolution No. 5 failed to pass the Senate be reconsidered.

A roll call on the motion to reconsider was demanded by Senators Eastham, Graves, Hutchinson, Kline, Knickerbocker, McGowan, Minkler.

The secretary called the roll and the motion to reconsider was lost by the following vote:

Those voting aye were: Senators Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Minkler, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—17.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fishback, McGregor, Metcalf, Myers, Nichols, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—20.

Absent or not voting were: Senators Bassett, Booth, Cameron, Fatland, Piper—5.

At the request of Senator Hutchinson, the following protest was ordered incorporated in the journal:

Mr. President and Gentlemen of the Senate:

I protest against the action of the Senate in defeating this resolution, for the reason that I wish the present committee of investigation to investigate the state officers, some of whom, it is said, are the political rivals of the acting governor, and for the further reason that Senator Fishback, of that committee, is one of the most expert accountants in the state; but other committees should investigate the state institu-

tions. For the reason that it will cost no more for three committees to investigate the offices and institutions and report here November 15th than for one committee to investigate them and report here next April, and for the further reason that men under suspicion should either be convicted or acquitted, and three committees will more speedily attain that result. I call the attention of this Senate to the fact that I introduced the resolution asking for a dragnet investigation. When that failed, I introduced a bill providing for a dragnet investigation, and, when that failed, that I have consistently on each and every occasion voted for a thorough investigation and have offered resolution No. 5 in the interests of a thorough investigation, so that no guilty man may escape.

R. A. HUTCHINSON.

A communication from Homer L. Hill was read by the secretary.

Senator Falconer moved that the communication be expunged from the records of the Senate.

Senator Williams moved as a substitute that the communication be received and placed on file.

The substitute motion was lost.

The motion of Senator Falconer carried.

At 12:15 p. m., on motion of Senator Graves, a recess was taken until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2 o'clock p. m. by Senator Ruth, president *pro tem*.

The secretary read House concurrent resolution No. 4:

WHEREAS, The Alaska-Yukon-Pacific Exposition commission of the State of Washington is representing this state at the Alaska-Yukon-Pacific Exposition, where visiting states and visiting nations are also represented; and

WHEREAS, In their official capacity as representatives of the State of Washington they are invited to partake of the hospitality of other states and nations represented at the exposition in the way of receptions, banquets, etc.; and

WHEREAS, There is some doubt as to whether the law under which this commission operates provides only for an expenditure of money for the purpose of exhibiting the resources and advantages of the State of Washington, and whether it contemplates the return by this state

of such courtesies as are extended by visiting states and nations; now, therefore, be it

Resolved by the House, the Senate concurring, That the Alaska-Yukon-Pacific Exposition commission of the State of Washington be authorized and allowed to appropriate from its funds an amount sufficient to properly return the courtesies which have been extended to this state, thereby exhibiting the hospitality characteristic of this commonwealth.

Senator Bryan moved to amend the resolution by inserting after the word "amount" in the third from the last line of the original resolution the words and figures "not to exceed five thousand (\$5,000) dollars."

Senator Stevenson moved as an amendment to the amendment that the words and figures "ten thousand (\$10,000)" be substituted for the words and figures "five thousand (\$5,000)."

The amendment to the amendment as proposed by Senator Stevenson carried.

The amendment of Senator Bryan as amended by Senator Stevenson's amendment carried.

The secretary called the roll on final passage of House concurrent resolution No. 4, as amended in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—37.

Absent or not voting were: Senators Booth, Graves, Hutchinson, Piper, Rosenhaupt—5.

On motion of Senator Bryan, the special order set for 10:00 o'clock this morning for the purpose of considering Senate concurrent resolution No. 6 was reset for 10:00 o'clock tomorrow morning, the resolution to be considered at the same time as Senate bill No. 7, bearing on the same subject.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

OLYMPIA, WASH., June 29, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred Senate bill No. 10, entitled "An act for the protection of game animals and game birds

of the State of Washington, defining violations thereof, providing punishment for the same and repealing all other laws in conflict therewith," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED BROWN,
ARVID RYDSTROM,
CHAS. E. MYERS,

E. C. WHITNEY,
JOHN L. BLAIR,
ROBT. F. BOOTH.

On motion of Senator Brown, the report of the committee was adopted.

A motion by Senator Graves that a recess be taken until 3:30 was lost.

INTRODUCTION OF BILLS.

Senate bill No. 12, by Senator Whitney, entitled "An act appropriating the sum of \$8,000 for the purchase of certain lands to be used in connection with the State Institution for the Feeble-Minded, near Medical Lake, and repealing an appropriation of \$8,000 to purchase for said state institution agricultural land."

The bill was read first time, and on motion of Senator Whitney the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 13, by Senator Allen, entitled "An act to appropriate funds to pay the expenses of publishing the proposed amendments to the state constitution and for the publication of the result of the canvass of the primary election of 1910."

The bill was read first time, and on motion of Senator Allen the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

A motion by Senator Graves that the Senate take a recess until 3:55 this afternoon was lost.

Senate bill No. 14, by Senator Bassett, entitled "An act relating to the approval of bills and accounts and regulating the manner of issuing warrants and the registration thereof of school districts of the second and third class, and declaring an emergency."

The bill was read first time, and on motion of Senator Bassett the rules were suspended, the bill read second time by title and ordered referred to the Committee on Education.

Senate bill No. 15, by Senator Minkler, entitled "An act repealing chapter 49 of the Session Laws of 1909, relating to the

dividing of counties into districts for judicial purposes and for holding sessions of the superior court at places other than the county seat."

The bill was read first time, and on motion of Senator Minkler the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 16, by Senator Brown, entitled "An act repealing chapter 6 of the Session Laws of 1909."

The bill was read first time, and on motion of Senator Brown the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 17, by Senator Potts, entitled "An act appropriating the sum of \$2,000 to provide for the printing of the bureau of inspection and supervision of public offices."

The bill was read first time, and on motion of Senator Potts the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 18, by Senator Booth, entitled "An act authorizing cities of the first class to levy and collect original and supplemental assessments and reassessments upon all property specially benefited, to pay the cost of any local improvement, or any portion of such cost."

The bill was read first time and on motion of Senator Brown, the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 19, by Senator Allen, entitled "An act regulating the keeping and deposit of public funds and amending section 2 of chapter 103 of the Session Laws of 1905."

The bill was read first time, and on motion of Senator Allen the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 20, by Senator Presby, entitled "An act repealing 'An act appropriating \$50,000 for the improvement of the Puyallup and Stuck rivers.'"

The bill was read first time, and on motion of Senator Presby the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 21, by Senator Whitney, entitled "An act repealing an act creating the Southwest Washington Fair Association and making an appropriation."

The bill was read first time, and on motion of Senator Whitney the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 22, by Senator Eastham, entitled "An act repealing an act creating the state shore land improvement fund, providing for certain warrants to be drawn upon said fund."

The bill was read first time, and on motion of Senator Eastham the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 23, by Senator Eastham, entitled "An act amending an act entitled 'An act to amend section 3 of an act entitled 'An act relating to the special Alaska-Yukon-Pacific Exposition fund, making certain warrants to be drawn upon it preferential,' etc."

The bill was read first time, and on motion of Senator Eastham the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

OLYMPIA, WASH., June 30, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 1, entitled "An act making an appropriation for the payment of the funeral expenses of the late governor of the State of Washington, His Excellency, Governor Samuel G. Cosgrove," have compared the same with the original bill and find it to be correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, D. H. Cox.

The president signed Senate bill No. 1.

A motion by Senator Falconer that the Senate do now adjourn was lost.

The following resolution was read:

Senate joint resolution No. 1, by Senator Williams:

WHEREAS, By reason of the death of the Honorable Samuel G. Cosgrove, there is a vacancy in the office of governor; and

WHEREAS, By reason of the resignation of the Honorable Samuel H. Nichols, there is a vacancy in the office of secretary of state; now therefore, be it

Resolved by the Senate, the House concurring, That the acting governor, the Honorable M. E. Hay, be herewith ordered and directed to

call a special election within five days, for the purpose of filling the aforesaid vacancies, such election to be held September 1, 1909.

Senator Williams moved that the resolution be referred to the Committee of the Whole.

Senator Cotterill moved as a substitute that the resolution be referred to the Judiciary Committee.

The substitute motion of Senator Cotterill carried.

Senate joint resolution No. 1 was read second time.

A motion of Senator Presby that the Senate do now resolve itself into a Committee of the Whole for the purpose of considering bills heretofore referred to that committee was lost.

Senator Fatland was granted unanimous consent to return to the order of business, "Introduction of Bills."

Senate bill No. 24, by Senator Fatland, entitled "An act relating to materialmen's liens, and the enforcement thereof, and declaring an emergency."

The bill was read first time, and on motion of Senator Fatland the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., June 30, 1909.

MR. PRESIDENT:

The House has adopted articles of impeachment against John H. Schively, insurance commissioner of the State of Washington, and, pursuant to motion, the speaker has appointed as the board of managers of the impeachment proceedings before the bar of the Senate the following: Messrs. Meigs, Sparks, Hubbell, Lambert, Todd, Edge, Jackson (F. C.), Buchanan, and McGregor.

The speaker has signed Senate bill No. 1, entitled "An act making an appropriation for the payment of the funeral expenses of the late governor of the State of Washington, His Excellency, Governor Samuel G. Cosgrove," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

PROCEEDINGS OF IMPEACHMENT.

The secretary was instructed to notify the House that the Senate is ready to receive the board of managers in the matter of the impeachment proceedings against John H. Schively, insurance commissioner.

Messrs. Sparks, Lambert, Todd and Jackson (F. C.), mem-

bers of the board of managers, appeared at the bar of the Senate and presented the articles of impeachment in the matter of the proceedings instituted by the House against John H. Schively, insurance commissioner of the State of Washington.

The president announced that the Senate will take proper order on the subject of the impeachment, of which due notice will be given the House of Representatives.

On motion of Senator Graves, the Senate organized itself as a court of impeachment for the purpose of hearing and trying the charges in impeachment preferred against John H. Schively, insurance commissioner of the State of Washington.

The secretary called the roll, all senators being present except Senators Booth and Piper, and the following oath was administered to those present by Acting Chief Justice Fullerton:

"I solemnly swear (or affirm) that in all things appertaining to the trial of the impeachment of John H. Schively, now pending, I will do impartial justice according to the constitution and the laws and according to the law and the evidence that may be produced before this body upon the hearing of such proceeding. So help me God."

Senator Bryan moved that John H. Schively be summoned to appear before the Senate forthwith.

Senator Nichols moved to amend that the time fixed in the summons for the appearance of John H. Schively before the Senate, sitting as a court of impeachment, be 10:30 tomorrow morning.

The amendment of Senator Nichols was accepted by Senator Bryan.

The motion of Senator Bryan as amended carried.

On motion of Senator Presby, the secretary was instructed to notify the House that the Senate has organized itself as a court of impeachment.

The secretary was instructed to notify the House that the Senate, sitting as a court of impeachment, would receive the board of managers at 10:30 tomorrow morning.

On motion of Senator Cotterill, the secretary read the articles of impeachment presented by the House against John H. Schively, insurance commissioner of the State of Washington.

On motion of Senator Cotterill, further proceedings under the articles of impeachment were set for 10:30 tomorrow morning.

On motion of Senator Knickerbocker, the secretary of the Senate was instructed to confer with the chief clerk of the House, and, if arrangements have not been made by the House, to have 500 copies of the articles of impeachment printed.

At 4:35 p. m., on motion of Senator Falconer, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, July 1, 1909.

The Senate was called to order at 10 a. m. by Senator Ruth, president *pro tem*.

Rev. J. M. Orrick offered prayer.

The secretary called the roll, all members being present except Senators Booth and Piper.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., June 30, 1909

MR. PRESIDENT:

The House has concurred in the Senate amendments to House concurrent resolution No. 4.

Also the speaker has signed House concurrent resolution No. 4, relating to the Alaska-Yukon-Pacific Exposition, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

SPECIAL ORDER.

On motion of Senator Bryan, Senate bill No. 7 was considered at this time, and Senate concurrent resolution No. 6, which was a special order for consideration with the bill at this time, was laid over.

Senate bill No. 7, by Senator Bryan, entitled "An act relating to the nomination of candidates for public office in the State of Washington and amending sections 1 and 11 of chapter 82 of the Session Laws of the regular session of the legislature of 1909, and declaring an emergency," was read third time.

The previous question on the final passage of the bill was demanded by Senators Bryan, Cotterill and Falconer.

The motion for the previous question carried.

The secretary called the roll on the final passage of Senate bill No. 7 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Cox, Falconer, Fatland, Hutchinson, Huxtable; Metcalf, Paulhamus, Polson, Williams—16.

Those voting nay were: Senators Bryan, Cameron, Davis, Eastham, Fishback, Graves, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Nichols, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—24.

Absent or not voting were: Senators Booth and Piper—2.

Senator Bryan gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 7 failed to pass the Senate.

The president signed House concurrent resolution No. 4.

The following communication was read by the secretary:

FIRST AMERICAN CONGRESS OF ROAD BUILDERS,
SEATTLE, June 30, 1909.

Hon. A. S. Ruth, President of the Senate, State of Washington.

SIR: I desire through you to extend to the Honorable Senate of the State of Washington an invitation to attend the opening exercises of the First American Congress of Road Builders, to be held on July 5, at 9 a. m., in the Good Roads building, A.-Y.-P. Exposition grounds, on the campus of the University of Washington.

This Good Roads building was erected under the auspices of the legislature of 1909, and the Senate enacted the legislation almost unanimously. This is the first time in the world's history that such a build-

ing has been erected for this purpose, and the act is one which I believe every member may later be proud to have taken, and as the time goes on it will show the wisdom of the legislature of 1909.

Very truly yours,

SAMUEL HILL.

On motion of Senator Paulhamus, the above invitation was accepted by the Senate.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 4, relating to the continuance of the legislative investigating committee, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

PROCEEDINGS OF IMPEACHMENT.

The sergeant-at-arms announced that John H. Schively, with his counsel, was at the door of the Senate chamber.

On motion of Senator Presby, the Senate resolved itself into a court of impeachment.

The president called Senator Presby to the chair.

The chair instructed the secretary to notify the board of managers of the House that the Senate is ready to proceed with the impeachment proceedings.

John H. Schively, insurance commissioner of the State of Washington, accompanied by his counsel, Mr. Geo. C. Israel, appeared before the bar of the Senate.

Messrs. Meigs, Sparks, Buchanan, Todd, Hubbell, Edge, Jackson (F. C.), Lambert and McGregor, constituting the board of managers of the House, accompanied by W. P. Bell, attorney general of the State of Washington, and George A. Lee, assistant attorney general of the State of Washington, appeared before the Senate as prosecutors in the impeachment proceedings.

The secretary administered the following oath to the sergeant-at-arms of the Senate:

"I, A. J. Ahola, sergeant-at-arms of the Senate, do solemnly swear that the return made by me upon the process issued on the 30th day of June, 1909, by the Senate against John Schively, was truly made and that I have performed such service as herein described. So help me God."

The sergeant-at-arms filed with the secretary of the Senate the following summons and return:

THE STATE OF WASHINGTON, SS.

The State of Washington to John H. Schively, Greeting:

WHEREAS, the House of Representatives of the State of Washington did on the 30th day of June, A. D. 1909, exhibit to the Senate articles of impeachment against you, the said John H. Schively, in the words following:

ARTICLES OF IMPEACHMENT.

Articles exhibited by the House of Representatives of the State of Washington in the name of themselves and of all the people of the State of Washington against John H. Schively, insurance commissioner of the State of Washington, in maintenance and support of their impeachment against him for high crimes and misdemeanors and malfeasance in office.

ARTICLE I.

That at all times since the 13th day of January, 1909, J. H. Schively has been and now is the duly elected, qualified and acting Insurance Commissioner of the State of Washington; that for eight years last past and until the 13th day of January, 1909, said J. H. Schively was the duly appointed and acting Deputy Insurance Commissioner of the State of Washington.

That the said J. H. Schively, unmindful of the duties of his office, did on the dates hereinafter mentioned conduct himself in a manner highly arbitrary, oppressive and unjust, and was guilty of extortion in violation of the Constitution and laws of the State of Washington in the following manner, to-wit:

That F. J. Martin of Seattle, Washington, on or about April 1st, 1905, represented to J. H. Schively, Deputy Insurance Commissioner, that he desired to enter five insurance companies to the State of Washington; that the said Schively represented to the said Martin that the usual custom of the Insurance Department was to charge an advance examination fee of \$300.00 each for the admission of companies, but that as the said Martin desired to enter several companies, the advance examination charge would be two hundred dollars (\$200.00) each; that the said Martin, acting upon the said representations, did enter the following companies on the dates herein specified, and did pay to the said J. H. Schively, as Deputy Insurance Commissioner, the entrance fees in advance set opposite each company herein:

Indiana Millers' Fire Insurance Company of Indianapolis, Indiana, in the month of April, 1905, paid entrance fees through F. J. Martin of \$235.00,

Central Manufacturers' Mutual Insurance Company of Van Wert, Ohio, in the month of April, 1905, paid entrance fees through F. J. Martin of \$235.00,

The American Guarantee Fund Mutual Fire Insurance Company of St. Louis, Mo., in the month of May, 1905, paid entrance fees through F. J. Martin of \$235.00,

Texas National Fire Insurance Company of Fort Worth, Texas, in the month of April, 1907, paid entrance fees through F. J. Martin of \$235.00,

Lumbermen's Mutual Insurance Company of Mansfield, Ohio, in the month of August, 1905, paid entrance fees through F. J. Martin of \$235.00.

That in none of the instances herein mentioned did the state receive more than thirty-five (\$35.00) dollars from each of these companies as the statutory entrance fee for the admission of insurance companies to do business in this state.

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner aforesaid, by demanding of and receiving from the said F. J. Martin the sum of two hundred and thirty-five (\$235.00) dollars as the entrance fee from each of the companies herein mentioned was guilty of a high crime and misdemeanor and malfeasance in office and extortion, unjust, arbitrary and oppressive conduct.

ARTICLE II.

That in January, 1908, the said J. H. Schively, as Deputy Insurance Commissioner, represented to Chas. S. Lebo that the costs of admission of insurance companies to the State of Washington were two hundred and thirty-five dollars (\$235.00) each; that Chas. S. Lebo came to Olympia, Washington, in March, 1908, and sought to admit the Commercial Fire Insurance Company of Texas and the Southern National Fire Insurance Company of Texas to do business in this state; that the said Schively thereupon represented to the said Lebo that the entrance fees would be two hundred and thirty-five dollars (\$235.00) for each company; that said Lebo stated that he could not pay that amount, whereupon the said Schively arranged with him to admit these two companies, and did admit these two companies in March, 1908, upon the payment of the following fees: One hundred and thirty-seven (\$137.00) dollars for the Commercial Fire Insurance Company, and thirty-seven dollars (\$37.00) for the Southern National Insurance Company; the said Schively at the time stating to the said Lebo that he could pay the balance of three hundred dollars (\$300.00) to cover examination fees as soon as he was able to do so.

WHEREFORE, The said J. H. Schively, Deputy Insurance Commissioner as aforesaid, was guilty of extortion, malfeasance in office, high crimes and misdemeanors, and unjust, arbitrary and oppressive conduct in demanding of and receiving from the said Lebo a greater sum than he was by statute allowed to receive.

ARTICLE III.

That in September, 1908, when the Boston Insurance Company of Boston, Massachusetts, entered the State of Washington, the company

paid the said J. H. Schively, Deputy Insurance Commissioner, one hundred dollars (\$100.00) for "verification of report," which amount was receipted for by J. H. Schively as Deputy Insurance Commissioner on September 14, 1908; that the State of Washington never received the one hundred dollars (\$100.00) nor any part thereof; that J. H. Schively, Deputy Insurance Commissioner, was not authorized nor permitted by statute to collect this or receive any other amount for verification of report.

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the said Boston Insurance Company one hundred dollars (\$100.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE IV.

That the said J. H. Schively, as Deputy Insurance Commissioner, on February 19, 1907, demanded of and received from the Capital Life Insurance Company of Colorado, the sum of two hundred and thirty-five dollars (\$235.00), two hundred of which appears in the receipt given by said Schively for "verifying report"; that from this amount the state received nothing but the thirty-five dollar (\$35.00) entrance fee; that the said J. H. Schively had no authority in law for the collection of anything but a thirty-five dollar (\$35.00) entrance fee from said company.

WHEREFORE, The said Schively in demanding and receiving from the Capital Life Insurance Company the sum of two hundred and thirty-five dollars (\$235.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE V.

That on February 4, 1907, the said J. H. Schively, as Deputy Insurance Commissioner, made the following representations to the Colorado National Life Assurance Company, of Denver, Colorado:

"In accordance with your request of January 28th, I am sending you under separate cover all blanks necessary to be filled out in seeking admittance to transact business in this state, together with copies of all insurance laws. The entrance fees are two hundred and thirty-five dollars, thirty-five dollars statutory entrance fees and two hundred dollars for the verification of your first report, all payable in advance.

"Very truly yours,

"J. H. SCHIVELY,

"Deputy Insurance Commissioner";

That the Colorado National Life Assurance Company paid an entrance fee according to the representations contained in said letter of two hundred and thirty-five dollars (\$235.00) and received a receipt

covering said item; that after the payment of said sum and on March 14th, 1907, the said Schively wrote the following letter:

"H. L. Sears, Secretary Colorado National Life Assurance Co., Denver, Colorado,

"Dear Sir: Herewith please find your certificate of authority as under current date, together with vouchers covering your several checks. The two licenses have been forwarded direct to your agents. I bid you welcome to the State of Washington and wish you every success. It will give me pleasure to advance your interests in whatever way I can that may be consistent with an impartial administration of this department.

"Very truly yours,

"J. H. SCHIVELY,

"Deputy Insurance Commissioner";

That the State of Washington received no part of the said two hundred and thirty-five dollars (\$235.00) except the sum of thirty-five dollars (\$35.00), which was the statutory entrance fee.

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the said Colorado National Life Assurance Company the entrance fee of two hundred thirty-five dollars (\$235.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE VI.

That the said J. H. Schively, Deputy Insurance Commissioner, in August, 1907, received from the Commonwealth Insurance Company of New York one hundred and thirty-seven dollars (\$137.00) and receipted for the said amount as follows:

"INSURANCE DEPARTMENT,

"STATE OF WASHINGTON,

"OLYMPIA, August 16, 1907.

"Received from Commonwealth Insurance Company of New York one hundred and thirty-seven dollars (\$137.00), account of entrance fees \$35.00, verifying report \$100.00, one license \$2.00.

"J. H. SCHIVELY,

"Deputy Insurance Commissioner";

That the state received no part of said sum, except the sum of thirty-seven dollars (\$37.00), which was the statutory fee, and the fee for the agent's license.

WHEREFORE, J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the Commonwealth Insurance Company of New York the said one hundred and thirty-seven dollars (\$137.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE VII.

That in March, 1908, the said J. H. Schively, as Deputy Insurance Commissioner, demanded of and received from the Illinois National Fire Insurance Company of Springfield, Illinois, the sum of two hundred and thirty-seven dollars (\$237.00), thirty-five dollars "on account of entrance fees, one license \$2.00, verifying report two hundred dollars (\$200.00)"; that the State of Washington received no part of said sum except the statutory fees of thirty-seven dollars (\$37.00).

WHEREFORE, J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the Illinois National Fire Insurance Company the sum of two hundred and thirty-seven dollars (\$237.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE VIII.

That on December 6, 1906, said J. H. Schively, as Deputy Insurance Commissioner, received from the Jefferson Fire Insurance Company of Philadelphia, upon the entrance of said company to this state, the sum of one hundred and thirty-five dollars (\$135.00), thirty-five dollars entrance fees and one hundred dollars (\$100.00) for "verifying report"; that the State of Washington received no part of said sum except the sum of thirty-five dollars (\$35.00).

WHEREFORE, The said J. H. Schively in demanding of and receiving from the Jefferson Fire Insurance Company of Philadelphia the sum of one hundred and thirty-five dollars (\$135.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE IX.

That in January, 1908, said J. H. Schively, Deputy Insurance Commissioner, demanded of and received from the Massachusetts Bonding and Insurance Company of Boston, Mass., two hundred and forty dollars (\$240.00), and on January 22, 1908, issued receipts covering said item as follows: "Entrance fee \$35.00, one license \$5.00, verification of report \$200.00; that the State of Washington received no part of said sum except the thirty-five dollars (\$35.00) statutory fee and \$5.00 for agent's license.

WHEREFORE, J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the Massachusetts Bonding and Insurance Company the sum of two hundred and forty dollars (\$240.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE X.

That in June, 1907, said J. H. Schively, Deputy Insurance Commissioner, demanded of and received from the National Live Stock Insurance Association of Portland, Oregon, one hundred and thirty-five dollars (\$135.00) and receipted for the said sum as follows: "Entrance fees \$35.00, official examination \$100"; that the state of Washington

received no part of said sum except the statutory entrance fee of thirty-five dollars \$35.00).

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the National Life Stock Insurance Association the sum of one hundred and thirty-five dollars (\$135.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE XI.

That said J. H. Schively, as Deputy Insurance Commissioner, on June 1st, 1908, received two hundred and thirty-five dollars (\$235.00) from the Philadelphia Casualty Company of Philadelphia and receipted for said item as follows: "Entrance fee \$35, verifying report \$200.00"; that the State of Washington received no part of the same except the statutory fee of thirty-five dollars (\$35.00).

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the Philadelphia Casualty Company the sum of two hundred and thirty-five dollars (\$235.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE XII.

That the said J. H. Schively, as Deputy Insurance Commissioner, on January 1, 1907, received from the Seaboard Fire and Marine Insurance Company of Galveston, Texas, one hundred and thirty-five dollars (\$135.00) as entrance fees to this state and receipted for the said item as follows: "Verifying report \$100.00, entrance fee \$35.00"; that the State of Washington received no part of said sum except the statutory entrance fee of thirty-five dollars (\$35.00).

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the Seaboard Fire and Marine Insurance Company the sum of one hundred and thirty-five dollars (\$135.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE XIII.

That said J. H. Schively, as Deputy Insurance Commissioner, on February 10, 1908, received from the United Surety Company of Baltimore, Maryland, an entrance fee of two hundred and forty-five dollars (\$245.00), which was receipted for by him, "account of entrance fee and examination \$235, two licenses \$10.00"; that upon the same day the money was received and receipt therefor issued the said Schively granted the United Surety Company a certificate of authority to transact business in this state; that the State of Washington received no part of said two hundred and forty-five dollars (\$245.00) except the sum of thirty-five dollars (\$35.00) for statutory entrance fees and the two agents' license fees of ten dollars (\$10.00).

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the United Surety Company

the sum of two hundred and forty-five dollars (\$245.00) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE XIV.

That on June 13, 1908, Henry Carstens, of Seattle, Washington, paid to said J. H. Schively, Deputy Insurance Commissioner, one hundred and seventy dollars (\$170) for the entrance to this state of the Dixie Fire Insurance Co. of North Carolina, and the North State Fire Insurance Company of North Carolina; that the State of Washington received no part of said sum except the statutory fees of thirty-five dollars (\$35) each for the entrance of each company.

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the said Henry Carstens the sum of one hundred and seventy dollars (\$170) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE XV.

That on March 10, 1908, the said J. H. Schively, as Deputy Insurance Commissioner, demanded of and received from the Michigan Commercial Insurance Company, of Lansing, Michigan, the sum of one hundred and thirty-five dollars (\$135) as entrance fees to this state; that the State of Washington received no part of said sum except the statutory fee of thirty-five dollars (\$35).

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the Michigan Commercial Insurance Company the sum of one hundred and thirty-five dollars (\$135) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE XVI.

That on May 4, 1908, said J. H. Schively, as Deputy Insurance Commissioner, represented to the Standard Fire Insurance Company of Keokuk, Iowa, that the cost of admission to the state would be two hundred and thirty-five dollars (\$235), payable in advance; that in August, 1908, said J. H. Schively received from said company through Mr. Fred Tebbins, of Spokane, the amount demanded in his previous letter to the Iowa company, and thereupon license was issued to said company to do business in this state; that the State of Washington received no part of said sum except the statutory entrance fee of thirty-five dollars (\$35).

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, in demanding of and receiving from the Standard Fire Insurance Company of Keokuk, through its Spokane agent, Fred Tebbins, the sum of two hundred and thirty-five dollars (\$235) was guilty of extortion, high crimes and misdemeanors and malfeasance in office.

ARTICLE XVII.

That on July 31, 1907, said J. H. Schively, as Deputy Insurance Commissioner, made a perfunctory examination of the Washington Hard-

ware and Implement Dealers' Mutual Fire Insurance Association of Spokane, Washington; that said examination consumed in time less than half an hour; that said Schively, as such Deputy Insurance Commissioner, demanded of E. W. Evenson, the secretary of said association, the sum of two hundred dollars (\$200) for said examination; that said Evenson refused to pay said amount, for the reason that the same was excessive, exorbitant and extortionate; that thereupon said Schively reduced the amount demanded to the sum of one hundred dollars (\$100) and collected of and received from said association, through said Evenson, the sum of one hundred dollars (\$100), which sum was greatly in excess of his expenses incurred in said examination; that said Schively did not at that time, nor at any other time, present to said association, nor to said Evenson, in detail the items nor any itemized list of his expenses incurred in making such examination, as by law required to do.

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, by reason of not presenting the detailed statement of his expenses as by law required, and by demanding and receiving a sum greatly in excess of his expenses incurred in making said examination, was guilty of extortion, arbitrary and oppressive conduct, gross impropriety and malfeasance in office.

ARTICLE XVIII.

That on December 12, 1906, said J. H. Schively, as Deputy Insurance Commissioner, made an examination of the books, records and securities of the Western Union Life Insurance Company of Spokane, Washington, for which examination said Schively demanded from Philip Harding, secretary of said company, the arbitrary sum of two hundred dollars (\$200); that said Harding paid said Schively as such Deputy Insurance Commissioner the said sum so demanded by him, which sum was greatly in excess of his expenses incurred in said examination; that no detailed or itemized list of expenses was presented to said Harding, nor to said company, showing the expenses said Schively incurred in making said examination; that the laws of this state required such detailed or itemized list or statement of expenses to be presented to the company examined.

That on May 12, 1908, said J. H. Schively, as Deputy Insurance Commissioner, examined the books, records and securities of the Western Union Life Insurance Company of Spokane, Washington, and, without presenting any detailed or itemized list of his expenses to said company, demanded for said official examination the arbitrary sum of thirty-five dollars (\$35); that on said demand said sum was paid to and received by said Schively.

WHEREFORE, The said J. H. Schively, as Deputy Insurance Commissioner, by reason of not presenting a detailed statement of his expenses as by law required, and by demanding and receiving a sum greatly in excess of his expenses incurred in said examination, was guilty of ex-

tortion, arbitrary and oppressive conduct, gross impropriety and malfeasance in office.

ARTICLE XIX.

That on June 12, 1906, said J. H. Schively, as Deputy Insurance Commissioner of the State of Washington, examined the Farmers' Mutual Livestock Insurance Company of Spokane, Washington; that said examination was perfunctory in its nature and consumed less than half an hour; that said Schively demanded of and received from said company the arbitrary sum of one hundred dollars (\$100) for said examination, which sum was greatly in excess of his expenses incurred in said examination; that said Schively did not at that time, nor at any other time, present to said company any detailed or itemized statement of his expenses incurred in making said examination, as by law he was required to do.

That on October 9, 1906, E. E. Liggett, Insurance Commissioner of the State of Idaho, and said J. H. Schively, Deputy Insurance Commissioner, made a joint examination of the affairs of said Farmers' Mutual Livestock Insurance Company of Spokane, Washington, for which examination a demand of three hundred dollars (\$300) was made and a check was issued by said company to said Liggett, on the understanding then and there had with the said Liggett and Schively by the officers of said company that said Schively should receive one-half of said amount of three hundred dollars (\$300) in payment of his fees for such examination, which sum was greatly in excess of the expenses incurred in said examination; that this subsequent examination was also a perfunctory examination, consuming possibly one-half hour; that said Schively did not at this time, nor at any other time, furnish said company with a detailed or itemized list or statement of the expenses incurred in making such examination, as by law required.

WHEREFORE, The said J. H. Schively, as such Deputy Insurance Commissioner, by reason of not presenting a detailed statement of expenses and by demanding and receiving a sum greatly in excess of his expenses incurred in said examination, was guilty of extortion, arbitrary and oppressive conduct, gross impropriety and malfeasance in office.

ARTICLE XX.

That on April 16, 1907, said J. H. Schively, as Deputy Insurance Commissioner, examined the books, records and securities of the Walla Walla Fire Insurance Company of Walla Walla, Washington; that subsequently and on July 29, 1907, an official examination was made of the same company; that in each case said Schively demanded of and received from said company the arbitrary sum of two hundred dollars (\$200) for making such examinations, which sums were greatly in excess of his expenses incurred in said examinations; that in neither case did said Schively present to said company any itemized or detailed statement of expenses incurred in making said examinations or either of them, as by law he was required to do.

WHEREFORE, The said J. H. Schively, as such Deputy Insurance Commissioner, was guilty of extortion, arbitrary and oppressive conduct, gross impropriety and malfeasance in office.

ARTICLE XXI.

That on May 7, 1907, said J. H. Schively, Deputy Insurance Commissioner, demanded of and received from the Union Guaranty Association of Portland, Oregon, the arbitrary sum of two hundred dollars (\$200) to cover an examination of the books, records and securities of said association, which sum was greatly in excess of his expenses incurred in said examination; that said examination was perfunctory and occupied but a short time; that no detailed or itemized list or statement of expenses incurred in making said examination was presented to said association, as by law required.

WHEREFORE, The said J. H. Schively, as such Deputy Insurance Commissioner, was guilty of extortion, arbitrary and oppressive conduct, gross impropriety and malfeasance in office.

ARTICLE XXII.

That on April 7, 1908, said J. H. Schively, as Deputy Insurance Commissioner, examined the books, records and securities of the Falls City Fire Insurance Company of Spokane, Washington; that the time spent in making said examination was a few hours; that said Schively demanded of and received from said company the arbitrary sum of fifty dollars (\$50) to cover expenses incurred in making said examination, which sum was greatly in excess of his expenses incurred in said examination; that no detailed or itemized statement or list of expenses was furnished to the company by said Schively, as by law required.

WHEREFORE, The said J. H. Schively, as such Deputy Insurance Commissioner, was guilty of extortion, arbitrary and oppressive conduct, gross impropriety and malfeasance in office.

ARTICLE XXIII.

That on January 7, 1908, said J. H. Schively, as Deputy Insurance Commissioner, represented to the Atlas Insurance Company of Des Moines, Iowa, as follows: "The costs of admission are \$235—\$35 statutory fees and \$200 for verification of the company's securities and first report, all of which is payable in advance"; that on February 13, 1908, exactly the same representation was made by said Schively to T. H. Meson, secretary of said company; that C. S. Best, of Seattle, Washington, the western representative of said company, advised said company that the only entrance fee that could be charged was a thirty-five-dollar (\$35) entrance fee; that on receipt of said advice from said Best, said company again wrote to said Schively, as such Deputy Insurance Commissioner, and received a letter containing the same representations above set forth; that thereupon said Best went to said Schively's office in Olympia and had a conversation with said Schively concerning

the representations made to said company as above mentioned, and about the attempt of said Schively to extort from said company an advance fee of two hundred dollars (\$200) not authorized by statute; that said Schively, as such Deputy Insurance Commissioner, did then and there, to-wit, on or about the 15th day of July, 1908, state to said Best that if he (Schively) had known that said company was to be represented in this state by said Best that the letters and representations above referred to would not have been sent to the company; that the company would have been admitted to do business in the State of Washington on payment of a fee of thirty-five dollars (\$35), and that thereafter, if Mr. Best would notify said Schively of his desire to represent certain insurance companies, that then and thereupon such companies would be admitted to the state on payment of a fee of thirty-five dollars (\$35); that thereafter said Atlas Fire Insurance Company declined to consider the matter of entering the State of Washington to do business, and resented the oppressive, unjust, illegal and unwarranted conduct of said Schively; that on examination under oath before the legislative investigating committee, said Schively admitted that in all probability the conversation with Mr. Best above referred to occurred, and stated that while he would admit companies represented by said Best upon the basis of thirty-five dollars (\$35), that other companies would have to pay two hundred and thirty-five dollars (\$235).

WHEREFORE, Said J. H. Schively, as Deputy Insurance Commissioner, was guilty of attempted extortion, arbitrary and oppressive conduct and malfeasance in office.

ARTICLE XXIV.

That on July 10, 1906, said J. H. Schively, as Deputy Insurance Commissioner, was elected president of the Pacific Livestock Association of Spokane, Washington, and qualified for such office August 4, 1906; that he continued to hold the office of president of said association and act as such until October 8, 1906, or thereabouts; that during the entire time said Schively was president of said association he was Deputy Insurance Commissioner of the State of Washington and drew his salary as such; that during his incumbency of the office of president of said association he drew in salary and commissions from said association over \$2,500; that during his connection with said association as president, and while he was Deputy Insurance Commissioner of the State of Washington, said Schively received from said association two checks, presumably to cover examination charges for examinations made of said association as such Deputy Insurance Commissioner, one check being for one hundred dollars (\$100), and the other for two hundred dollars (\$200), which sums were greatly in excess of the expenses incurred in said examinations; that shortly after he resigned the presidency of said association, and on November 5, 1906, said Schively, as such Deputy Insurance Commissioner, wrote a letter to W. T. Melvin of Everett, Washington, in which he stated that said association was one of the

most reliable and stable livestock associations in the state, said Schively well knowing, at the time of writing said letter, that said association was insolvent; that shortly after the date of said letter said Pacific Livestock Association went into the hands of a receiver.

WHEREFORE, By reason of such conduct and practices, said J. H. Schively, as Deputy Insurance Commissioner, was guilty of conduct unbecoming a public official, gross improprieties, malfeasance in office and high crimes and misdemeanors.

ARTICLE XXV.

That on or about the tenth day of March, 1909, in the county of Spokane, State of Washington, said J. H. Schively, Insurance Commissioner of the State of Washington, did then and there commit the crime of perjury as follows, to-wit:

That on or about the tenth day of March, 1909, a grand jury in and for Spokane county, State of Washington, was duly and lawfully impaneled, sworn, charged and organized by William A. Huneke, one of the judges of the superior court for said Spokane county, State of Washington, and that thereafter, on the twentieth day of April, 1909, said grand jury organized as aforesaid, was then and there lawfully in session and was then and there lawfully engaged in a certain investigation to determine whether J. B. Schrock, W. J. Walker, F. H. Hilliker and W. M. Hunter had theretofore in Spokane county, State of Washington, and within three years from said date committed the crime of larceny by embezzlement of certain sums of money, the personal property of Pacific Livestock Association, a corporation, while acting as trustees of said corporation, the said grand jury being then and there duly authorized and empowered by law and having competent jurisdiction to conduct said investigation; that thereupon said J. H. Schively was then and there called and in due form of law sworn as a witness by Ben. F. Davis, the duly appointed, qualified and acting foreman of said grand jury, who then and there administered to said J. H. Schively an oath that the evidence which he, the said J. H. Schively, was then and there about to give in the matter of said investigation then and there pending before said grand jury should be the truth, the whole truth and nothing but the truth. The said Ben. F. Davis, as foreman of said grand jury, then and there being authorized and empowered by law to administer said oath to said J. H. Schively in that behalf, and that said J. H. Schively, then and there being duly sworn as a witness as aforesaid, it then and there became and was a matter material to said investigation whether the said witness, the said J. H. Schively, on or about the tenth day of July, 1906, entered into an agreement or contract or had an understanding with E. R. Ward, said E. R. Ward then and there being the president and trustee of said Pacific Livestock Association, or with said E. R. Ward and J. B. Schrock, W. J. Walker, F. H. Hilliker, S. G. Copeland and W. M. Hunter, they being officers of said company, or with any of them, whereby said E. R. Ward should resign as president and trustee of said corporation in favor of said J. H.

Schively and said J. H. Schively should be elected the president and trustee of said corporation in the place and stead of said E. R. Ward in consideration of the payment by said J. H. Schively to said E. R. Ward of the sum of \$1,200, and whether said E. R. Ward on or about said tenth day of July, 1906, so transferred or assigned to said J. H. Schively any interest, rights or privileges in said corporation or to the revenues, commissions or mileage derived therefrom, or any part thereof, for any sum of money or for any consideration whatsoever; and whether the resignation of said E. R. Ward as president and trustee of said corporation on or about the date aforesaid, and the election of said J. H. Schively as president and trustee of said corporation in the place and stead of said E. R. Ward was due to or in pursuance of any agreement, contract or understanding between said E. R. Ward and said J. H. Schively or between said Ward, Schrock, Walker, Hilliker, Copeland and Hunter and said Schively, or on account of any consideration whatsoever flowing or to flow from said J. H. Schively to said E. R. Ward; and whether said J. H. Schively, on or about said last mentioned date, executed and delivered or caused to be delivered to said E. R. Ward, directly or indirectly, three certain promissory notes for \$400 each, each payable to said Ward or his assigns in thirty, sixty and ninety days, in pursuance of said agreement, contract or understanding, or at all; and whether the said J. H. Schively was thereafter, with his knowledge and consent, charged with three items of \$400 each on account of the payment by said Schively or by said corporation for the benefit of and by the authority and with the knowledge and consent of said Schively of the sum of \$1,200 to said E. R. Ward or his assigns in payment of said three promissory notes of \$400 each, and whether thereafter the said J. H. Schively, or the duly authorized officers of said corporation, for his benefit and by his authority and with his knowledge and consent, drew three checks for \$400 each in favor of said E. R. Ward or in favor of the Fidelity National Bank, of Spokane, for the use and benefit of said E. R. Ward or his assigns, in payment of said three promissory notes of \$400 each; and whether said checks drawn as aforesaid were at the time of the drawing thereof, or at any time, charged to the account of said J. H. Schively upon the books of said corporation by the authority and with the knowledge and consent of said J. H. Schively; and whether said J. H. Schively, during the months of July, August, September and October, 1906, and while president and trustee of said corporation was paid a salary of \$400 per month for his services as an officer of said corporation; and whether said J. H. Schively received any other compensation whatsoever, directly or indirectly, for his services as such officer; and whether said J. H. Schively during the period of time last aforesaid, and while an officer of said corporation as aforesaid, was paid for his services as such officer upon the basis of commissions or mileage on insurance written by said corporation or by agents employed by it; and whether, on or about the eighth day of October, 1906, said J. H. Schively entered into an agreement, contract or understanding with one Bennington

wherein and whereby said J. H. Schively, for a consideration of \$400, paid to him or to said corporation for his use and benefit by said Bennington, agreed to resign and did resign as a trustee and officer of said corporation in favor of said Bennington, and did cause or procure or aid in causing or procuring the election of said Bennington as an officer and trustee of said corporation in consideration of the payment to said J. H. Schively by said Bennington of the sum of \$400 as aforesaid; and whether said J. H. Schively, during the time of his service as president and trustee of said corporation, received any sums of money whatsoever from said corporation for his services as such president and trustee or at all, other than a salary of \$400; and whether said J. H. Schively, while serving as president and trustee of said corporation as aforesaid, during the period of time aforesaid, received commissions from said corporation amounting to \$1,815.60, or to any other sum; and whether said J. H. Schively, while serving as president and trustee of said corporation as aforesaid, and during the time aforesaid, or at any subsequent time, received the sum of \$400 from said Bennington on account of the resignation of said J. H. Schively as aforesaid; and whether said J. H. Schively, while serving as president and trustee of said corporation as aforesaid, and during the period of time aforesaid, received from said corporation as compensation for his services the total sum of \$2,597.35; and the said witness, J. H. Schively, did then and there, before said grand jury, organized as aforesaid, after being duly sworn by the foreman thereof as aforesaid, in the matter of said investigation, wilfully, unlawfully, feloniously, falsely, corruptly and knowingly and contrary to said oath, depose, testify and swear as true among other things in substance and to the effect following, that is to say:

That he, the said witness, J. H. Schively, on or about the tenth day of July, 1906, at the time of his being elected president and trustee of said Pacific Livestock Association, a corporation, was employed by the trustees of said corporation upon the basis of a flat salary of \$400 per month, and that during the entire time of his connection with the said corporation as an officer thereof as aforesaid, that is to say, from the tenth day of July, 1906, to the eighth day of October, 1906, he received no compensation whatsoever from said corporation by reason of his being an officer thereof, or by reason of any services rendered said corporation as an officer thereof or at all, except said flat salary of \$400 per month; that he had no agreement, contract or understanding with said E. R. Ward, or with said E. R. Ward and the other trustees of said corporation or any of them, prior to or at the time of his becoming an officer of said corporation, or at any time that said E. R. Ward, in consideration of the sum of \$1,200, or any sum whatsoever, paid or agreed to be paid by said J. H. Schively to him, should resign as president and trustee of said corporation in favor of said J. H. Schively, and that he, the said J. H. Schively, through the influence or procurement of said E. R. Ward, or through the influence of said E. R. Ward and other trustees of said corporation, or any of them, succeed said Ward

as president and trustee of said corporation; that said E. R. Ward did not, on or about the tenth day of July, 1906, or at any time, sell, transfer or assign to him, the said J. H. Schively, any interest, right or privilege in said corporation or to the revenue, commissions or mileage derived or to be derived from said corporation, or any part thereof; that he, the said J. H. Schively, did not, on or about the tenth day of July, 1906, or at any time, execute and deliver or cause to be executed and delivered to said Ward three certain promissory notes of \$400 each, payable in thirty, sixty and ninety days, or any notes whatsoever, in consideration of the resignation of said Ward as president and trustee of said corporation or in consideration of the transfer by said E. R. Ward to said J. H. Schively of his, the said Ward's, right to collect and receive any commissions or mileage on insurance written or to be written by or for said corporation; that he, the said J. H. Schively, while president and trustee of said corporation during the period of time aforesaid, did not collect, charge or receive any commissions or mileage upon insurance written or to be written by or for said corporation as compensation for his services as an officer of said corporation or for any reason whatsoever; that his, the said J. H. Schively's, account with said corporation while president and trustee thereof as aforesaid was not, by his permission or consent or with his knowledge, charged with three items of \$400 each on account of the payment by said corporation for the use and benefit of said J. H. Schively out of moneys due and owing by said corporation to said J. H. Schively of said three promissory notes executed by said J. H. Schively in favor of said E. R. Ward and held by the Fidelity National Bank of Spokane; that he, the said J. H. Schively, did not know that during the time of his service as president and trustee of said corporation he or the duly authorized officers of said corporation or any person whatsoever, drew three certain checks for \$400 each upon the funds of said corporation, or upon the funds of said J. H. Schively held by said corporation, in favor of said E. R. Ward or in favor of the Fidelity National Bank of Spokane for the use and benefit of said Schively, and in payment of said three promissory notes of \$400 each; that he did not learn until he had examined the receiver's report long after he had severed his relations with said corporation as president and trustee thereof that said three checks of \$400 each had been drawn in payment of said three \$400 notes; and that he did not know at the time of the drawing of said checks, or at any time prior to his examination of said receiver's report, many months thereafter, that his account with the said corporation while president and trustee thereof had been charged with said checks; that he did not, during the time of his service as president and trustee of said corporation, or at any time, receive from said corporation, as commissions or mileage on insurance written by or for said corporation, the sum of \$1,815.60 or any sum whatsoever; that he did not, on or about the eighth of October, 1906, or any time, enter into any contract, agreement or understanding with one Bennington to resign as president and trustee of said corporation in favor of said Bennington, and use his influence in securing the election of said

Bennington as a trustee of said corporation in consideration of the sum of \$400 or any sum whatsoever; and that he did not, at the time of his resignation as president and trustee of said corporation, or at any time, receive from said Bennington, directly or indirectly, the sum of \$400 in consideration of his, the said J. H. Schively's, resigning the office of president and trustee of said corporation, held by him as aforesaid, or for any purpose whatsoever; that he, the said J. H. Schively, did not at the time of his service as president and trustee of said corporation, or at any time, receive from said corporation as compensation for his services, or as commissions or mileage upon insurance written by or for said corporation, the sum of \$2,597.35, or any sum whatsoever greater than \$1,300, which last-mentioned sum he received as salary and expenses; that he, the said Schively, never realized any benefit whatsoever, directly or indirectly, by reason of the execution and delivery to said E. R. Ward of said three promissory notes of \$400 each, or from the payment of the same; and that his, the said J. H. Schively's, election as president and trustee of said corporation was not due, directly or indirectly, to the execution and delivery of said notes to said E. R. Ward, or to the payment of the same, but was due solely to his employment by other trustees of said corporation as a manager for said corporation at the stipulated salary of \$400 per month; that he, the said J. H. Schively, did not pay to said E. R. Ward for his, the said Ward's, position as president and trustee of said corporation, or for his, the said Ward's, commissions or mileage on insurance written or to be written by or for said corporation, any sum of money whatsoever; that he never saw said three promissory notes of \$400 each, payable in thirty, sixty and ninety days, to said E. R. Ward or his assigns; that immediately after he became president and trustee of said corporation, he, the said J. H. Schively, together with the other trustees of said corporation, waived all right and claim to compensation based upon commissions or mileage on insurance written or to be written by or for said corporation, and that he, together with the other trustees of said corporation, during the period of time aforesaid, went onto a flat salary basis of \$400 per month each.

WHEREAS, In truth and in fact, he, the said J. H. Schively well knew at the time of giving the testimony aforesaid before said grand jury as aforesaid that shortly before the tenth day of July, 1906, he, the said J. H. Schively, entered into an agreement and contract with said E. R. Ward, who was then and there president and trustee of said corporation; that for and in consideration of the sum of \$1,200, paid by said J. H. Schively to said E. R. Ward, the said E. R. Ward should resign as president and trustee of said corporation in favor of said J. H. Schively, and said E. R. Ward should use his influence with the other trustees of said corporation to procure the election of said J. H. Schively as president and trustee of said corporation in the place and stead of said E. R. Ward, with the same rights and privileges to commissions and mileage on insurance written and to be written by and for said corporation which had theretofore been enjoyed by said E. R. Ward;

and that the said E. R. Ward then and there further agreed with said J. H. Schively that said sum of \$1,200 should be paid by said J. H. Schively to said E. R. Ward in three monthly installments of \$400 each, and that the said J. H. Schively, to secure the payment of said sum of money, should execute and deliver to said E. R. Ward his three promissory notes, payable in thirty, sixty, and ninety days, in the sum of \$400 each; and that on the tenth day of July, 1906, said agreement theretofore entered into between said J. H. Schively and said E. R. Ward was ratified and confirmed by the other trustees of said corporation; and that on said date said E. R. Ward did resign as president of said corporation in favor of said J. H. Schively and did then and there recommend and procure the election of said J. H. Schively as president and trustee of said corporation; and that said J. H. Schively, for and in consideration of the resignation of said E. R. Ward as aforesaid, and in consideration of the agreement between said J. H. Schively and said E. R. Ward, ratified and confirmed by the other trustees of said corporation as aforesaid, pursuant to which the said J. H. Schively should enjoy the same rights to commissions and mileage as had theretofore been enjoyed by said E. R. Ward, executed and delivered to said E. R. Ward his three certain promissory notes for \$400 each, payable in thirty, sixty and ninety days; and that the said J. H. Schively on said tenth day of July, 1906, became and until the eighth day of October, 1906, remained president and trustee of said corporation solely and by virtue and by reason of his purchase of the offices, rights and privileges of the said E. R. Ward as aforesaid; and that at no time did he, the said J. H. Schively, receive as compensation for his services as an officer of said corporation the sum of \$400 per month, or any sum whatsoever, as salary, but the only compensation received by said J. H. Schively as such officer of said corporation was computed from month to month upon a basis of commissions and mileage upon insurance written and to be written by and for said corporation, and that the said J. H. Schively's account with said corporation while president and trustee as aforesaid was, by his permission and with his knowledge and consent, charged with three items of \$400 each on account of the payment by said corporation, for the use and benefit of said J. H. Schively, out of the moneys due and owing by said corporation to said J. H. Schively, of three promissory notes theretofore executed by said J. H. Schively in favor of the said E. R. Ward and held by the Fidelity National Bank of Spokane; and that, with the knowledge and consent and by the direction of the said J. H. Schively, during the period of time aforesaid, the duly authorized officers of said corporation used three certain checks for \$400 each upon the funds of said corporation and upon the funds of the said J. H. Schively held by said corporation in payment of his, the said J. H. Schively's, said three promissory notes; and that, with the knowledge and consent and by the direction of the said J. H. Schively, his account with said corporation was charged with said three checks from time to time as they were drawn; and that he, the said J. H. Schively, while president and trustee of said corporation as aforesaid,

and during the period of time aforesaid, received from said corporation as commissions and mileage on the insurance written by and for said corporation the sum of \$1,815.60; and that he, the said J. H. Schively, on or about the eighth day of October, 1906, entered into a contract, agreement and understanding with one Bennington to resign as president and trustee of said corporation in favor of said Bennington, and to use his influence in procuring the election of said Bennington as a trustee of said corporation, and in consideration of the payment by said Bennington to him, the said J. H. Schively, of the sum of \$400; and that he, the said J. H. Schively, on or about the eighth day of October, 1906, did resign as president and trustee of said corporation and did procure and bring about the election of the said Bennington as trustee of said corporation for and in consideration of the sum of \$400 then and there paid by said Bennington to said J. H. Schively; and that he, the said J. H. Schively, was not, on the tenth day of July, 1906, or at any time, employed by the trustees of said corporation as manager thereof; and that the trustees of said corporation did not pay and did not agree to pay to said J. H. Schively a salary of \$400 per month or any salary whatsoever; and that neither the said J. H. Schively nor the other trustees of said corporation during the time of service of said J. H. Schively as an officer thereof waive any right or claim to compensation based upon commissions or mileage on insurance written or to be written by or for said corporation, but that he, the said J. H. Schively, together with the other trustees of said corporation, during the period of time aforesaid, were compensated solely upon a basis of commissions and mileage computed upon insurance written and to be written by and for said corporation; and so the said witness, J. H. Schively, wilfully, unlawfully, feloniously, falsely, corruptly and knowingly, and contrary to his said oath taken as aforesaid in the manner and form aforesaid, did then and there commit the crime of perjury.

WHEREFORE, The said J. H. Schively, Insurance Commissioner of the State of Washington, was guilty of high crimes and misdemeanors, contrary to the Constitution and laws of the State of Washington.

ARTICLE XXVI.

That said J. H. Schively, as Insurance Commissioner of the State of Washington aforesaid, unmindful of the duties of his office and unmindful of his oath of office, has, since the thirteenth day of January, 1909, wilfully neglected his official duties, absented himself from his office for long periods of time without legal or sufficient cause, during which time he was not discharging his official duties, and during all of which time he was receiving his salary from the State of Washington as provided by law.

WHEREFORE, The said J. H. Schively, Insurance Commissioner of the State of Washington, was guilty of high crimes and misdemeanors, malfeasance in office, and conduct unbecoming a public official.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further ar-

ticles, or other accusation or impeachment against the said J. H. Schively, and also of replying to his answers which he shall make to the said articles, or any of them, and of offering proof to all and every the aforesaid articles, and to all and every other articles, impeachment or accusation, which shall be exhibited by them as the case shall require, do demand that the said John H. Schively may be put to answer the said crimes and misdemeanors and malfeasance in office herein charged against him, and that such proceedings, examinations, trials and judgments may be thereupon had and given as are agreeable to law and justice.

(Signed) LEO. O. MEIGS,

Speaker of the House of Representatives.

Attest:

(Signed) LOREN GRINSTEAD,

Clerk, House of Representatives.

—And demand that you should be put to answer the accusations set forth in said articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice;

Now, therefore, you, the said John H. Schively, are hereby summoned to be and appear before the Senate of the State of Washington, at the Senate chamber, in the city of Olympia, on the first day of July, 1909, at 10:30 a. m., then and there to answer the said articles of impeachment, and then and there to abide by, obey and perform such orders, directions and judgments as the Senate of the State of Washington shall make in the premises, according to the constitution and laws of the United States and of the State of Washington, and therein fail not.

WITNESS, the Honorable A. S. Ruth, president *pro tempore* of the Senate, at the city of Olympia, this 30th day of June, A. D. 1909.

WM. T. LAUBE, *Secretary of the Senate.*

THE STATE OF WASHINGTON, SS.

The State of Washington, to A. J. Ahola, Greeting:

You are hereby commanded to deliver to and leave with John H. Schively, if conveniently to be found, or, if not, to leave at his usual place of abode or at his usual place of business, in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and, in whichever way you perform the service, let it be done forthwith, before the appearance day mentioned in said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in said writ of summons.

WITNESS, the Honorable A. S. Ruth, president *pro tempore* of the Senate, at the city of Olympia, this 30th day of June, A. D. 1909.

WM. T. LAUBE, *Secretary of the Senate.*

I, A. J. Ahola, sergeant-at-arms of the Senate, do solemnly swear that the return made by me upon the process issued on the thirtieth day of June, 1909, by the Senate against John H. Schively is truly made, and that I have performed such service as herein described. So help me God.

A. J. AHOLA.

Subscribed and sworn to before me this first day of July, A. D. 1909.

WM. T. LAUBE, *Secretary of the Senate.*

The following affidavits were filed by Geo. C. Israel, counsel for John H. Schively, and were read by the secretary:

BEFORE THE SENATE OF THE STATE OF WASHINGTON.

IN THE MATTER OF ARTICLES OF IMPEACHMENT EXHIBITED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON IN
THE NAME OF THEMSELVES AND ALL OF THE PEOPLE OF THE
STATE OF WASHINGTON,

VS.

JOHN H. SCHIVELY, INSURANCE COMMISSIONER OF THE STATE OF
WASHINGTON.

To the Honorable President pro tempore of the Senate of the State of Washington, and to the Honorable Senate of the State of Washington Sitting as a High Court of Impeachment:

Comes now John H. Schively, insurance commissioner of the State of Washington, and appearing in obedience to the summons herein, in person, as well as by his counsel, G. C. Israel, and not waiving his right to challenge the jurisdiction of this honorable court of his person as insurance commissioner of the State of Washington, or of the subject matter of the articles of impeachment exhibited in the said summons; and not waiving his right to challenge the right of various members of this honorable court to sit herein in the hearing of said articles of impeachment, by reason of his and their actual and implied bias; and not waiving his right to have the articles of impeachment herein made more definite and certain; and not waiving his right to have stricken from such articles of impeachment manifest extraneous, redundant, incompetent and immaterial matters therein contained; and not waiving his right to challenge the legal sufficiency under the law and the constitution of each and every of the articles of impeachment therein contained, now exhibits to this honorable court his motion in that behalf, and moves this honorable court that time, as of right he is entitled, be now granted him wherein to move, plead to, answer and make issue with the various articles of impeachment contained in the bill of impeachment herein, and to marshal his testimony and his witnesses for the purpose of his full and complete defense to each and to all of said articles; and in that behalf this defendant now

moves this honorable court that he be granted a period of ninety days from and after this date wherein to make such preparation.

This motion is based upon the files and records herein and upon the affidavit herewith filed.

J. H. SCHIVELY,
State Insurance Commissioner.

By G. C. ISRAEL,
His Attorney and Counsel.

STATE OF WASHINGTON, COUNTY OF THURSTON, SS.

John H. Schively, being first duly sworn, deposes and says: I am the state insurance commissioner of the State of Washington, and the defendant against whom has been exhibited the articles of impeachment herein; that I am not ready for trial herein, and am informed and advised by my counsel that it will be impossible for me to be ready for trial herein for a period of at least from sixty to ninety days; and in that behalf I aver that the articles of impeachment herein, twenty-six in number, as exhibited in the summons herein, came into my possession at about the hour of six o'clock p. m. on the 30th day of June, 1909, and were by me placed in the possession of my counsel at about the hour of eight o'clock p. m. of said day.

That after the examination of said articles by my counsel, I was informed by my said counsel that he could not prepare the necessary answers thereto, should it be determined that I was required to answer to the merits, in less than ten days or two weeks' time, if he were to prepare the same so they would exhibit not only my denials thereto, but my affirmative pleas and defenses directed to the various articles contained in said exhibit of impeachment.

That I have heretofore fully and fairly revealed to my counsel all of the facts in connection with many of the matters and things contained in said articles of impeachment; but that there are contained therein many and other things which must be made for the first time a matter of discussion between us. That I am informed by my counsel that in order to prepare for the trial upon all of the articles of impeachment contained in said exhibit, that I will require, aside from the various witnesses whom I desire to produce that are residents of the state of Washington, many depositions from many persons and corporations resident and having main offices in many states of the Union, including New York, Texas, Massachusetts, Colorado, Illinois, Pennsylvania, Maryland and Michigan.

That I cannot compel by any process the attendance of such witnesses from such states at this trial, and can only obtain their testimony by letters rogatory and commission for depositions taken at such place of residence of such corporations at the convenience of such witnesses, and that in order to accomplish such depositions by such letters rogatory and commission, it will be necessary for me to have issued by this honorable court such letters to competent courts or officers in such jurisdictions empowering them to examine such wit-

nesses upon interrogatories; and that all of such proceeding will consume a great amount of time, and that in the opinion of my counsel the same cannot be fully and satisfactorily taken inside of forty or sixty days from this date if the same were accomplished with all expediency.

That I am further advised by my counsel that I cannot safely proceed to trial upon the articles herein without such testimony at hand and produced at this hearing. That this motion is not made for delay, but in order that substantial justice may be accomplished and my rights fully conserved herein, and in order that I may be fully protected in those rights and in the making of my defense herein.

Wherefore, the premises being considered, I pray the order of this honorable court as upon the motion of my counsel herein, and that I may be now granted a continuance herein for a period of ninety days for the purpose of preparing my defense to said articles. And further deponent sayeth not.

J. H. SCHIVELY.

Subscribed and sworn to before me this 1st day of July, 1909.

[SEAL.]

G. C. ISRAEL,

*Notary Public in and for the State of
Washington, residing at Olympia.*

The president announced that he would hear Mr. Israel on the foregoing motion, and called the attention of the counsel on each side to rule 15, *i. e.*, that preliminary motions and interlocutory motions may be argued for not to exceed fifteen minutes. Mr. Israel spoke as follows:

I have noticed that rule, Your Honor, and I presumed that it would be honored more in the breach than in the observance, as it would be impossible to present any matter of any particular moment intelligently in fifteen minutes; but for the purposes of this motion I think I can keep within the rule, Your Honor, both in opening and closing.

As indicated in the affidavit and motion, it is impossible to prepare for this trial immediately or within any time measured by days or weeks; true we feel that it is the duty of this court to grant us reasonable time in which to move and meet and make issue with the various articles of impeachment, and that time should be at least ten days, because to any lawyer in this honorable body it is a known fact, without the necessity of proof, to meet what is in fact twenty-six indictments or twenty-six separate actions, means the preparation of twenty-six answers, both as to denials and to affirmative matter, and that in a matter of this importance, and with matters as general as they are stated in these articles of impeachment, he would not expect to prepare such issue that would be worthy of his efforts or the cause inside of ten days. If we were to ask this honorable court to simply extend us time to prepare and make issues we would yet again be compelled to then ask this court, and we think of right have granted to us, time to

marshal our testimony. The very character of the articles of impeachment, twenty-four of them at least, or many of the twenty-four of them, indicate without the necessity of argument the fact that if any defense is to be made it must be made with the testimony of witnesses who are non-resident of this jurisdiction, witnesses who live in foreign states, as far away as Texas and New York, and, as is known to all lawyers in this honorable body, that can only be done by the issuance of commissions to take depositions or by the issuance of letters rogatory to various courts in those states. So, if we were to go hence with a reasonable time in which to make issue, we would again have to apply to this honorable body for more time in which to marshal our testimony. So we have considered that it will be more convenient and less expensive that the court now grant us at one and the same time all the time that will be necessary for us to take up and begin the actual trial of this case and be prepared with our testimony, rather than to seek adjournment after adjournment to accomplish the same purpose and which would finally extend the delay over the same length of time.

This motion is honestly made. Any lawyer in the body, I think, will echo the statement that if such depositions are to be taken, and the defense necessitates the taking of such testimony, in such states, that such time is not unreasonable, and for all these reasons we ask this honorable court to grant this motion and allow us a reasonable extension of time as to the matters necessary to be gotten ready, rather than extensions of time from time to time as we may have to apply for them until we finally get to issue with replies to the matter. So we most respectfully urge Your Honor that the court grant us this extension.

Attorney General W. P. Bell, on behalf of the board of managers, made the following reply:

MR. PRESIDENT AND SENATORS: On behalf of the impeachment, we must certainly oppose this motion. We do not wish to seem unseemly or to urge great haste in this matter, but there is a way of doing things decently and in order, and it seems to me that the only way that this matter can be done decently and in order is to know what we are going to try before we commence to try it. The learned counsel insists that he should have an adjournment of ninety days; that at that time he will be ready with his witnesses; with his depositions, and ready for the trial; but what are we going to try? The learned counsel and the defendant may admit many of these charges and challenge the sufficiency of some of the charges. In their appearance here they have claimed the right to challenge the jurisdiction of this house to try this case; they challenge the jurisdiction, or the right, of some of the senators to sit in the trial of this case, and those things should be tried out. It seems to me and to the members of the managing committee that those things should be settled and fixed once for all, and then when the issues are joined and we know what there is to be tried, then is the time for them to come in and ask for an extension if they have

not the testimony with them. They have made a general allegation, and they have not shown in any particular what they expect to prove by the absent witnesses. The rule in court is, when you ask for a continuance, you must state what you expect to prove by certain witnesses. They do not state what they expect to prove by certain witnesses—in fact they have not denied anything that the honorable House has alleged, and until they have denied something there is nothing to prove. Therefore we insist that this motion, at this point at least, should be denied, and that the proceeding should be, as the members of the committee claim, that they should be required to answer within a certain time. We do not ask, as I say, undue haste, but within a reasonable time they should be required to answer; then the managers should be allowed a reasonable time thereafter to file a replication to this answer. Then we know exactly what is to be tried and then the Senate can give a reasonable time to the defendant within which to prepare and get ready for the trial.

In answer to a question from the president, the attorney general announced that, in his judgment, a week's time would be ample for the defendant to prepare his answer, and that three days would be a sufficient time for the managers to prepare a reply.

In answer to the president as to the time required to prepare an answer, Mr. Israel made the following statement:

I can't possibly prepare that answer, and I think Attorney General Bell knows the fact, in a week. I think the legislature knows the fact that it has taken Attorney General Bell's office, if the newspapers are to be believed, three weeks to prepare these articles of impeachment, and then they were not ready, and the answers are infinitely more difficult to prepare than the articles themselves. I could not attempt to make this answer within less than ten days or two weeks—two weeks at the outside, to be safe—and then I will have to come again with further applications for more time. Now, it was for the very purpose of avoiding technicalities at the expense of the State of Washington that we ask a lump in time. I will say to this honorable court now that if the time is granted in which to make all these preparations, that when the Senate convenes I will be here with every motion and every answer to the merits that is necessary—that we deem necessary—in this defense, to be taken up *seratim* without any delay and to final completion and settlement of the issues of the trial. But I would avoid the constant recessing and adjourning and meeting of this Senate when these preliminaries are being threshed out; I would have them all threshed out at the incoming of the Senate after the expiration of the continuance. It is extremely captious to my mind and extremely technical to invoke the proposition that no issue is yet joined here and consequently they do not know what will be admitted and what denied. I will say for the benefit of the counsel and the managers and for the

benefit of this honorable court, that every article will be denied *in toto*, and that most of the articles will have to them an affirmative defense, if that will afford the gentleman any information, when the answer finally comes in this matter, if an answer ever comes. Of course if we are to be held down to technical rules and this honorable body wants to meet and adjourn and recess for a few days, and then meet again and adjourn and recess for a few days, and then meet again and adjourn and recess for a few days, I am content, with such ruling, to take time of at least ten days in which to prepare the necessary motions and answers to these articles and then begin threshing them out; but I serve notice upon counsel and the managers now that after the issue is made I shall again ask reasonable time in which to take my depositions in the eastern states, and I think that it should weigh something with this Senate when I announce under my own motion and the affidavit of my client the intention to take such depositions—it should weigh for some honest purpose; and if it is necessary, and we deem it necessary, to take those depositions, I take it that this honorable court, the highest court that it is possible to create in the land, will not throttle us in the taking of those depositions, but will give us our letters rogatory, and whenever you give us our letters rogatory we all know that the interrogatories cannot be presented to a foreign tribunal and witnesses summoned and examined within two or three weeks. Now all those matters are under consideration at the time this motion is made for a general or lengthy recess, so all those things can be accomplished. I realize that, strictly following the rules of technical procedure, these matters come one at a time; and I also realize if they are to be presented one at a time that after the presentation of one comes further delay on the part of this honorable body to hear the next one. That is what I would have avoided; but if I am to be held down by this honorable court to the technical procedure, then I respectfully and earnestly ask Your Honor to have not less than ten days in which to prepare this answer. It is no easy task.

Senator Nichols moved that defendant Schively be given until Thursday, July 8, in which to answer the complaint.

Senator Cotterill moved as a substitute that defendant Schively be given until Saturday, July 10, to answer; that the board of managers be given until Wednesday, July 14, in which to reply, and that Wednesday, August 11, 1909, be set for the trial of the impeachment proceedings against defendant, John H. Schively.

The secretary called the roll on the substitute motion proposed by Senator Cotterill, and it carried by the following vote:

Those voting aye were: Senators Allen, Bassett, Blair, Bryan, Cameron, Cotterill, Eastham, Graves, Hutchinson, Huxtable, Knickerbocker, McGowan, Minkler, Nichols, Paulhamus,

Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Williams, Mr. President—26.

Those voting nay were: Senators Anderson, Arrasmith, Brown, Cox, Davis, Falconer, Fatland, Fishback, Kline, McGregor, Metcalf, Myers, Polson, Stevenson—14.

Absent or not voting were: Senators Piper, Booth—2.

The president resumed the chair.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

The House has passed House bill No. 10, entitled "An act appropriating the sum of \$40,000 for the expenses of the legislative investigating committee";

House concurrent resolution No. 5, relative to the duties of the legislative investigating committee;

And the same are herewith transmitted.

The House has, by resolution, added Messrs. Taylor and McMaster to the board of managers for the impeachment proceedings before the Senate against J. H. Schively.

LOREN GRINSTEAD, *Chief Clerk.*

At 11:45 p. m., on motion of Senator Graves a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

The Senate, sitting as a court of impeachment, reconvened at 2 o'clock p. m., Senator Presby in the chair, defendant Schively being present with his counsel, Mr. Geo. C. Israel.

Senator Graves moved that when the defendant has prepared his answer he shall file a copy of same with the attorney general and a copy with the secretary of the Senate, and the attorney general shall file with the secretary a copy of his reply and also serve a copy of his reply on the counsel for the defendant, Schively.

The secretary called the roll and the above motion was carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—39.

Absent or not voting were: Senators Booth, Piper and Whitney—3.

At his request, Mr. Geo. C. Israel, counsel for defendant Schively, was furnished with a certified copy of the articles of impeachment.

With the approval of the attorney general, Mr. Israel, counsel for defendant, proposed the following amendments to the rules governing the conduct of the impeachment proceedings, which were read by the secretary.

Letters rogatory or commissions to take depositions outside of the State of Washington shall be granted to either the managers and their counsel or the respondent, but in order to accomplish such letters rogatory or commissions to take deposition it shall be necessary for the party proposing the issuance of the same to serve upon opposite counsel a list of proposed interrogatories, together with notice that application for issuance of letters or commission will be made at a time therein mentioned to the president *pro tempore*, which time shall be not less than three days. At the time of application mentioned in such notice the party upon whom such interrogatories have been served shall present to the president his cross-interrogatories, and at such time the president *pro tempore* shall, through the secretary, attach such interrogatories and cross-interrogatories, if any are then presented, to the letters rogatory or commission to take deposition, and the secretary shall forthwith transmit the same to the person or court before whom the witness is to be interrogated, with request and instruction that the same when fully answered be properly certified and returned, sealed, to the secretary of this court. Such proposed interrogatories and such depositions shall be taken within such period as to permit the same being returned to the secretary of this court on or before the conclusion of the testimony in chief of the party applying for and taking the same; otherwise the same will not be considered in evidence in this court.

The form of the letters rogatory shall be substantially as follows:

“IN THE SENATE OF WASHINGTON, SITTING AS A HIGH COURT OF IMPEACHMENT.

“THE HOUSE OF REPRESENTATIVES, for and on behalf themselves and of all of the People of the State of Washington,

Complainant,

vs.

“JOHN H. SCHIVELY, Insurance Commissioner of the State of Washington,

Respondent.

“To the Honorable (name of court to which letters rogatory are to go), and to the Honorable Judge thereof:

“Know ye, that the Senate of the State of Washington, sitting as a high court of impeachment, for the purpose of the trial of articles of impeachment by the House of Representatives of the State of Washington against John H. Schively, insurance commissioner of the State of Washington, have granted unto permission to take the evidence of and interrogate one, a resident of (here insert residence address of witness) at the city of, in the State of, his answers to be used as evidence on behalf of the said in such trial.

“That Your Honor is most respectfully requested that the process of its court may be had through its clerk and proper officers, for the summoning of said witness before said court, and the taking before said court of his answers to interrogatories and cross-interrogatories hereunto attached, and that when the same are answered under oath, as required by the laws of your jurisdiction in the administration of oaths to witnesses, that the same may be certified under seal of your honorable court to this court, and to, the secretary thereof, at Olympia, Thurston county, State of Washington, after having been first fully sealed by your honorable court.

“WITNESS, The Honorable A. S. Ruth, president pro tempore of the Senate of the State of Washington.

Secretary.”

That in the issuance of commissions to take testimony the form as now used by the superior courts of the State of Washington in the issuance of commissions to notaries public and commissioners in foreign jurisdictions shall be adopted, used and followed, and depositions so taken certified by the officer taking the same substantially as required by the laws of the State of Washington in that behalf and returned sealed to the secretary of this court.

Senator Graves moved the adoption of the foregoing amendments to the rules.

The secretary called the roll and they were adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—40.

Absent or not voting were: Senators Booth, Piper—2.

A request was made by Mr. Israel that the stenographer be instructed to furnish daily to the defendant a transcript of the evidence taken.

The chair announced that the matter would be taken up at such time as evidence was submitted to the court in the impeachment trial.

At 2:25 p. m., the court of impeachment took a recess until Wednesday, August 11, 1909, at 2 o'clock p. m.

President Ruth resumed the chair.

Unanimous consent was, at his request, granted Senator Graves to introduce a resolution out of order.

Senate concurrent resolution No. 7:

Be it resolved by the Legislature of the State of Washington, the House and the Senate concurring, That the consent of both houses is hereby given that either house may adjourn from time to time for more than three days; and that upon the organization of the Senate as a court of impeachment the House may adjourn sine die without further consent of the Senate, and without impairing or interfering with the proceedings in the Senate as a court of impeachment, and that the Senate shall, upon the completion of all matters before it as a court of impeachment, adjourn sine die;

That upon the adjournment of the House sine die, the managers appointed by the House to conduct the impeachment proceedings instituted in the Senate shall have full power and authority in the management and conduct of said impeachment proceedings and to alter and amend said charges to the same extent the House would have should it be in session.

Senator Metcalf moved to amend the resolution by striking the word "and" in line 2 and all of lines 3, 4 and 5 and line 6 up to and including the word "impeachment" and the comma next following.

The motion was lost.

Senator Falconer moved that the resolution be amended by striking all after the word "days" in line 2.

Senator Stevenson moved as a substitute that further consideration of this resolution go over until 3 o'clock this afternoon.

The substitute motion of Senator Stevenson was lost.

The motion of Senator Falconer to amend the resolution was lost.

Senator Graves moved the adoption of the resolution.

The secretary called the roll, and Senate concurrent resolution No. 7 was adopted by the following vote:

Those voting aye were: Senators Bassett, Cameron, Cotterill, Eastham, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGowan, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—22.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cox, Davis, Falconer, Fatland, Fishback, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson—18.

Absent or not voting were: Senators Booth, Piper—2.

On motion of Senator McGowan, the rules were suspended and Senate concurrent resolution No. 7 was ordered transmitted to the House immediately.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate concurrent resolution No. 4, respectfully report that we have compared the enrolled resolution with the original thereof and that we find the same to be correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, H. O. Fishback.

On motion of Senator Bryan, the report of the committee was adopted.

The president signed Senate concurrent resolution No. 4.

INTRODUCTION OF BILLS.

House bill No. 10, entitled "An act appropriating the sum of \$40,000 for the expenses of the legislative investigating committee."

The bill was read first time, and on motion of Senator Falconer the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senate bill No. 25, by Senator Graves, entitled "An act appropriating the sum of \$40,000 for the purpose of paying the expenses of the impeachment proceedings of John H. Schively."

The bill was read first time, and on motion of Senator Graves the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

Senator Cotterill moved that the Senate do now take up the consideration of Senate bill No. 5 and that it be placed on third reading.

Senator Falconer moved as a substitute that the Senate go into Committee of the Whole for the purpose of considering House bill No. 10 and such other matters as may come before it.

The substitute motion carried.

The Senate having resolved itself into a Committee of the Whole, Senator Williams in the chair, considered the following bills: House bill No. 10, Senate bill No. 25, Senate bill No. 3 and Senate bill No. 13.

The bills were reported back to the Senate with the following recommendations:

House bill No. 10: That it do pass with the following amendments:

Strike the word "forty" in the first line of the title of the original bill and insert in lieu thereof the following: "twenty-five";

Strike the word "forty" and the figures "40" in line 1 of section 1 in the original bill, and insert in lieu of the word and figures so stricken the word "twenty-five" and the figures "25" respectively;

Strike the word "forty" and the figures "40" in line 1 of section 2 in the original bill, and insert in lieu of the word and figures so stricken the word "twenty-five" and the figures "25" respectively.

Senate bill No. 25: That it do pass with the following amendments:

Strike the words "and mileage" in line 14 of section 2 of the original bill and insert in line 12, section 2, after the word "mileage" the words "within the State of Washington."

Senate bill No. 3: That it be referred to the Committee on Appropriations.

Senate bill No. 13: That it do pass.

On motion of Senator Williams, the report of the Committee of the Whole on House bill No. 10 was adopted.

On motion of Senator Cotterill, the rules were suspended, the reading had of House bill No. 10 was considered the third reading of the bill and the bill placed on final passage.

The secretary called the roll, and House bill No. 10, as amended by the Senate, passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rosenhaupt, Rydstrom, Stevenson, Stewart, Mr. President—32.

Those voting nay were: Senators Eastham, Potts, Presby, Smith, Smithson, Whitney, Williams—7.

Absent or not voting were: Senators Booth, Knickerbocker, Piper—3.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Allen, the rules were suspended and House bill No. 10 was ordered immediately transmitted to the House.

On motion of Senator Williams, the report of the Committee of the Whole on Senate bill No. 25 was adopted.

On motion of Senator Cotterill, the rules were suspended and the reading had of the bill in the Committee of the Whole was considered the third reading of the bill and the bill placed on final passage.

The secretary called the roll on final passage of Senate bill No. 25, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Williams, Mr. President—37.

Absent or not voting were: Senators Booth, Knickerbocker, Piper, Potts and Whitney—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Williams, the report of the Committee of the Whole on Senate bill No. 13 was adopted.

On motion of Senator Cotterill, the rules were suspended and the reading had of the bill in the Committee of the Whole considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 13, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Graves, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson Stewart, Williams, Mr. President—37.

Those absent or not voting were: Senators Booth, Piper, Potts, Smithson, Whitney—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Williams moved the adoption of the report of the Committee of the Whole on Senate bill No. 3.

A roll call on the above motion was demanded by Senators Allen, Williams, Smith, Fatland, Cameron, Presby, Cox.

The secretary called the roll, and the report of the Committee of the Whole on Senate bill No. 3 was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGregor, Metcalf, Myers, Nichols, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart—23.

Those voting nay were: Senators Brown, Cameron, Eastham, Hutchinson, Kline, McGowan, Minkler, Presby, Roberts, Rydstrom, Smith, Williams, Mr. President—13.

Those absent or not voting were: Senators Booth, Graves, Piper, Potts, Smithson, Whitney—6.

On motion of Senator Nichols, the Senate took up the consideration of Senate bill No. 5.

Senators Falconer, Myers and Knickerbocker moved a call of the Senate.

The secretary called the roll of the Senate, the following senators being noted as absent: Booth, Piper, Potts and Whitney.

On motion of Senator Smith, further proceedings under the call of the Senate were dispensed with.

Senate bill No. 5 was read third time.

The secretary called the roll on final passage of Senate bill No. 5, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Smith, Smithson, Stevenson, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Cameron, Fishback, Graves, McGowan, Presby, Stewart—6.

Those absent or not voting were: Senators Booth, Piper, Potts, Rosenhaupt—4.

The secretary called the roll on the emergency clause to Senate bill No. 5, and it passed the Senate by the following vote:

Those voting aye were: Senator Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Those voting nay were: Senators Cameron, Eastham, Fishback, McGowan—4.

Those absent or not voting were: Senators Booth, Graves, Piper, Potts, Rosenhaupt—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Nichols, the rules were suspended and all bills passed by the Senate to this time were ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

The House has refused to concur in the Senate amendment to House bill No. 10, and the same is herewith transmitted.

The speaker has signed enrolled Senate concurrent resolution No. 4, relating to the continuation of the legislative investigating committee, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Allen moved that the Senate recede from its amendments to House bill No. 10.

The secretary called the roll and the motion was lost by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Bryan, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, McGregor, Metcalf, Myers, Paulhamus, Polson, Stevenson, Stewart—18.

Those voting nay were: Senators Bassett, Brown, Cameron, Eastham, Hutchinson, Huxtable, Kline, Knickerbocker, Minkler, Nichols, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Williams, Mr. President—18.

Those absent or not voting were: Senators Booth, Graves, McGowan, Piper, Potts, Rosenhaupt—6.

Senator Nichols moved that the House be advised that the Senate refuses to recede from its amendments and asks for a conference committee.

The motion carried.

The secretary read the following resolution, by Senator Hutchinson:

WHEREAS, Certain newspapers claim that the state is being defrauded out of a great sum of taxes on the improvements on the University tract in the city of Seattle; therefore, be it

Resolved, That the investigating committee be instructed to investigate said report and report on same.

Senator Hutchinson moved the adoption of the resolution.

Senator Falconer moved as a substitute that the resolution be ordered referred to the Committee on Judiciary.

The substitute motion was lost.

The motion of Senator Hutchinson carried and the resolution was adopted.

On motion of Senator Smith, House concurrent resolution No. 5 was taken up at this time.

The secretary read House concurrent resolution No. 5:

Be it resolved by the House, the Senate concurring, That the special committee appointed at the last general session of the legislature and authorized by the special session of the legislature convened June 23, 1909, to continue its investigations, be and it is hereby instructed to proceed with its investigations immediately upon the adjournment of the present special session of the legislature with a view to completing such investigation at the earliest possible date, and as soon as the investigation of any state office, department or institution shall be completed, to submit to the governor at once a report on the result of said investigation, said report to be made public within fifteen days, and that each member of the legislature be furnished with a copy of each report made by the committee to the governor;

That the committee be authorized to investigate the reported refusal of certain superior judges to comply with the law requiring the wearing of judicial gowns;

That the committee file a transcript of the evidence received by it in the office of the attorney general at the time of submitting its report to the governor.

Senator Bryan moved that that portion of the resolution referring to the refusal of superior court judges to wear gowns be stricken from the resolution.

Senator Allen moved as a substitute that the resolution be indefinitely postponed.

Senators Myers, Brown and Blair demanded the previous question on the motion of Senator Allen to postpone.

The motion for the previous question carried.

The following senators demanded a roll call on the motion to indefinitely postpone the resolution: Senators Williams, Falconer, Nichols, Allen, Eastham, Cox, Myers.

The secretary called the roll, and the resolution was indefinitely postponed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Fatland, Knickerbocker, McGregor, Metcalf, Myers, Nichols, Paulhamus, Polson, Smithson, Stevenson, Stewart—21.

Those voting nay were: Senators Davis, Eastham, Falconer, Hutchinson, Huxtable, Kline, McGowan, Minkler, Presby, Roberts, Rydstrom, Smith, Whitney, Williams, Mr. President—15.

Those absent or not voting were: Senators Booth, Fishback, Graves, Piper, Potts, Rosenhaupt—6.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

The speaker has appointed as a conference committee on amendments to House bill No. 10, Messrs. Bell, Palmer, and Thompson.

The House has passed Senate concurrent resolution No. 7, with amendments, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president appointed Senators Nichols, Myers and Eastham as a conference committee on House bill No. 10.

The secretary read the House amendments to Senate concurrent resolution No. 7.

Senator Falconer moved that the Senate concur in the House amendments to the resolution.

The secretary called the roll, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Smith, Stevenson, Stewart, Williams—32.

Those voting nay were: Senator Presby, Mr. President—2.

Those absent or not voting were: Senators Booth, Cameron, Graves, Piper, Potts, Rosenhaupt, Smithson, Whitney—8.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

We, your Committee on Salaries and Mileage, beg leave to report the following mileage due Senator Ralph Metcalf in traveling to and from the extraordinary session, and we recommend that the same be adopted:

Ralph Metcalf, Pierce county, Tacoma, 66 miles, \$6.60.

JOHN L. ROBERTS, *Chairman.*

We concur in the above report: A. W. Anderson, S. J. Cameron.

On motion of Senator Roberts, the report of the committee was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 13, entitled "An act to appropriate funds to pay the expenses of publishing the proposed amendments to the state constitution," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Falconer moved that the Senate go into Committee of the Whole for the purpose of considering Senate bill No. 17.

Senator Presby moved as an amendment that the Senate go into Committee of the Whole for the purpose of considering Senate bill No. 17 and such other bills as may come before it.

The motion of Senator Falconer carried, as amended by Senator Presby.

Senate bill No. 17 was considered in Committee of the Whole, Senator Knickerbocker in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Knickerbocker, the report of the Committee of the Whole was adopted.

On motion of Senator Falconer, the rules were suspended, the reading of the bill had in the Committee of the Whole was considered the third reading, and the bill placed on final passage.

The secretary called the roll, and Senate bill No. 17 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Roberts, Rydstrom, Stevenson, Stewart, Williams, Mr. President—31.

Those voting nay were: Senators Arrasmith, Eastham, Presby—3.

Those absent or not voting were: Senators Booth, Graves, Piper, Potts, Rosenhaupt, Smith, Smithson, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bassett, the rules were suspended and Senate bill No. 17 was ordered immediately transmitted to the House.

Senator Anderson moved that the Senate now go into Committee of the Whole for the purpose of considering Senate bill No. 11.

The motion failed to carry.

Senator Falconer moved the adoption of the following resolution:

Senate concurrent resolution No. 8, by Senator Falconer:

Be it resolved by the Senate, the House concurring, That the legislative committee provided for in Senate concurrent resolution No. 4, be and they are hereby authorized to hold sessions of the committee and examinations in any place in the State of Washington where in the judgment of the committee it may be necessary so to do.

The secretary called the roll, and Senate concurrent resolution No. 8 was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Mr. President—32.

Those absent or not voting were: Senators Booth, Eastham, Fishback, Graves, Piper, Potts, Rosenhaupt, Smithson, Whitney, Williams—10.

On motion of Senator Rydstrom, Senate bill No. 10 was taken up at this time.

Senate bill No. 10 was read third time.

On motion of Senator Cotterill, the bill was amended by adding to the end of the last section the following:

Provided, however, That this repeal shall in no way affect the provisions of chapter 54 of the Session Laws of 1909, relating to protecting game on Lake Washington, which act shall remain in full force and effect.

Senator Stewart moved to amend in line 5 of section 2 of the original bill by striking the word "October" and inserting in lieu thereof the word "September."

The amendment failed to carry.

Senator Paulhamus moved to amend in line 18 of section 2 of the original bill by inserting the word "Pierce" and a comma after the word "Whatcom."

Senators Falconer, Cameron and Rydstrom demanded the previous question.

The motion for the previous question carried.

The amendment proposed by Senator Paulhamus failed to carry.

The secretary called the roll on final passage of Senate bill No. 10 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Nichols, Polson, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Those voting nay were: Senators Bassett, Eastham, Paulhamus—3.

Those absent or not voting were: Senators Booth, Fishback, Graves, Piper, Potts, Smithson—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 5:27 p. m., on motion of Senator Cameron, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

TENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, July 2, 1909.

The Senate was called to order at 10 o'clock a. m. by Senator Ruth, president *pro tem*.

Rev. J. M. Orrick offered prayer.

The secretary called the roll, all members being present except Senators Booth, Cotterill, Graves, McGowan, Piper, Potts, Rosenhaupt, Smithson, all of whom were excused.

On motion of Senator Falconer, the reading of yesterday's journal was dispensed with and it was approved.

On motion of Senator Rydstrom, the rules were suspended and Senate bill No. 10 ordered immediately transmitted to the House.

Senator Falconer moved to amend Rule 19 of the impeachment rules as follows:

Add after the word "counsel" the words "upon a showing in general terms that the subpoenas are for necessary and material witnesses."

The secretary called the roll, and the amendment to rule No. 19 was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Mr. President—33.

Those absent or not voting were: Senators Booth, Cotterill, Graves, McGowan, Piper, Potts, Rosenhaupt, Smithson, Williams—9.

Senator Bryan was given unanimous consent to introduce a bill out of order.

Senate bill No. 26, by Senator Bryan, entitled "An act prohibiting the hunting of deer with dogs in or upon the islands of Puget sound and in the county of Kitsap."

The bill was read first time, and on motion of Senator Bryan the rules were suspended, the bill read second time by title and ordered referred to the Committee on Game.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

We, your Committee on Game, to whom was referred Senate bill No. 26, entitled "An act prohibiting the hunting of deer with dogs in or upon the islands of Puget sound and in the county of Kitsap," etc., beg to report that we have had the same under consideration and recommend that it do pass.

ED. BROWN, *Chairman*.

We concur in the above report: John L. Blair, Arvid Rydstrom, W. B. Presby.

On motion of Senator Bryan, the report of the committee was adopted.

On motion of Senator Bryan, the rules were suspended, Senate bill No. 26 was read third time and placed on final passage. The secretary called the roll, and Senate bill No. 26 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Mr. President—30.

Those absent or not voting were: Senators Booth, Cotterill, Fishback, Graves, McGowan, Nichols, Piper, Potts, Rosenhaupt, Smithson, Whitney, Williams—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bryan, the rules were suspended and Senate bill No. 26 was ordered immediately transmitted to the House.

Senator Presby moved the adoption of the following resolution:

Senate resolution by Senator Presby:

WHEREAS, The Senate of the State of Washington has been organized as a high court of impeachment to try the impeachment of J. H. Schively, insurance commissioner; and

WHEREAS, The members of said court of impeachment assume and perform the functions of the court and jury as in ordinary criminal proceedings; and

WHEREAS, The members of this high court of impeachment solemnly took an oath to try said impeachment according to the law and the fact as presented to them; and

WHEREAS, By statute it is made an offense to influence or attempt to influence a juror "in respect to his verdict, judgment, report, award or decision in any cause or matter pending or about to be brought before him," and the person so doing is guilty of a gross misdemeanor; therefore, be it

Resolved by the Senate of the State of Washington, sitting as a high court of impeachment, That any person or persons who shall attempt to influence any member of this court as such other than in the regular course of proceeding before this court, or who shall influence or attempt to influence in a manner deemed improper if such member were sitting as a juror in an ordinary criminal case, shall be deemed guilty of con-

tempt of this high court of impeachment, and upon conviction thereof shall be punished in such manner as this high court of impeachment shall deem adequate and appropriate.

The resolution failed to carry.

The secretary read the following resolution by Senator Graves:

Be it resolved by the Senate, That the members of the Senate shall receive no per diem between the time of the adjournment of the Senate and August 7th, 1909; that the president of the Senate, the secretary of the Senate, the sergeant-at-arms and such other employes as the secretary of the Senate may find it necessary to employ shall receive the salaries now fixed for them; during said period, while they actually remain in Olympia for the purpose of discharging duties in connection with the impeachment proceedings against John H. Schively, or while actually engaged elsewhere in the discharge of duties required of them in connection with such impeachment proceedings.

On motion of Senator Huxtable, the resolution was adopted.

On motion of Senator Knickerbocker, the following resolution was adopted:

Resolved by the Senate, That the secretary and such employes as are necessary to complete the records of the Senate up to the present date be retained at the regular per diem until said records are completed.

The following resolution was adopted on motion of Senator Falconer:

Resolved by the Senate, That the secretary be employed to compile and index the journal for the special session up to the present time, and that his compensation for said work be the sum of one hundred dollars (\$100).

REPORT OF SECRETARY.

Pursuant to instructions relative to the reporting of testimony and proceedings of the impeachment trial, I beg to report the following:

1st. The cost of a court reporter to take charge of the work will be \$10 per day for his services, and \$10 a day for an assistant, if the proceedings of the day should consume a longer time than four hours; and fifteen cents a folio for the original copy of the testimony and five cents a folio for each copy, if the testimony of each day is to be ready for inspection the morning following; and, if it is not necessary to furnish the testimony the day following, the charges will be thirty cents a folio for the original and six copies.

2nd. Three reporters could probably be secured at \$10 per day each, or thereabout, and each be required to transcribe his own notes. It would likely be necessary, however, to pay such men their regular per

diem while the impeachment proceedings were being held, without regard to any recess which might be taken during such proceedings.

I request that the Senate instruct the secretary as to the manner in which it is desired that the work be done, so that on opening of proceedings arrangements may be completed.

WM. T. LAUBE, *Secretary of the Senate.*

On motion of Senator Falconer, the secretary was instructed to use his best judgment in the matter of the employment of stenographers and reporters for the impeachment proceedings.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 13, beg to report that we have compared the enrolled bill with the original bill and find it to be correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in the above report: Geo. F. Cotterill, A. W. Anderson.

SENATE CHAMBER,
OLYMPIA, WASH., July 1, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate concurrent resolution No. 7, beg to report that he have compared the enrolled resolution with the original resolution and that we find it to have been correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. F. Cotterill, A. W. Anderson.

Senate bill No. 13 and Senate concurrent resolution No. 7 were signed by the president.

REPORT OF CONFERENCE COMMITTEE.

We, your committee on conference, to whom was referred House bill No. 10, recommend that the Senate recede from its amendments and that the following amendments be adopted:

In line 1 of the title of the original bill strike the word "forty" and insert in lieu thereof the word "thirty."

In line 1, section 1, strike the word "forty" and the figures "40" and insert in lieu thereof the word "thirty" and the figures "30" respectively.

In line 1, section 2, strike the word "forty" and the figures "40" and insert in lieu of the word and the figures so stricken the word "thirty" and the figures "30" respectively.

CHAS. E. MYERS,
RALPH D. NICHOLS,
A. B. EASTHAM,
T. J. BELL,
H. W. THOMPSON.

Senator Bryan moved that the report of the conference committee be adopted.

The motion carried.

Senator Bryan moved that the Senate recede from its amendments to House bill No. 10 and adopt the amendments contained in the conference committee report.

The secretary called the roll, and the motion carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rydstrom, Stevenson, Stewart, Mr. President—28.

Those voting nay were: Senators Cameron, Kline, Smith, Whitney, Williams—5.

Those absent or not voting were: Senators Booth, Bryan, Cotterill, Graves, McGowan, Piper, Potts, Rosenhaupt, Smithson—9.

The secretary read Senate joint memorial No. 1, by Senator Presby:

To the Honorable Secretary of the Interior:

WHEREAS, Much of the land in the southern part of the Columbia river forest reserve, in Skamania and Klickitat counties, Washington, is suitable for agricultural purposes, and it has been demonstrated that the said land will produce any crop that can be grown in the State of Washington; and

WHEREAS, The southern part of said reserve is near the Columbia river, and a great portion of it has been burned over, so that the clearing of the land will in no wise affect the conservation of moisture;

THEREFORE, We, your memorialists, respectfully pray that a re-examination be had of the lands in the southern row of townships of said reserve, to the end that the same, or any portion thereof, if found better suited to agricultural use than for forest reserve purposes, be restored by executive order to settlement at the earliest convenient date.

On motion of Senator Presby, the rules were suspended, the memorial was read second and third time, and placed on final passage.

The secretary called the roll, and Senate joint memorial No. 1 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Blair, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Polson, Presby, Roberts, Rydstrom, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Those absent or not voting were: Senators Bassett, Booth, Cotterill, Graves, Nichols, Paulhamus, Piper, Potts, Rosenhaupt, Smith, Smithson—11.

On motion of Senator Presby, the rules were suspended and Senate joint memorial No. 1 was ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 8, relating to meetings of legislative investigating committee";

Senate bill No. 25, entitled "An act appropriating \$40,000 for expenses of impeachment proceedings, with certain amendments: Amend section 2 by striking the words "a like sum" in line 5 and inserting in lieu thereof the words "seven dollars." Amend section 2 by adding the following: "said expenditures provided for in section 2 to be paid upon vouchers approved by the president and secretary of the Senate or the speaker and chief clerk of the House." Amend section 2 by striking the words "by law" in line 10 of said section, and inserting in lieu thereof the words "by the board of managers," and by adding after the word "Senate" in line 8 of said section the words "or board of managers";

Senate bill No. 17, entitled "An act appropriating two thousand dollars for printing";

And the same are herewith transmitted.

The House has adopted the report of the conference committee on House bill No. 10.

The speaker has signed Senate bill No. 13, entitled "An act appropriating two thousand dollars for printing";

Senate concurrent resolution No. 7, relating to recess;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Fatland moved that Senate bill No. 24 be withdrawn from the Committee of the Whole, the rules suspended, and the bill read third time and placed on final passage.

Senator Anderson moved to amend by adding Senate bill No. 11.

The motion of Senator Fatland and the amendment proposed by Senator Anderson both carried.

Senate bill No. 24, by Senator Anderson, was read third time.

Senator Cameron moved that Senate bill No. 24 be indefinitely postponed.

The motion to indefinitely postpone was lost.

The secretary called the roll on final passage of Senate bill No. 24, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Brown, Cox, Davis, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Minkler, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—27.

Those voting nay were: Senators Bryan, Cameron, Eastham, Myers, Nichols—5.

Those absent or not voting were: Senators Allen, Booth, Cotterill, Fishback, Graves, McGowan, Piper, Potts, Rosenhaupt, Smithson—10.

The secretary called the roll on passage of the emergency clause, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Minkler, Nichols, Paulhamus, Polson, Presby, Roberts, Rydstrom, Smith, Stevenson, Stewart, Whitney, Williams, Mr. President—31.

Those voting nay were: Senators Metcalf, Myers—2.

Those absent or not voting were: Senators Booth, Cotterill, Fishback, Graves, McGowan, Piper, Potts, Rosenhaupt, Smithson—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Williams, the rules were suspended and Senate bill No. 24 was ordered immediately transmitted to the House.

Senator Cameron gave notice of a motion to reconsider the vote by which Senate bill No. 24 passed the Senate.

The president ruled the notice as out of order on the ground that a motion had already passed the Senate to immediately transmit the bill to the House under a suspension of the rules.

The secretary read the House amendments to Senate bill No. 25.

On motion of Senator Stevenson, the Senate refused to concur in the House amendments to Senate bill No. 25.

On motion of Senator Stevenson, the secretary was instructed to notify the House that the Senate refuses to concur in the House amendments to Senate bill No. 25.

At their request, Senators Smith and Nichols were excused from further attendance upon today's sessions.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 10, entitled "An act appropriating \$30,000 for expenses of legislative investigating committee," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 10.

On motion of Senator Anderson, Senate bill No. 11 was read third time, the rules being suspended, and the bill placed on final passage.

The secretary called the roll on final passage of Senate bill No. 11, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Blair, Cox, Davis, Falconer, Huxtable, McGregor, Metcalf, Myers, Nichols, Paulhamus, Polson, Presby, Roberts, Rydstrom, Stewart—17.

Those voting nay were: Senators Arrasmith, Bryan, Eastham, Hutchinson, Kline, Minkler, Whitney, Mr. President—8.

Those absent or not voting were: Senators Bassett, Booth, Brown, Cameron, Cotterill, Fatland, Fishback, Graves, Knickerbocker, McGowan, Piper, Potts, Rosenhaupt, Smith, Smithson, Stevenson, Williams—17.

Senator Bryan gave notice of a motion to reconsider the vote by which Senate bill No. 11 failed to pass the Senate.

The president appointed as a conference committee on Senate bill No. 25, Senators Williams, Stevenson and Cameron.

REPORTS OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 17, beg to report that we have compared the enrolled bill with the original, and that we find the same to have been correctly enrolled.

J. W. BRYAN, *Chairman*.

We concur in the above report: H. O. Fishback, D. H. Cox, A. W. Anderson.

SENATE CHAMBER,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate concurrent resolution No. 8, beg to report that we have compared the enrolled resolution with the original, and that we find the same to have been correctly enrolled.

J. W. BRYAN, *Chairman*.

We concur in the above report: H. O. Fishback, D. H. Cox.

On motion of Senator Bryan, the reports of the committee were adopted.

The president signed Senate concurrent resolution No. 8 and Senate bill No. 17.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

The speaker has appointed as a conference committee on Senate bill No. 25, Messrs. Kayser, Edge and Bell.

The speaker has signed Senate concurrent resolution No. 8 and Senate bill No. 17, and the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk*.

On motion of Senator Falconer, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 4.

Senate bill No. 4 was considered in Committee of the Whole, Senator Eastham in the chair, and reported back to the Senate with the recommendation that it be referred to the Committee on Appropriations.

On motion of Senator Eastham, the report of the Committee of the Whole was adopted.

On motion of Senator Cox, the Senate took up the consideration of Senate bill No. 27.

Senate bill No. 27, by Senator Cox, entitled "An act to amend chapter 226, Laws of 1909, providing for a field examination of the state with a view to ascertaining the existence and location of suitable road-making materials": The bill was read first time, and on motion of Senator Cox the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

On motion of Senator Cox, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 27.

The bill was considered in Committee of the Whole, Senator Paulhamus in the chair, and reported back to the Senate with the recommendation that it pass with the following amendment:

In section 1, line 8 of the original bill, insert the words "or more" after the word "to."

On motion of Senator Paulhamus, the report of the committee was adopted.

On motion of Senator Paulhamus, the rules were suspended and the reading had of the bill in Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 27, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Blair, Brown, Bryan, Cox, Fatland, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Paulhamus, Polson, Roberts, Rydstrom, Stewart, Whitney, Mr. President—23.

Those voting nay were: Senators Arrasmith, Eastham, Presby—3.

Those absent or not voting were: Senators Bassett, Booth, Cameron, Cotterill, Davis, Falconer, Graves, McGowan, Nichols, Piper, Potts, Rosenhaupt, Smith, Smithson, Stevenson, Williams—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Kline, the rules were suspended and

Senate bill No. 27 was ordered immediately transmitted to the House.

Senator Minkler moved that no more bills or reconsiderations be considered at this special session.

The motion carried.

On motion of Senator Allen, Rule 64 was suspended.

On motion of Senator Allen, the consideration of the bills vetoed by the governor, together with the governor's veto messages on same, were made a special order for January 9, 1911.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, July 2, 1909.

To the Honorable, the Senate of the State of Washington.

GENTLEMEN: I have the honor to inform you that Governor M. E. Hay has this day approved Senate bill No. 1, entitled "An act making an appropriation for the payment of the funeral expenses of the late governor of the State of Washington, His Excellency, Governor Samuel G. Cosgrove";

Also Senate concurrent resolution No. 4.

FRANK M. DALLAM, JR., *Secretary to the Governor.*

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

On request of the House members of the legislative investigating committee, Messrs. McMaster, Hubbell and Taylor have been permitted to withdraw from the board of managers for the impeachment proceedings against J. H. Schively.

The speaker has appointed Messrs. Edge, Bell and Kayser as a committee on free conference on Senate bill No. 25.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON CONFERENCE.

OLYMPIA, WASH., July 2, 1909.

We, your committee on conference on Senate bill No. 25, beg to report that we are unable to agree on the amendments to said bill, and ask that a free conference committee be forthwith appointed.

Respectfully submitted,

E. M. WILLIAMS, *Chairman*;
S. J. CAMERON,
J. R. STEVENSON.

T. J. BELL, *Chairman*;
C. F. KAYSER,
LESTER P. EDGE.

On motion of Senator Williams, the report of the committee was adopted.

The president appointed Senators Williams, Stevenson and Cameron as a free conference committee on Senate bill No. 25.

REPORT OF CONFERENCE COMMITTEE.

OLYMPIA, WASH., July 2, 1909.

We, your committee on free conference on Senate bill No. 25, submit herewith the following report:

That section 2 of said bill be stricken and that sections 2 and 3, accompanying herewith, be added thereto:

"Sec. 2. The expenses which may be paid from the sum herenibefore appropriated shall be paid at the rate of five dollars per diem for the members of the Senate while sitting as a court of impeachment, and such sum per diem for each of a board of three managers appointed by the House of Representatives as may be fixed by resolution of said House, and such pay as may be fixed by the Senate for officers and employes appointed by it in connection with such proceeding and any other expenses of the trial authorized by law or the rules of the Senate, including the pay per diem and mileage within the State of Washington allowed by law to witnesses summoned to appear before the Senate by either party, said per diem to be the same as allowed to witnesses in the superior courts of this state.

"Sec. 3. The expenditures provided for in section 2 of this act to be paid upon vouchers approved by the president and secretary of the Senate."

Respectfully submitted,

C. F. KAYSER, *Chairman*;
T. J. BELL,
LESTER P. EDGE.

E. M. WILLIAMS, *Chairman*;
S. J. CAMERON,
J. R. STEVENSON.

A call of the Senate was demanded by Senators Presby, Cameron and Williams.

The motion for the call of the Senate carried.

The sergeant-at-arms closed the doors.

The secretary called the roll, the following members being noted as absent: Senators Arrasmith, Bassett, Booth, Cotterill, Davis, Falconer, Fatland, Graves, Huxtable, McGowan, Nichols, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson.

On motion of Senator Presby, further proceedings under a call of the Senate were dispensed with.

Senator Williams moved the adoption of the report of the free conference committee on Senate bill No. 25.

The secretary called the roll, and the report of the committee was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cox, Eastham, Fishback, Hutchinson, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Paulhamus, Polson, Presby, Roberts, Stevenson, Stewart, Whitney, Williams, Mr. President—26.

Those absent or not voting were: Senators Bassett, Booth, Cotterill, Davis, Falconer, Fatland, Graves, Huxtable, McGowan, Nichols, Piper, Potts, Rosenhaupt, Rydstrom, Smith, Smithson—16.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

The House has passed Senate joint memorial No. 1, memorializing the secretary of the interior concerning a re-examination of the Columbia forest reserve, and the same is herewith transmitted.

The House has adopted the report of the committee on free conference concerning Senate bill No. 25.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate joint memorial No. 1 and Senate bill No. 25, beg to report that we have compared the enrolled memorial and the enrolled bill with the original memorial and the original bill respectively, and that we find said memorial and said bill to have been correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in the above report: H. O. Fishback, A. W. Anderson.

The president signed Senate joint memorial No. 1 and Senate bill No. 25.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., July 2, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 25, entitled "An act appropriating \$40,000 for expenses of impeachment proceedings";

Senate joint memorial No. 1;

And the same are herewith transmitted.

The House has appointed in lieu of its former board of managers for the impeachment proceedings against J. H. Schively, Messrs. Meigs, Edge and Sparks.

LOREN GRINSTEAD, *Chief Clerk.*

At 1:30 p. m., on motion of Senator Williams, the Senate took a recess until 2 o'clock p. m., August 11, 1909.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTIETH DAY.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, August 11, 1909.

The Senate was called to order at 2 o'clock p. m. by Senator Ruth, president *pro tem.*

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Booth, Graves, Hutchinson, Myers, Nichols, Paulhamus, Roberts, Stevenson, Whitney, all of whom were excused.

On motion of Senator Potts, Senator Nichols, because of illness, was excused from attendance on the sessions until such time as he shall have recovered.

On motion of Senator Huxtable, the reading of the journal of the tenth day was dispensed with and the journal for that day was approved.

The secretary read the following resolution:

Senate concurrent resolution No. 9, by Senator Bryan:

Be it Resolved by the Senate, the House concurring, That the proposed amendment to the constitution of the United States, submitted to the several states by congress, pursuant to article five (5) of said constitution, which amendment is as follows:

"Article XVI. The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration"

—be and the same is hereby ratified.

On motion of Senator Presby, the above resolution was ordered referred to the Committee on Memorials.

At his request, Senator Bryan was granted unanimous consent to take up the reconsideration of Senate bill No. 7 at tomorrow's session.

At the request of Senator Anderson, unanimous consent was given to take up the reconsideration of Senate bill No. 11 at tomorrow's session.

On motion of Senator Cotterill, the Senate resolved itself into a court of impeachment for the purpose of considering and trying the charges preferred against John H. Schively, insurance commissioner of the State of Washington.

Senator George U. Piper took the prescribed oath as a member of the Senate, sitting as a court of impeachment, the oath being administered by Acting Chief Justice Fullerton.

John H. Schively, with his counsel, Geo. C. Israel, Esq., and the board of managers of the House, with Attorney General W. P. Bell and Assistant Attorney General George A. Lee, appeared before the bar of the Senate.

[See impeachment proceedings.]

At 4:45 p. m. the Senate as a court of impeachment took a recess until tomorrow.

George L. Harrigan and A. C. Baker were sworn in by the president as Senate reporters.

At 4:50 p. m., on motion of Senator Potts, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-FIRST DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Thursday, August 12, 1909.

The Senate was called to order at 10 o'clock a. m. by Senator Ruth, president *pro tem*.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Graves, Nichols (excused), Whitney.

On motion of Senator Stevenson, the reading of the journal for the fiftieth day was dispensed with and it was approved.

The secretary read the following communication from Senator Graves:

SPokane, WASHINGTON, August 7, 1909.

Hon. A. S. Ruth, President of the State Senate, Olympia, Washington.

MY DEAR MR. PRESIDENT: On July 31st a most disastrous wreck occurred upon the line of the Spokane & Inland Empire Railroad Company, of which I am one of the trustees, and for which I am attorney. In this wreck some fifteen people were killed and a great number were most seriously injured. This catastrophe has thrown an immense amount of labor upon me, and I cannot, in justice to the company, leave Spokane at the present time. I very greatly regret my inability to attend upon the adjourned extraordinary session, but this is one instance in which I think that my duty to a private client outweighs my duty to the public. I would esteem it as a very great favor, therefore, if the Senate would excuse me from attendance upon this adjourned session.

Very truly yours,

WILL G. GRAVES.

On motion of Senator Rosenhaupt, Senator Graves was excused from further attendance at this extraordinary session.

Senator Bassett moved the adoption of the following resolution:

Resolved by the Senate, That immediately following the approval of the minutes of the previous day the Senate shall resolve itself into a court of impeachment and continue in session as such court until 12 noon. Said court shall then take a recess until 1:30 p. m. and continue in session as such court until 4:30 p. m.

Senator Cotterill moved as a substitute that the following resolution be adopted:

Resolved, That during the period while the Senate is sitting as a court of impeachment sessions shall be held as follows: 9:30 a. m. to 12 m., 2:00 p. m. to 5:30 p. m., 8:00 p. m. to 10:00 p. m., subject to change by a majority vote of the Senate at any time.

Senator Cotterill withdrew his motion.

Senator Bassett withdrew his motion and by unanimous consent both the foregoing resolutions were withdrawn.

Senator Bassett moved the adoption of the following resolution:

Resolved by the Senate, That the Senate shall meet at 9:30 a. m. and that immediately following the approval of the minutes of the previous day the Senate shall resolve itself into a court of impeach-

ment and continue in session as such court until 12 noon. Said court shall then take a recess until 1:30 p. m. and continue in session as such court until 5:00 p. m.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Hutchinson, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Mr. President—32.

Those absent or not voting were: Senators Booth, Fatland, Graves, Nichols, Paulhamus, Polson, Potts, Stevenson, Whitney, Williams—10.

By unanimous consent, at the request of Senator Bryan, the reconsideration of Senate bills Nos. 7 and 11, set for today, was laid over until such time as the Senate shall take up general legislative business.

A communication from Senator Booth was read, and on motion of Senator Falconer the communication, together with all proceedings had on same, were ordered expunged from the records.

The Senate resolved itself into a court of impeachment in the matter of proceedings against John H. Schively, insurance commissioner.

[See impeachment proceedings.]

At 11:45 the court of impeachment took a recess and the Senate reconvened.

Acting Chief Justice Wallace Mount administered the oath to Senator Booth as a member of the court of impeachment.

At 12 o'clock noon, on motion of Senator Cotterill, the Senate took a recess until 1:15 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:15 p. m. by President Ruth.

The Senate resolved itself into a court of impeachment at 1:20 p. m.

[See impeachment proceedings.]

The Senate reconvened at 5 o'clock p. m.

The president resumed the chair.

On motion of Senator Rydstrom, there was ordered printed 250 copies of Senate bill No. 10.

INTRODUCTION OF BILLS.

Senate bill No. 28, by Senator Allen, entitled "An act providing for nine judges of the superior court of the State of Washington in and for King county, etc."

The bill was read first time, and on motion of Senator Allen the rules were suspended, the bill read second time by title and ordered referred to the Committee on Judiciary.

Senate bill No. 29, by Senator Bassett, entitled "An act regulating the keeping and deposit of municipal funds and amending section 2 of chapter 103 of the Session Laws of 1905, and declaring an emergency."

The bill was read first time, and on motion of Senator Bassett the rules were suspended, the bill read second time by title and ordered referred to the Committee of the Whole.

At 5:05 p. m., on motion of Senator Eastham, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

A. S. RUTH,

President of the Senate.

FIFTY-SECOND DAY.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Friday, August 13, 1909.

The Senate was called to order at 9:30 o'clock a. m. by President Ruth.

Rev. C. E. Todd offered prayer.

The secretary called the roll, all members being present except Senators Falconer, Graves and Nichols, all of whom were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

On motion of Senator Bassett, Senate bill No. 29 was ordered printed.

The Senate resolved itself into a court of impeachment, Senator Presby in the chair.

[See impeachment proceedings.]

At 12 o'clock noon a recess was taken until 1:30 this afternoon.

AFTERNOON SESSION.

The Senate, sitting as a court of impeachment, was called to order at 1:30 p. m. by Senator Presby.

By agreement of counsel, witnesses in attendance upon the court were excused until 9:30 tomorrow morning.

[See impeachment proceedings.]

The Senate reconvened at 2:50.

The president resumed the chair.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 13, 1909.

MR. PRESIDENT:

The House has passed House bill No. 9, entitled "An act to provide for the establishment and creation of drainage districts, etc.;"

Senate bill No. 5, entitled "An act relating to the establishment and creation of commercial waterway districts";

Senate bill No. 24, entitled "An act relating to materialmen's liens, and the enforcement thereof, and declaring an emergency," with the following amendments: Amend section 1 by striking out the period after the word "thereon" at the end of the section, and inserting a comma instead and adding the following: "and a lien may be claimed therefor." Amend section 4, line 1, by striking out the words "filed or." Amend section 6 by inserting after the word "act" and before the word "take" the word "shall," and striking the word "to";

House concurrent resolution No. 12, relating to adjournment for more than three days by either house. The House requests immediate action upon the part of the Senate;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The secretary read House concurrent resolution No. 12:

Be it resolved by the House of Representatives of the State of Washington, the Senate concurring, That during this special session of the legislature the consent of the House and Senate is hereby given that

either the Senate or the House may adjourn for more than three days, and either house so adjourning shall not interfere with or prohibit the house remaining in session from continuing and transacting such business as may be before it, and adjourning when it shall so decide.

Senator Paulhamus moved the adoption of House concurrent resolution No. 12.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Davis, Eastham, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Smith, Stewart, Whitney, Williams, Mr. President—32.

Those voting nay were: Senators Bryan, Hutchinson, Presby, Rosenhaupt, Rydstrom, Stevenson—6.

Absent or not voting were: Senators Falconer, Graves, Nichols, Smithson—4.

The secretary read the House amendments to Senate bill No. 24.

Senator Fatland moved that the Senate concur in the House amendments to Senate bill No. 24.

The secretary called the roll and the Senate concurred in the House amendments by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Cameron, Cotterill, Cox, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Those voting nay were: Senators Bryan, Eastham, Fishback, Hutchinson—4.

Absent or not voting were: Senators Davis, Falconer, Graves, Nichols, Rosenhaupt—5.

Senator Stevenson moved that when we do adjourn tomorrow, it be at 3:30 o'clock p. m.

Senator Booth moved as a substitute that the Senate adjourn at 5:00 o'clock this evening until 9:30 Monday morning, August 16th.

The substitute motion of Senator Booth failed to carry.

The motion of Senator Stevenson carried.

The secretary read the following resolution by Senator Davis:

Be it resolved by the Senate of the State of Washington, That all members of the Senate receive per diem only from and after August 11, 1909, but said members and the secretary of the Senate shall be allowed the usual mileage for attendance at this adjourned session.

On motion of Senator Cameron, the resolution was ordered referred to the Committee on Salaries and Mileage.

At 3:00 o'clock p. m. the Senate resolved itself into a court of impeachment, Senator Presby in the chair.

[See impeachment proceedings.]

At 4:15 p. m. the Senate adjourned until 9:30 tomorrow morning.

W. M. T. LAUBE,

Secretary of the Senate.

A. S. RUTH,

President of the Senate.

FIFTY-THIRD DAY.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Saturday, August 14, 1909.

The Senate was called to order at 9:30 o'clock a. m. by President Ruth.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Booth, Cameron, Cox, Graves, Huxtable, McGregor, Nichols, Paulhamus, Potts, Smith, Williams; all excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

The president called Senator Rosenhaupt to the chair.

Senator Cotterill moved that the secretary be instructed to keep a full and verbatim stenographic report of all the proceedings of the court of impeachment, including the arguments of counsel, etc.

Senator Ruth moved as a substitute for the above motion that the record be made up as heretofore.

A roll call on the substitute motion was demanded by Senators

Ruth, Bryan, Cotterill, Falconer, Presby, McGowan, Stevenson.

The secretary called the roll and the substitute motion failed to carry by the following vote:

Those voting aye were: Senators Brown, Davis, Eastham, Falconer, Fishback, Hutchinson, Kline, Knickerbocker, Metcalf, Roberts, Rosenhaupt, Rydstrom, Smithson, Whitney, Mr. President—15.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cotterill, Fatland, McGowan, Myers, Minkler, Piper, Polson, Presby, Stevenson, Stewart—16.

Absent or not voting were: Senators Booth, Cameron, Cox, Graves, Huxtable, McGregor, Nichols, Paulhamus, Potts, Smith, Williams—11.

A roll call on the original motion of Senator Cotterill was demanded by Senators Ruth, Falconer, Smithson, Stevenson, Bryan, Presby, Myers.

The secretary called the roll and Senator Cotterill's motion carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cotterill, Fatland, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Presby, Stevenson, Stewart—17.

Those voting nay were: Senators Brown, Davis, Eastham, Falconer, Fishback, Hutchinson, Kline, Knickerbocker, Roberts, Rosenhaupt, Rydstrom, Smithson, Whitney, Mr. President—14.

Absent or not voting were: Senators Booth, Cameron, Cox, Graves, Huxtable, McGregor, Nichols, Paulhamus, Potts, Smith, Williams—11.

A point of order raised by Senator Ruth, that the above motion, being one which worked a change in the rules governing the Senate, required a two-thirds affirmative vote, was overruled by the chair.

On motion of Senator Cotterill, it was ordered that a typewritten transcript of each day's proceedings of the court of impeachment be pasted in the journal without copying same in long hand.

At 10:20 o'clock a. m., the Senate resolved itself into a court of impeachment.

[See impeachment proceedings.]

At 10:55 a. m. the court of impeachment took a recess until 9:30 o'clock a. m. Monday, August 16, 1909.

Senator Ruth resumed the chair.

Senator Stevenson moved that, except in the case of the two members already excused, no senator be excused from the sessions of the court of impeachment except for sickness.

Senator Falconer moved to amend by inserting "unless excused by a two-thirds vote of the members present."

At 11:05, on motion of Senator Fatland, the Senate adjourned until Monday morning, August 16, 1909, at 9:30 o'clock.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Monday, August 16, 1909.

The Senate was called to order at 9:30 o'clock a. m. by President Ruth.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Cox, Davis, Fatland, Graves (excused), Hutchinson, McGowan, Nichols (excused), Roberts, Rydstrom, Smithson, Stewart.

On motion of Senator Piper, the reading of yesterday's journal was dispensed with and it was approved.

At 9:45 a. m. the Senate resolved itself into a court of impeachment.

[See impeachment proceedings.]

Senate reconvened at 10 o'clock a. m., Senator Rosenhaupt in the chair.

Senators Allen, Piper and Cotterill demanded a call of the Senate.

The call of the Senate was ordered.

The president resumed the chair.

The secretary called the roll, Senators Cox, Davis, Fatland, Graves (excused), Hutchinson, McGowan, Nichols (excused), Roberts, Rydstrom, Smithson and Stewart being absent.

The sergeant-at-arms was instructed to close the doors and bring before the bar of the Senate all absent Senators except Senator Graves and Nichols (excused).

Senator Booth moved that the rules be suspended and the Senate proceed to take up such business as may be before it.

The motion was lost.

Senator Booth moved that rule No. 64 be suspended.

The motion was lost.

On motion of Senator Presby, further proceedings under a call of the Senate were suspended.

Senator Anderson moved that the Senate do now take up House bills.

The motion was lost.

Senator Stevenson moved that the rules be suspended to permit Senator Piper to introduce a resolution out of order.

A roll call on the above motion was demanded by Senators Williams, Potts, Falconer, Whitney, Roberts, Booth, Piper.

The secretary called the roll and the motion carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Eastham, Fishback, Huxtable, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Presby, Roberts, Rosenhaupt, Smith, Stevenson, Mr. President—28.

Those voting nay were: Senators Falconer, Potts, Whitney, Williams—4.

Absent or not voting were: Senators Cox, Davis, Fatland, Graves, Hutchinson, McGowan, Nichols, Rydstrom, Smithson, Stewart—10.

Resolution by Senator Piper:

Resolved, That the rules of procedure governing impeachment proceedings be amended by adding thereto the following:

"Rule No. 22. Any member who fails to be present upon the convening of the Senate, without leave of the Senate, shall be considered to be in contempt of the Senate as a court of impeachment and shall be fined not less than \$5.00 nor more than \$25.00."

Senator Huxtable moved that the resolution be referred to the Committee on Rules.

The motion was lost.

Senator Piper moved the adoption of the resolution.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Falconer, Fishback, Kline, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Rosenhaupt, Smith, Stevenson, Mr. President—27.

Those voting nay were: Senators Eastham, Huxtable, Roberts, Whitney, Williams—5.

Absent or not voting were: Senators Cox, Davis, Fatland, Graves, Hutchinson, McGowan, Nichols, Rydstrom, Smithson, Stewart—10.

The Senate resolved itself into a court of impeachment, Senator Rosenhaupt in the chair, at 10:30 a. m.

[See impeachment proceedings.]

The Senate reconvened at 10:40 a. m.

The president resumed the chair.

At 10:45, on motion of Senator Cameron, a recess was taken until 1:00 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:00 o'clock p. m. by President Ruth.

The secretary called the roll, all members being present except Senators Graves and Nichols, both excused.

Senator Piper moved that the rules be suspended to permit him to amend the resolution passed at this morning's session.

The motion was lost.

At 1:10 p. m., the president called Senator Rosenhaupt to the chair and the Senate resolved itself into a court of impeachment.

[See impeachment proceedings.]

At 1:20 p. m. the Senate reconvened.

The president resumed the chair.

Senator Roberts was given unanimous consent to present committee report out of order.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., August 12, 1909.

MR. PRESIDENT:

We, your Committee on Salaries and Mileage, beg leave to report the following mileage due a member of the Senate in traveling to and from the session, and we recommend that the same be adopted:

Senator Geo. U. Piper, Seattle, King county, 147 miles, \$14.70.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: A. W. Anderson, W. B. Presby, S. J. Cameron.

On motion of Senator Roberts, the report of the committee was adopted.

At 1:40 p. m. the Senate resolved itself into a court of impeachment, Senator Rosenhaupt in the chair.

[See impeachment proceedings.]

At 4:55 p. m. the Senate reconvened.

The president resumed the chair.

On motion of Senator Bryan, a report was received out of order.

SENATE CHAMBER,
OLYMPIA, WASH., August 16, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 5, entitled "An act relating to the establishment and creation of commercial waterway districts, etc.," have compared the enrolled bill with the original bill and find that the same is correctly enrolled.

J. W. BRYAN, *Chairman*.

We concur in this report: Geo. F. Cotterill, A. W. Anderson, D. H. Cox.

On motion of Senator Bryan, the report of the committee was adopted.

The president signed Senate bill No. 5.

Senator Potts was granted unanimous consent to introduce a bill at this time.

Senate bill No. 30, by Senator Potts, entitled "An act appropriating the sum of \$36,680 from the military fund for the maintenance of the National Guard."

The bill was read first time, and on motion of Senator Potts

the rules were suspended, the bill read second time by title and ordered referred to the Committee on Appropriations.

On motion of Senator Potts, at 5:05 p. m., the Senate adjourned until 9:30 tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-SIXTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Tuesday, August 17, 1909.

The Senate was called to order at 9:30 o'clock a. m. by President Ruth.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Graves and Nichols, both excused.

Senator Bryan moved that the reconsideration of the vote by which Senate bill No. 7 failed to pass the Senate be made a special order for consideration at 9 o'clock tomorrow morning.

A roll call on the motion was demanded by Senators Bryan, Brown, Cotterill, Polson, Falconer, Paulhamus, Metcalf.

The secretary called the roll and the motion was lost by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Metcalf, Myers, Paulhamus, Polson—16.

Those voting nay were: Senators Booth, Cameron, Davis, Eastham, Kline, Knickerbocker, McGregor, McGowan, Minkler, Piper, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—21.

Absent or not voting were: Senators Graves, Hutchinson, Huxtable, Nichols, Rosenhaupt—5.

Senator Falconer moved that the reconsideration of the vote by which Senate bill No. 7 failed to pass the Senate be made a

special order for consideration immediately following the session of the court of impeachment tomorrow forenoon.

Senator Cameron raised a point of order that under the rules the time had arrived for the Senate to resolve itself into a court of impeachment.

The point of order was sustained by the president.

R. W. Reynolds was sworn in by the president as Senate reporter.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

At 9:35 a. m. the Senate resolved itself into a court of impeachment, Senator Knickerbocker in the chair.

[See impeachment proceedings.]

The court of impeachment at 11:25 a. m. took a recess until 1:30 this afternoon.

The Senate reconvened.

The president resumed the chair.

At 11:30 a. m., on motion of Senator Cameron, the Senate took a recess until 1:30 this afternoon.

AFTERNOON SESSION.

The Senate reconvened at 1:30 o'clock p. m., President Ruth in the chair.

The secretary called the roll, all members being present except Senators Graves and Nichols, both excused.

On motion of Senator Booth, the Committee on Salaries and Mileage was instructed to report at 9:30 tomorrow morning on the resolution submitted by Senator Davis, now in that committee.

On motion of Senator Cotterill, House concurrent resolution No. 14 was taken up at this time.

The secretary read House concurrent resolution No. 14:

Resolved by the House of Representatives, the Senate concurring, That Leo. O. Meigs, Walter W. Sparks and Lester P. Edge act as a board of managers on the impeachment proceedings now pending against John H. Schively in the state Senate, with power to act throughout the entire proceedings, irrespective of the adjournment of

the extraordinary session of the legislature convened Wednesday, June 23, 1909.

Senator Cotterill moved the adoption of the resolution.

The secretary called the roll and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, McGregor, McGowan, Myers, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—33.

Absent or not voting were: Senators Bassett, Cox, Graves, Hutchinson, Knickerbocker, Metcalf, Minkler, Nichols—8.

At 1:40 p. m. the Senate resolved itself into a court of impeachment, Senator Bryan in the chair.

[See impeachment proceedings.]

At 4:50 p. m. the court of impeachment took a recess until 9:30 o'clock tomorrow morning.

The Senate reconvened at 4:55 p. m., President Ruth in the chair.

The secretary read the following communication:

SEATTLE, WASHINGTON, August 16, 1909.

To the Honorable Members of the Legislature of the State of Washington, Olympia, State of Washington.

GENTLEMEN: Under date of August 14, I wrote to M. E. Hay, governor of the State of Washington, asking that he revoke the charter of the Pacific Telephone & Telegraph Company, for reasons stated in the letter.

Over the long distance telephone this morning, at 9:30 sharp, His Excellency told me that he did not have that power. I asked him who did have and he told me the legislature. I asked him if he would recommend such action.

I have asked the city council of Seattle to revoke the franchise and I have asked the commissioners of the county of King to do a similar thing.

Trusting that this request will be treated with the courtesy it deserves, I have the honor to be, gentlemen,

Yours respectfully,

AUGUST TOELLNER, *Notary Public.*

On motion of Senator Kline, the communication was referred to the Committee on Railroads and Transportation.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., August 17, 1909.

MR. PRESIDENT:

We, your Committee on Salaries and Mileage, to whom was referred Senate resolution relating to mileage, respectfully report the same back to the Senate with the recommendation that the same be indefinitely postponed.

JOHN L. ROBERTS, *Chairman*.

We concur in the above report: George U. Piper, S. J. Cameron, W. B. Presby.

Senator Roberts moved the adoption of the report.

Senator Booth moved as a substitute that the resolution do pass.

A roll call on the substitute motion of Senator Booth was demanded by Senators Booth, Huxtable, Falconer, Brown, Whitney, Cox, Davis, Williams.

The secretary called the roll and the substitute motion carried by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Booth, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Hutchinson, Huxtable, McGregor, Myers, Minkler, Paulhamus, Potts, Rosenhaupt, Smith, Stevenson, Whitney, Mr. President—24.

Those voting nay were: Senators Blair, Brown, Cameron, Fishback, Kline, Knickerbocker, McGowan, Metcalf, Piper, Polson, Roberts, Rydstrom, Smithson, Stewart, Williams—15.

Absent or not voting were: Senators Graves, Nichols, Presby—3.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., August 17, 1909.

MR. PRESIDENT:

We, your Committee on Memorials, to whom was referred Senate concurrent resolution No. 9, relating to the levying, etc., of an income tax by congress, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. BLAIR, *Chairman*.

We concur in this report: W. H. Paulhamus, E. C. Davis.

On motion of Senator Blair, the report of the committee was adopted.

Senator Bryan moved that the vote by which Senate bill No. 7 failed to pass the Senate be reconsidered.

A roll call on the above motion was demanded by Senators Hutchinson, Falconer, Cox, Brown, Allen, Knickerbocker, Piper.

Senators Allen, Piper and Paulhamus demanded a call of the Senate.

A call of the Senate was ordered.

The secretary called the roll of the Senate.

Senators Graves and Nichols, both excused, were absent.

On motion of Senator Falconer, further proceedings under the call of the Senate were dispensed with.

The secretary called the roll on the motion of Senator Bryan, and it failed to carry by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Hutchinson, Huxtable, Paulhamus, Polson, Stevenson, Williams—18.

Those voting nay were: Senators Cameron, Davis, Eastham, Fishback, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—22.

Absent or not voting were: Senators Graves, Nichols—2.

Senator Huxtable moved to suspend Rule 64.

The motion was lost.

Senator Metcalf gave notice of a motion to reconsider the vote just taken on the motion of Senator Bryan.

The president ruled Senator Metcalf out of order on the ground that a motion to reconsider could not be reconsidered.

Senator Anderson moved that the vote by which Senate bill No. 11 failed to pass the Senate be reconsidered.

The motion carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 17, 1909.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 14, continuing the board of managers in the impeachment proceedings.

The speaker has signed Senate bill No. 5, entitled "An act relating

to the establishment and creation of commercial waterway districts, etc.," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON,
EXECUTIVE DEPARTMENT,
OLYMPIA.

Gentlemen of the Senate and of the House of Representatives:

Since your adjournment in July, the people of this state have been called upon to mourn the loss of Congressman Francis W. Cushman, who died in New York city, July 6th. Through his untiring labor, by force of his broad intellectual grasp of legislative problems, his fearless honesty and his steadfast adherence to principle, Congressman Cushman had attained a position of influence in the national House of Representatives that made his services such that the State of Washington could ill afford to lose. His untimely death has left a vacancy in this state's congressional delegation, an emergency for which the legislature has failed to make specific provision and which is not definitely covered by the organic act of this state. I recommend that you enact a direct primary law with an emergency clause so it may be used providing for the nomination of United States representatives when vacancies occur.

Having been apprised of the heavily congested condition of the court dockets of King county, and the inability of the courts to keep abreast of the matters that come before them for adjudication, I am convinced that immediate relief is imperative. I understand that the courts are six months behind in the trial of cases set for hearing, and I recommend that you provide for an additional superior court judge for that county, that the administration of justice may be properly expedited.

At your regular session you appropriated \$124,000.00 for the purpose of acquiring four suitable sites for establishing rock-crushing plants and for purchasing and installing the plants, appliances, tools, *et cetera*, and for the purpose of purchasing buildings and erecting necessary stockades. By appealing to various localities, we have been enabled to secure four quarry sites free of charge to the state: one on Fidalgo Island, which, owing to water transportation, is so located that the product can be cheaply transported to a dozen counties bordering on Puget sound; one at Meskill, in the southwestern part of the state; one at North Yakima, in the southcentral, and one at Walla Walla, in the southeast. So far, less than one-half of the appropriation made by you has been spent. The Good Roads people of Spokane have been giving the assistant highway commissioner office room free of charge in their city and have voluntarily pledged \$5,000.00 per year for two years, to be used in good roads work, and are also offering to the state a quarry site free of charge, one which our state geologist informs us is of the best quality of rock for road-building purposes. I request that you

give the state board of control authority to accept the Spokane offer and to purchase and install five rock-crushing plants, instead of four.

At the time you made the appropriation for purchasing and installing rock-crushing plants, you failed to provide funds whereby the plants could be operated. I request that you allow the board of control to use the surplus of the \$124,000.00 appropriated over and above the cost of installing the five crushing plants as a revolving fund for the operation of the plants.

A large quantity of expensive blanks and forms is required by the adjutant general in the administration of his department, and the amount appropriated to that department at the last regular session of the legislature was entirely insufficient to provide this necessary printing. Accordingly, I recommend that you appropriate \$1,000 for printing for the adjutant general's department.

A carefully prepared report and estimate compiled by the adjutant general's office shows that, in order to maintain the National Guard on its present high plane of efficiency and meet the requirements of the Federal government, it will be necessary to appropriate an additional \$36,680 for maintenance, and I recommend that this sum be appropriated out of the state military fund.

The law passed by the last legislature affecting the state schools for the deaf and the blind made necessary a change in the record books, blanks and stationery for these institutions. The schools have been unable to secure this needed printing because of the failure on the part of the legislature to provide a printing fund for the School for the Blind and the appropriation of an altogether insufficient amount for the School for the Deaf. This condition calls for remedy, and I recommend that an appropriation of \$100.00 be made for printing for the School for the Deaf and an appropriation of \$200.00 for the School for the Blind.

During the regular session you created a state capitol commission, and among its other duties directed: "The state capitol commission shall cause state lands to be appraised and prepare an abstract or record of all the capitol building lands, with maps, etc.," and you made an appropriation of \$12,000.00 to carry on the work. Your commission finds that the appropriation is totally inadequate, and that it will require almost that amount to cruise and appraise the lands in Jefferson and Clallam counties.

At a meeting of the commission held on August 2, 1909, a resolution was passed requesting the governor to ask the legislature to appropriate \$16,000 more to carry on and complete the work. I recommend that this appropriation be made, and I think it might be well that a commission be created and an appropriation made to have all our state lands cruised. The state is the only large holder of lands in the state, both agricultural and timber, owning something upwards of three million acres, that has no reliable record or description of what it possesses.

During practically every session of the legislature since Washington was admitted to the Union, special interests of one kind and another

have maintained paid lobbyists at the state capitol for the purpose of defeating or rendering impotent legislation distasteful to their employers. The presence of these paid agents, sent for the purpose of corruption, has been an insult to the legislature and a discredit to the state. They seek to and frequently have succeeded in preventing a free expression of the popular will, and, emboldened by their success, they not only direct their efforts to defeating good and wholesome laws, but have brazenly loaned their support to vicious legislation. Obnoxious influences such as these should no longer be tolerated, and I especially recommend that you enact a law placing a check upon these people; that when a paid lobbyist shall come to the capitol he shall first be compelled to register with the secretary of state and shall file a statement with him showing by whom he is employed, with a brief description of the legislation in which he is interested; that within thirty days after the legislature adjourns he shall file a sworn statement with the secretary of state showing in detail all expenses paid or incurred, promised directly or indirectly, in connection with the legislation pending at the late session.

I transmit to you herewith a joint resolution passed by the congress of the United States, proposing an amendment to the constitution of the United States, to be known as Amendment 16, giving congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

I recommend that you ratify this amendment.

Most respectfully submitted,

M. E. HAY, *Governor.*

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, Greeting:

I CERTIFY That the copy hereto attached is a true copy of a resolution of congress, entitled "Joint Resolution Proposing an Amendment to the Constitution of the United States," the original of which is on file in this Department.

IN TESTIMONY WHEREOF, I, P. C. KNOX, secretary of state, have hereunto caused the seal of the department of state to be affixed, and my name to be subscribed by the chief of the bureau of citizenship of the said department, at the City of Washington, this 27th day of July, 1909.

P. C. KNOX, *Secretary of State.*

SIXTY-FIRST CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE FIRST SESSION.

Begun and held at the city of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of each House con-

curing therein, That the following article is proposed as an amendment to the constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the constitution:

"Article XVI. The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

J. G. CANNON,

Speaker of the House of Representatives.

J. S. SHERMAN,

Vice-President of the United States and President of the Senate.

Attest:

A. McDOWELL, *Clerk of the House of Representatives.*

CHARLES G. BENNETT, *Secretary.*

By HENRY H. GILFRY, *Chief Clerk.*

I certify that this joint resolution originated in the Senate.

CHARLES G. BENNETT, *Secretary.*

By HENRY H. GILFRY, *Chief Clerk.*

Senator Metcalf moved that the message be ordered placed on file and 500 copies of same be printed.

The motion carried.

Senator Falconer moved that the president appoint a committee of five senators to confer with the tax commission relative to the proposed income tax amendment to the United States constitution.

The motion carried.

Senator Huchinson requested that he be excused from attendance on the sessions of the Senate and court of impeachment for tomorrow and the day following.

Senator Falconer moved that the request be granted.

The motion carried.

Senator Paulhamus requested that he be excused from attendance until 11:30 tomorrow forenoon.

On motion of Senator Metcalf, the request was granted.

Senator Cotterill was given unanimous consent to introduce a bill at this time.

Senate bill No. 31, by Senator Cotterill, entitled "An act providing for the amendment of section 26 of article 1 of the constitution of the State of Washington, relating to the calling of grand juries."

The bill was read first time, and on motion of Senator Cot-

terill the rules were suspended, the bill read second time by title and ordered placed on the calendar.

The president announced the appointment of Senators Falconer, Knickerbocker, Cameron, Bassett and Rydstrom as a committee to confer with the tax commission in accordance with the action taken by the Senate on the proposed income tax amendment to the constitution of the United States.

At 5:35 p. m., on motion of Senator Allen, the Senate adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-SEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Wednesday, August 18, 1909.

The Senate was called to order at 9:30 o'clock a. m. by Senator Ruth, president *pro tem*.

Rev. C. E. Todd offered prayer.

The secretary called the roll, all members being present except Senators Graves, Hutchinson, Nichols, Paulhamus, all of whom were excused, and Senator Whitney.

On motion of Senator Allen, the reading of yesterday's journal was dispensed with and it was approved.

Senator Smith moved that United States Senator Samuel H. Piles, who is at present in Olympia, be invited to appear before and address the Senate.

The motion carried.

The president appointed Senator Smith a committee of one to invite Senator Piles to address the Senate.

Senator Piles appeared before the Senate, was introduced by the president and delivered an address.

Senator Bassett was given consent to introduce a bill at this time.

Senate bill No. 32, by Senator Bassett, entitled "An act requiring legislative counsel and legislative agents retained or

employed for compensation by any person, firm, corporation or association to promote or oppose the passage of bills or resolutions, or the approval of same, to file with the secretary of state a statement in writing, etc.”

The bill was read first time.

Senator Bassett moved that the rules be suspended, the bill read second time by title, ordered printed and placed on the calendar.

The motion was lost.

Senator Booth moved that the rules be suspended to permit him to introduce a bill.

The motion was lost.

Senator Cotterill moved that Senate bill No. 32 be ordered referred to the Committee on Public Morals.

The motion was lost.

At 10 o'clock the Senate resolved itself into a court of impeachment, Senator Rosenhaupt in the chair.

[See impeachment proceedings.]

At 11:55 the Senate reconvened.

The president resumed the chair.

Senator Bryan moved that J. H. Peacock be allowed mileage one way from Spokane as a witness in the impeachment proceedings.

The motion carried.

At 12 o'clock noon the Senate took a recess until 1:30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

George Stuth was sworn in as a Senate clerk.

SENATE CHAMBER,
OLYMPIA, WASH., August 17, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 24, beg to report that we have compared the enrolled bill with the original bill and that we find the same to have been correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, D. H. Cox.

The president signed Senate bill No. 24.

W. L. Fenstermacher was sworn in by the president as Senate reporter.

The secretary called the roll of the Senate, the following members being absent: Senators Allen, Bassett, Eastham, Graves (excused), Hutchinson (excused), Knickerbocker, Nichols (excused), Williams.

At 1:35 p. m. the Senate resolved itself into a court of impeachment, Senator Knickerbocker in the chair.

[See impeachment proceedings.]

At 5:00 p. m. the Senate reconvened.

The president resumed the chair.

On motion of Senator Metcalf, a vote of thanks was extended to the Olympia Improvement Club for the flowers left on the desks of the Senate.

Senator Cotterill moved that J. H. Pelletier be allowed mileage for 1,300 miles as a witness.

The motion carried.

At 5:05 p. m. the Senate took a recess until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Thursday, August 19, 1909.

The Senate was called to order at 9:30 o'clock a. m. by President Ruth.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Graves, Hutchinson and Nichols, all of whom had been excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 18, 1909.

MR. PRESIDENT:

The House has passed concurrent resolution No. 10, relating to the ratification of U. S. Senate resolution No. 40, relating to the collection of income tax;

House bill No. 21, entitled "An act relating to teachers' institutes and amending section 5, chapter 6, title III of chapter 97, Session Laws of 1909";

House bill No. 18, entitled "An act relating to the nomination of candidates for public office in the State of Washington and amending sections 1 and 11 of chapter 82 of the Session Laws of 1909, etc."

The speaker has signed House concurrent resolution No. 14, relating to the board of managers on the impeachment proceedings now pending against John H. Schively, etc.;

Senate bill No. 24, entitled "An act relating to materialmen's liens and the enforcement thereof, and declaring an emergency";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House concurrent resolution No. 14.

At 9:35 a. m. the Senate resolved itself into a court of impeachment, Senator Booth in the chair.

[See impeachment proceedings.]

At 11:55 the Senate reconvened.

The president resumed the chair.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 19, 1909.

MR. PRESIDENT:

The House has passed House bill No. 17, entitled "An act authorizing cities of the first class in the State of Washington which at government census of 1900 had a population in excess of 80,000 to construct and maintain upon public streets and upon the extensions and connections thereof across waterways, etc.," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Allen requested that he be excused from attendance at sessions until tomorrow noon.

On motion of Senator Stevenson, the request of Senator Allen was granted.

Senator Williams requested that he be excused from attendance on tomorrow's sessions.

On motion of Senator Bryan, the request of Senator Williams was granted.

At 12:05 o'clock p. m., on motion of Senator Cameron, a recess was taken until 1:30 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Ruth.

The secretary called the roll, all being present except Senators Graves, Hutchinson and Nichols; all excused.

Senator Booth moved that House bill No. 27 be made a special order for consideration at 5 o'clock this evening.

Senator Rosenhaupt moved to amend by adding to the special order House bills Nos. 35 and 50.

The proposed amendment was accepted by Senator Booth.

Senator Anderson moved to amend by adding to the special order House bill No. 9.

The amendment of Senator Anderson was accepted by Senator Booth.

Senator Cotterill moved as a substitute for the amended motion of Senator Booth that at 5 o'clock this afternoon the Senate proceed to consider legislation in the regular order until 6 o'clock this evening.

The substitute motion was lost.

The motion of Senator Booth, as amended, carried.

Senator McGowan was granted unanimous consent to introduce a bill out of order.

Senate bill No. 33, by Senator McGowan, entitled "An act to prohibit indecent, vulgar or insulting exposures, practices, conduct or language, and fixing a penalty for violation thereof."

The bill was read first time, and on motion of Senator McGowan the rules were suspended, the bill read second time by title and ordered placed on the calendar.

At 1:40 p. m. the Senate resolved itself into a court of impeachment, Senator Presby in the chair.

[See impeachment proceedings.]

At 4:35 p. m. the court of impeachment took a recess until tomorrow morning at 9:30.

The Senate reconvened.

The president resumed the chair.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 19, 1909.

MR. PRESIDENT:

The House has passed House bill No. 31, entitled "An act amending section 1 of an act approved February 18, 1907, entitled 'An act authorizing the county commissioners of any county to acquire and operate quarries of suitable road material, etc.'";

House bill No. 35, entitled "An act to amend section 9 of an act entitled 'An act to create a bureau of inspection and supervision of public offices, etc.'";

House bill No. 50, entitled "An act relating to duties of county auditors and amending sections 1, 3, 6, of article 8, chapter 4, title 3 of chapter 97, Laws of 1909, etc.";

The House has passed House bill No. 27, entitled "An act regulating marriages and the issue of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts and parts of acts in conflict herewith, and declaring an emergency";

House bill No. 37, entitled "An act to provide for the reinstatement of corporations whose names have been or may be stricken from the records of the office of the secretary of state, declaring the effect of a failure to secure such reinstatement, and declaring an emergency";

House concurrent resolution No. 15, relating to the House investigating committee on supreme court;

Senate bill No. 27, entitled "An act to amend chapter 226, Session Laws of 1909, approved March 17, 1909, entitled 'An act providing for a field examination of the state, etc.," with the following amendments: Section 3, line 10 of the printed bill, after the word "drawn" and before the word "pursuant" strike out the words "upon said fund" and insert in lieu thereof the following: "against these appropriations." Section 3, line 15 of the printed bill, after the word "quarries" insert the following: "shall be sufficient for the operation thereof." Section 3, line 16 of the printed bill, strike out the words and the comma following "general fund in the state treasury," and insert in lieu thereof the words "respective funds from which used." Section 3, line 22 of the printed bill, after the word "including" insert the following: "the repayment to certain funds as above provided and." Section 2, line 27 of the printed bill, after the period after the word "proper" strike all the rest of the section;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Booth, the special orders set for 5 o'clock this afternoon were taken up at this time.

SPECIAL ORDER.

House bill No. 27, entitled "An act regulating marriages and the issue of marriage licenses, etc.," was read first time.

On motion of Senator Booth, the rules were suspended and House bill No. 27 was read second and third times.

On motion of Senator Fishback, the bill was amended by striking the word "and" in line 11 of section 3 of the printed bill and inserting in lieu thereof the word "or."

Senator Cameron moved that the bill be amended by striking the comma and the word "before" in line 1 of section 3 of the printed bill and inserting in lieu thereof the word "by."

Senator Bryan moved as a substitute that the word "whom" in line 1 of section 3 of the printed bill, be stricken.

The substitute motion carried.

The secretary read the following communication from Senator Hutchinson:

PAHA, WASH., August 19, 1909.

A. S. Ruth, President Senate, Olympia, Washington:

My barn, one hundred tons of hay and some horses, just burned; fire burning in field; burnt some sacked grain; still burning. Ask Senate to excuse me until Monday morning. Answer.

R. A. HUTCHINSON.

On motion of Senator Stevenson, Senator Hutchinson was excused until Monday, August 23rd.

The Senate again took up the consideration of House bill No. 27.

On motion of Senator Cotterill, the bill was amended by substituting a comma for the semi-colon in line 8 of section 3 of the printed bill and inserting after the comma the words "and that."

On motion of Senator Cotterill, the bill was amended in lines 7 and 8 of section 3 of the printed bill by striking the words "that said persons are not habitual criminals" and inserting in lieu thereof the following: "that neither of said persons is an habitual criminal."

On motion of Senator Cotterill, the bill was amended in line 14 of section 3 of the printed bill by inserting the words "any of" after the word "to."

Senator Bryan moved that the bill be referred to the Judiciary Committee.

Senator Williams moved as a substitute that House bill No. 27 be referred to a special committee to consist of Senators Booth and Cotterill.

The substitute motion carried and the bill was ordered so referred.

House bill No. 35, entitled "An act to amend section 9 of an act entitled 'An act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, etc.'": The bill was read first time.

On motion of Senator Rosenhaupt, the rules were suspended and the bill read second and third times.

On motion of Senator Rosenhaupt, the bill was amended by adding to the end of section 1 the following: "*And provided further, That payrolls for daily wages may be sworn to by the superintendent, foreman or person in charge of the work.*"

On motion of Senator Rosenhaupt, the rules were suspended, House bill No. 35 was considered engrossed and placed on final passage.

The secretary called the roll, and House bill No. 35, as amended, passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—37.

Voting nay: Senator Kline—1.

Absent or not voting were: Senators Allen, Graves, Hutchinson, Nichols—4.

The emergency clause passed by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Those voting nay were: Senators Kline, Huxtable—2.

Absent or not voting were: Senators Allen, Graves, Hutchinson, Nichols—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 9, entitled "An act to amend section 19 of chapter 115, an act entitled 'An act to provide for the establishment and creation of a drainage system, etc.'": The bill was read first time.

On motion of Senator Anderson, the rules were suspended, the bill read second and third times and placed on final passage.

The secretary called the roll on final passage of House bill No. 9 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams—36.

Absent or not voting were: Senators Allen, Graves, Hutchinson, Nichols, Presby, Mr. President—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The secretary read the following report:

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your special committee report the following additional amendments to House bill No. 27, and recommend their adoption:

Amend title by striking word "issue" and insert the word "issuance."

Strike words in the title "and repealing all acts and parts of acts in conflict herewith."

Amend section 2, line 3, by inserting the word "idiot," after the word "drunkard"; also amend section 2, line 3, by inserting after the words "insane person" the words "or person who has theretofore been afflicted with hereditary insanity."

Amend section 3, line 9, by striking comma after word "years" and inserting a colon in lieu thereof; also amend said line by striking word "unless" and insert in lieu thereof the words "Provided, That if"; also, in same line, strike the last word "other" and insert in lieu thereof the word "legal."

Amend section 3, line 10, by inserting after the word "required" a comma and the words "the license may be granted."

ROBT. L. BOOTH,
GEO. F. COTTERILL.

On motion of Senator Booth, the report of the special committee was adopted.

On motion of Senator Cotterill, the rules were suspended, House bill No. 27 considered engrossed and placed on final passage.

The secretary called the roll on the final passage of House bill No. 27, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Voting nay: Senator Kline—1.

Absent or not voting were: Senators Allen, Graves, Hutchinson, Nichols, Paulhamus—5.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Voting nay: Senator Rosenhaupt—1.

Absent or not voting were: Senators Allen, Graves, Hutchinson, Nichols, Paulhamus—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Rosenhaupt, House bill No. 37 was substituted for House bill No. 50 on the special order.

House bill No. 37, entitled "An act to provide for the reinstatement of corporations whose names have been or may be stricken from the records of the office of the secretary of state":

The bill was read first time, and on motion of Senator Cox the rules were suspended and the bill read second and third times.

Senator Cameron moved to strike the words and figures "twenty-five (25)" in line 3 of section 2 of the bill and insert in lieu thereof the words and figures "two hundred (200)."

Senator Huxtable moved to amend the motion of Senator Cameron by substituting the words and figures "fifty (50)."

The amendment was lost.

The motion of Senator Cameron was lost.

On motion of Senator Cox, the bill was amended by adding to the end of same the following:

"Sec. 6. An emergency exists and this act shall take effect immediately" and by adding to the end of the title the words "and declaring an emergency."

On motion of Senator Cotterill, the bill was amended by striking the following in section 4 of the printed bill:

Strike all of line 5 after the word "creditors" and all of lines 6 and 7 and insert in lieu thereof the words "to be disposed of under appropriate court proceedings."

On motion of Senator Cox, the rules were suspended, House bill No. 37 was considered engrossed and placed on final passage.

The secretary called the roll, and House bill No. 37 passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—38.

Absent or not voting were: Senators Allen, Graves, Hutchinson, Nichols—4.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler,

Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—38.

Absent or not voting were: Senators Allen, Graves, Hutchinson, Nichols—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Potts, House bill No. 17 was taken up at this time.

House bill No. 17, entitled "An act authorizing cities of the first class with a population of 80,000 to construct and maintain upon public streets and upon the extensions or connections thereof across waterways, rivers, canals, or other channels, wherever public necessity may require it, bridges, draw bridges, viaducts, elevated roadways, etc.": The bill was read first time, and on motion of Senator Cotterill the rules were suspended, the bill read second and third times, and placed on final passage.

The secretary called the roll on final passage of House bill No. 17 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Voting nay: Senator Eastham—1.

Absent or not voting were: Senators Allen, Bassett, Fatland, Graves, Hutchinson, Nichols, Paulhamus—7.

The emergency clause passed by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Falconer, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Voting nay: Senator Eastham—1.

Absent or not voting were: Senators Allen, Bassett, Fatland, Graves, Hutchinson, Nichols, Rosenhaupt—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cotterill, House bill No. 31 was taken up at this time.

House bill No. 31, entitled "An act amending section 1 of an act approved February 18, 1907, entitled 'An act authorizing the county commissioners of any county to acquire and operate quarries, etc.'": The bill was read first time, and on motion of Senator Cotterill the rules were suspended, the bill read second and third times and placed on final passage.

The secretary called the roll on final passage of House bill No. 31 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smithson, Stevenson, Stewart—29.

Voting nay: Senator Smith—1.

Absent or not voting were: Senators Allen, Bassett, Fatland, Graves, Hutchinson, Metcalf, Nichols, Paulhamus, Rosenhaupt, Whitney, Williams, Mr. President—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Potts was granted unanimous consent to introduce a resolution at this time.

Resolution by Senator Potts:

WHEREAS, L. G. McGuire, an assistant secretary, has been given various assignments outside of his regular position, resulting from the impeachment proceedings;

Resolved, That his per diem be increased from five dollars per day to six dollars per day.

Senator Huxtable moved to amend the resolution by adding the name of "Nick Miles, clerk" after the name of "L. G. McGuire."

The amendment carried.

Senator Potts moved the adoption of the resolution as amended.

The motion carried.

Senator Bryan was granted unanimous consent to introduce a bill at this time.

Senate bill No. 34, by Senator Bryan, entitled "An act mak-

ing an appropriation for the maintenance of the Washington Veterans' Home."

The bill was read first time, and on motion of Senator Bryan the rules were suspended, the bill read second time by title and ordered referred to the Committee on Appropriations.

At 6 o'clock p. m., on motion of Senator Eastham, the Senate adjourned until 9:30 tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

FIFTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Friday, August 20, 1909.

The Senate was called to order at 9:30 o'clock a. m. by President Ruth.

Rev. E. L. Swick offered prayer.

The secretary called the roll, all members being present except Senators Allen, Graves, Hutchinson, Nichols and Williams, all of whom had been excused.

Resolution by Senator Falconer:

WHEREAS, E. K. Matlock, Fred Remann and A. J. Ahola (sergeant-at-arms) have had additional work to perform on account of the impeachment proceedings; be it

Resolved, That the per diem of each of the above named employees be increased from \$5 to \$6.

On motion of Senator Falconer, the resolution was adopted.

Senate concurrent resolution No. 10, by Senator Falconer:

Resolved by the Senate, the House concurring, That Senator H. O. Fishback be and is hereby allowed \$10 per diem and expenses for all time given in connection with investigating committee work.

Senator Falconer moved the adoption of the resolution.

The secretary called the roll, and the resolution was adopted by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox,

Davis, Eastham, Falconer, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—35.

Those absent or not voting were: Senators Allen, Fishback, Graves, Hutchinson, Nichols, Whitney, Williams—7.

On motion of Senator Falconer, the rules were suspended and Senate concurrent resolution No. 10 was ordered immediately transmitted to the House.

On motion of Senator Bassett, Senate bill No. 29, House bill No. 21, Senate bill No. 33 and House bill No. 52 were made a special order for consideration at the close of today's session of the court of impeachment.

On motion of Senator Cox, the House amendments to Senate bill No. 27 were taken up at this time.

The secretary read the House amendments to Senate bill No. 27.

Senator Cox moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred in the amendments by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—34.

Those absent or not voting were: Senators Allen, Cotterill, Graves, Hutchinson, Nichols, Paulhamus, Whitney, Williams—8.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

At 9:45 a. m. the Senate resolved itself into court of impeachment, Senator Presby in the chair.

[See impeachment proceedings.]

The Senate reconvened at 12:00 o'clock noon and took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 p. m. by President Ruth.

Senator Smith requested that he be excused from attendance on tomorrow's sessions.

On motion of Senator Eastham, the above request was granted.

Senator Booth moved that when the court of impeachment adjourn this afternoon, it adjourn until 9:30 o'clock Monday morning.

Senator Cotterill moved as a substitute that when the court of impeachment adjourns tomorrow noon the court take a recess until Monday morning at 9:30.

The substitute motion was accepted by Senator Booth.

A roll call on the motion was demanded by Senators Eastham, Falconer, Brown, Blair, Stevenson, Myers, Booth.

The secretary called the roll, and the motion failed to carry by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Booth, Bryan, Cotterill, Fatland, Huxtable, Knickerbocker, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Whitney, Mr. President—17.

Those voting nay were: Senators Arrasmith, Blair, Brown, Cameron, Cox, Davis, Eastham, Falconer, Fishback, Kline, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Rosenhaupt, Stevenson, Stewart—21.

Those absent or not voting were: Senators Graves, Hutchinson, Nichols, Williams—4.

Senator Booth moved that he be excused from attendance on tomorrow's sessions.

The motion carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 20, 1909.

MR. PRESIDENT:

The House has passed Senate bill No. 10, entitled "An act for the protection of game animals and game birds, etc., with the following amendments:

Amend title by striking the word "therewith" and inserting in lieu thereof the word "herewith";

Amend section 1 in line 8 of the printed bill after the word "any" by inserting the words "river or"; comma after word "lake";

Also in line 9 after word "water" strike all of line 9 and line 10 up to and including the word "water";

Amend section 2 by striking out in line 6, beginning with the word "That," and line 7 down to and including the word "further";

Also in line 15, insert after the word "Asotin" the words "Clallam, Clarke";

Also in line 19, strike after the figures "1912" all of lines 19 and 20 down to and including the word "time";

Also in line 22, after the word "January" strike balance of section.

Add to section 2 the following: "*And provided further*, That in the counties of Okanogan, Stevens, Douglas and Ferry it shall be lawful to kill grouse between the 15th day of August and the first day of January of the following year";

Amend section 3, in line 16, add to the section the words "Adams, Douglas, Columbia, Grant, Ferry and Stevens";

Amend section 4, in line 4, after the word "rail" strike out down to and including the word "snipe";

Also in line 5, strike the word "following" and insert in lieu thereof the word "same";

Also in line 11, after the word "April" insert "and May" and strike the word "and" before "April";

Also in same line 11, strike the word "easterly" and insert in lieu thereof the word "inland";

In section 4, line 10, after the word "kill" insert the words "snipe, plover, rail and shore birds";

Amend section 4, in line 9, by striking the word "first" following the words "between the" and inserting in lieu thereof the word "15th";

Amend section 5, in line 2, by striking the words "shore birds";

Amend section 6, in line 1, by adding after the word "company" the word "club";

Amend section 6, in line 13, by adding after the word "possession" the words "or in cold storage";

Strike all of section 10 and insert in lieu thereof the following: "Sec. 10. Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor."

The House has passed House bill No. 52, entitled "An act relating to the powers of the state capitol commission and making an appropriation therefor";

House bill No. 57, entitled "An act making an appropriation for printing the journals of and the laws passed by this extraordinary session of the legislature and proceedings of the court of impeachment;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

At 1:40 p. m. the Senate resolved itself into a court of impeachment, Senator Presby in the chair.

[See impeachment proceedings.]

At 5 o'clock p. m. the court of impeachment took a recess until 9:30 o'clock tomorrow morning.

The president resumed the chair.

Senator Falconer was granted unanimous consent to introduce a resolution out of order.

Senate concurrent resolution No. 11, by Senator Falconer:

Be it Resolved by the Senate, the House concurring, That the secretary of state be and he is hereby authorized and instructed to forward a copy of House bill No. 27, relating to marriages, to each county auditor of the State of Washington immediately upon receipt of the bill signed by the governor.

Senator Falconer moved the adoption of the resolution.

The secretary called the roll, and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—35.

Those voting nay were: Senators Booth, Huxtable, Kline—3.

Those absent or not voting were: Senators Graves, Hutchinson, Nichols, Williams—4.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 20, 1909.

MR. PRESIDENT:

The House has passed House bill No. 4, entitled, "An act to amend section 437 of an act entitled 'An act relating to crimes and punishments, etc.,'" and the same is herewith transmitted.

The House has concurred in Senate amendments to House bills Nos. 37 and 27.

The House has refused to concur in the Senate amendments to House bill No. 35, which is herewith transmitted, and asks the Senate to recede therefrom.

The House has passed Senate concurrent resolution No. 10, allowing Senator Fishback per diem and expenses for time given in connection with investigating committee;

House bill No. 29, entitled "An act to amend section 1 of chapter 230 of the Session Laws of 1907, prohibiting stock running at large";

House bill No. 7, entitled "An act relative to the keeping and deposit of municipal funds, etc.";

House bill No. 58, entitled "An act to amend sections 193 and 437 of an act relating to crimes and punishments, etc.";

House bill No. 56, entitled "An act to prohibit the unauthorized sale or disposal of intoxicating liquors, etc.";

House bill No. 59, entitled "An act appropriating the sum of \$36,680 from military fund for National Guard";

House bill No. 45, entitled "An act providing for an additional deputy state auditor."

The speaker has signed House bill No. 17, entitled "An act authorizing cities of the first class in the State of Washington which at the government census of 1900 had a population in excess of 80,000 to construct and maintain upon public streets, etc., bridges, drawbridges, viaducts, elevated roadways and tunnels, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 17.

House bill No. 21, entitled "An act relating to teachers' institutes and amending section 5, chapter 6, title 3 of chapter 97, Session Laws of 1909": The bill was read first time, and on motion of Senator Bassett the bill was read second and third times and placed on final passage.

The secretary called the roll on final passage of House bill No. 21, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—37.

Those absent or not voting were: Senators Cotterill, Graves, Hutchinson, Nichols, Williams—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Allen, Rule No. 64 was suspended for this afternoon's session.

Senator Rydstrom moved that the Senate take up the consideration of House amendments to Senate bill No. 10 at this time.

The motion carried.

The secretary read the House amendments to Senate bill No. 10.

Senator Rydstrom moved that the Senate concur in the House amendments to Senate bill No. 10.

Senator Brown moved as a substitute that the Senate concur in the House amendments to Senate bill No. 10 except the amendment in lines 22, 23 and 24 of section 2 of the printed bill.

The secretary called the roll on the substitute motion of Senator Brown, and it failed to carry by the following vote:

Those voting aye were: Senators Blair, Brown, Cameron, Cox, Davis, Kline, Knickerbocker, McGregor, Myers, Minkler, Paulhamus, Polson, Potts, Whitney, Mr. President—15.

Those voting nay were: Senators Allen, Anderson, Bassett, Booth, Bryan, Cotterill, Eastham, Falconer, Fatland, Fishback, Huxtable, McGowan, Metcalf, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart—21.

Those absent or not voting were: Senators Arrasmith, Graves, Hutchinson, Nichols, Piper, Williams—6.

The secretary called the roll on the motion of Senator Rydstrom that the Senate concur in the House amendments to the bill and the Senate concurred by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Booth, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—32.

Those voting nay were: Senators Brown, Bryan, Kline, Paulhamus—4.

Those absent or not voting were: Senators Arrasmith, Graves, Hutchinson, Nichols, Piper, Williams—6.

SPECIAL ORDER.

Senate bill No. 29, entitled "An act regulating the keeping and deposit of municipal funds, etc.," was read third time.

The secretary called the roll on final passage of Senate bill No. 29, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Kline,

Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—37.

Voting nay: Senator Huxtable—1.

Those absent or not voting were: Senators Graves, Hutchinson, Nichols, Williams—4.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—37.

Voting nay: Senator Huxtable—1.

Those absent or not voting were: Senators Graves, Hutchinson, Nichols, Williams—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 33, entitled "An act to prohibit indecent, vulgar, or insulting exposures, etc.," was read third time.

On motion of Senator Cotterill, the bill was amended as follows:

Strike the title and insert in lieu thereof the following: "An act to prohibit indecent practices, drunkenness and boisterous conduct and fixing a penalty for violation thereof."

Amend by striking in section 1, all after the word "person" in line 1, all of lines 2, 3, 4 and 5 and the first word in line 6, being the word "or."

On motion of Senator Cotterill the rules were suspended, Senate bill No. 33 was considered engrossed and placed on final passage.

The secretary called the roll and Senate bill No. 33 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Paulhamus,

Piper, Polson, Potts, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Mr. President—32.

Those voting nay were: Senators Cameron, Kline, McGregor, Presby, Rosenhaupt, Whitney—6.

Those absent or not voting were: Senators Graves, Hutchinson, Nichols, Williams—4.

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

House bill No. 52, entitled "An act relating to the powers of the state capitol commission, etc.," was read third time, and on motion of Senator Potts the rules were suspended and the bill read second time by title.

On motion of Senator Potts, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 52.

The bill was considered in Committee of the Whole, Senator Smith in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Smith, the report of the committee was adopted.

On motion of Senator Falconer, the rules were suspended and the reading had of the bill in the Committee of the Whole was considered the third reading of the bill and the bill placed on final pasage.

The secretary called the roll and House bill No. 52 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stewart, Whitney, Mr. President—32.

Those voting nay were: Senators Bassett, Davis, Eastham, Kline, Myers, Stevenson—6.

Those absent or not voting were: Senators Graves, Hutchinson, Nichols, Williams—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Brown was granted unanimous consent to introduce a memorial at this time.

Senate joint memorial No. 2, by Senator Brown, relating to the Lummi Indian reservation, etc.: The memorial was read first time, and on motion of Senator Brown the rules were suspended, the memorial read second and third times and placed on final passage.

The secretary called the roll, and Senate joint memorial No. 2 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Mr. President—36.

Voting nay: Senator Paulhamus—1.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Williams—5.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., August 17, 1909.

MR. PRESIDENT:

I, a minority of your Committee on Judiciary, to whom was referred Senate bill No. 28, entitled "An act providing for nine judges of the superior court of the State of Washington in and for King county, etc.," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it do not pass.

I. B. KNICKERBOCKER.

SENATE CHAMBER,
OLYMPIA, WASH., August 17, 1909.

MR. PRESIDENT:

We, a majority of your Committee on Judiciary, to whom was referred Senate bill No. 28, entitled "An act providing for nine judges of the superior court of the State of Washington in and for King county, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend title in line 1 by striking the word "nine" and insert in lieu therefor "eight"; in line 3 strike the word "judges" and insert the word "judge"; in line 4 strike the word "three" and insert the word "two"; in line 5 strike the word "nine" and insert the word "eight."

Amend section 1 by striking the word "nine" and insert in lieu thereof "eight."

Amend section 2: In line 2 strike the word "two" and insert in

lieu thereof "one"; in same line strike the word "judges" and insert in lieu thereof "judge"; in line 3 strike the word "their" where it appears twice and insert in lieu thereof the word "his"; in line 4 strike the words "successors" where it appears twice and insert in lieu thereof the word "successor"; in line 4 strike the word "are" and insert in lieu thereof the word "is."

Amend section 3: In line 2 strike the word "nine" and insert in lieu thereof the word "eight"; in line 6 strike the word "nine" and insert in lieu thereof the word "eight."

W. B. PRESBY, *Chairman.*

We concur in this report: Harry Rosenhaupt, Robt. F. Booth, J. W. Bryan.

Senator Allen moved the adoption of the majority report.

Senator Falconer moved as a substitute that the reports be laid on the table.

A roll call on the motion to lay the reports on the table was demanded by Senators Allen, Eastham, Piper, Cox, Potts, Brown and Cotterill.

The secretary called the roll, and the substitute motion of Senator Falconer carried by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Blair, Brown, Cameron, Cox, Davis, Eastham, Falconer, Fatland, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Minkler, Paulhamus, Piper, Roberts, Rydstrom, Smithson, Stevenson, Whitney—23.

Those voting nay were: Senators Allen, Bassett, Bryan, Cotterill, Fishback, Huxtable, Myers, Polson, Potts, Presby, Rosenhaupt, Stewart, Mr. President—13.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Smith, Williams—6.

At 6 o'clock p. m. on motion of Senator Eastham, the Senate adjourned until 9:30 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

SIXTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, August 21, 1909.

The Senate was called to order at 9:30 o'clock a. m. by President Ruth, pursuant to adjournment.

Rev. C. E. Todd offered prayer.

The secretary called the roll, all members being present except Senators Booth, Graves, Hutchinson, Nichols, Smith, all of whom were excused.

On motion of Senator Stevenson, the reading of yesterday's journal was dispensed with and it was approved.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The House has passed House bill No. 33, entitled "An act providing for the filling of vacancies in the office of representative in congress, and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Metcalf moved that the rules be suspended and that the Senate proceed to take up House bill No. 33 at this time.

Senator Potts moved as a substitute that all bills to be acted upon by this body be taken up now and that the Senate sit for legislative purposes until 11 o'clock this forenoon.

The substitute motion was accepted by Senator Metcalf.

Senator Stevenson moved as a substitute that this Senate do not consider any more legislative matters.

The president ruled Senator Stevenson's motion out of order on the ground that it nullified the previous motion, being directly contrary to same.

The motion of Senator Potts was put and carried.

Senator Metcalf moved that House bill No. 33 be taken up at this time.

Senator Falconer moved as a substitute that the regular order be followed.

The substitute motion carried.

Senator Rosenhaupt moved that the Senate recede from its amendments to House bill No. 35.

Senator Bryan moved as a substitute that the Senate refuse to recede from its amendments to House bill No. 35 and that the House be requested to appoint a conference committee.

The substitute motion of Senator Bryan carried.

Report of committee on House concurrent resolution No. 10:

We, your committee appointed to consider the resolution amending the constitution of the United States relative to the income tax, beg to recommend that the same go over until the next regular session of the legislature. The committee, in making this recommendation, feel that this question has not been sufficiently considered by the members of the legislature; neither has it been a subject of discussion among the people of the State of Washington.

No time will be lost in taking this course, as the matter cannot be finally determined until all of the state legislatures have passed upon it, which cannot possibly be done under at least three (3) years. Your committee thinks that a legislature elected by the people with the knowledge that this matter is to be dealt with is the proper tribunal before which this amendment should be heard and passed upon.

J. A. FALCONER,
I. B. KNICKERBOCKER,
S. J. CAMERON,
J. D. BASSETT,
ARVID RYDSTROM.

Senator Falconer moved the adoption of the report of the committee.

Senator Cotterill moved as a substitute that the Senate proceed to consider and act on House concurrent resolution No. 10.

Senator Piper demanded the previous question on the motion of Senator Cotterill, and was supported by Senators Falconer and Allen.

The motion for the previous question carried.

A roll call on the motion of Senator Cotterill was demanded by Senators Falconer, Cotterill, Allen, Knickerbocker, Myers, Blair and Brown.

The secretary called the roll on the substitute motion of Senator Cotterill, and it failed to carry by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cotterill, Cox, Huxtable, Metcalf, Paulhamus, Polson, Mr. President—13.

Those voting nay were: Senators Bassett, Cameron, Davis, Eastham, Falconer, Fatland, Fishback, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Piper, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams—24.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Smith—5.

The motion of Senator Falconer, that the committee report be adopted, was put and carried.

SENATE CHAMBER,
OLYMPIA, WASH., August 20, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 27, beg to report that we have compared the enrolled bill with the original bill and that we find the same to have been correctly enrolled.

J. W. BRYAN, *Chairman*.

We concur in this report: D. H. Cox, A. W. Anderson.

The president signed Senate bill No. 27.

The secretary read Senate joint resolution No. 2, by Senator Whitney, relating to the State Institution for the Feeble-Minded at Medical Lake.

Senator Falconer moved that the resolution be laid on the table.

The motion was lost.

Senator Whitney moved the adoption of the resolution.

The secretary called the roll, and Senate joint resolution No. 2 was adopted by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Bryan, Cameron, Cotterill, Davis, Eastham, Fatland, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Whitney, Williams, Mr. President—27.

Those voting nay were: Senators Allen, Anderson, Blair, Brown, Cox, Falconer, Fishback, Metcalf, Paulhamus—9.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Smith, Stewart—6.

The secretary read Senate joint memorial No. 3 by Senators Kline and Brown, relating to the Washington national forest reserve in Whatcom county.

On motion of Senator Kline, the rules were suspended and the

memorial read second and third times and placed on final passage.

The secretary called the roll on final passage of Senate joint memorial No. 3 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rosenhaupt, Rydstrom, Smithson, Whitney, Mr. President—33.

Voting nay: Senator Stevenson—1.

Those absent or not voting were: Senators Bassett, Booth, Graves, Hutchinson, Nichols, Smith, Stewart, Williams—8.

Senate bill No. 34, entitled "An act making an appropriation for the maintenance of the Washington Veterans' Home": On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate bill No. 34.

The bill was considered in Committee of the Whole, Senator Falconer in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Falconer, the report of the committee was adopted.

On motion of Senator Potts, the rules were suspended and the reading of the bill had in the Committee of the Whole was considered its third reading.

The secretary called the roll on final passage of Senate bill No. 34 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Stewart, Whitney, Williams—26.

Those voting nay were: Senators Cameron, Davis, Eastham, Fatland, Metcalf, Roberts, Rydstrom, Stevenson, Mr. President—9.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Rosenhaupt, Smith, Smithson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The House has passed House bill No. 60, entitled "An act for the relief of Indian war veterans of the wars of 1855 and 1856."

The speaker has signed House bill No. 31, entitled "An act amending section 1 of an act approved February 18, 1907, entitled 'An act authorizing the county commissioners to acquire and operate quarries, etc.'";

House bill No. 9, entitled "An act to amend section 19 of chapter 115, an act entitled 'An act to provide for the establishment of drainage districts, etc.'";

House bill No. 21, entitled "An act relating to teachers' institutes, etc.";

House bill No. 52, entitled "An act relating to the powers of the state capitol commission, etc.";

Senate bill No. 27, entitled "An act to amend chapter 226, Session Laws 1909, approved March 17";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 10, beg to report that we have compared the enrolled bill with the original bill and that we find the same to have been correctly enrolled.

Respectfully submitted,

GEO. F. COTTERILL,
H. O. FISHBACK,
D. H. COX.

SENATE CHAMBER,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate concurrent resolution No. 10, beg to report that we have compared the enrolled resolution with the original resolution and that we find the same to have been correctly enrolled.

Respectfully submitted,

J. W. BRYAN, *Chairman.*

We concur in the above report: Geo. F. Cotterill, A. W. Anderson,
D. H. Cox.

The president signed Senate concurrent resolution No. 10 and Senate bill No. 10.

The president appointed as a conference committee on House bill No. 35 Senators Rosenhaupt, Eastham and Fishback.

House bill No. 33 entitled "An act providing for the filling of vacancies in the office of representative in congress," was read first time.

On motion of Senator Paulhamus, the rules were suspended and the bill read second and third times.

On motion of Senator Metcalf, the bill was amended by adding to the title the words "and declaring an emergency" and by adding a section at the end of the bill as follows:

"Section 5. An emergency exists and this act shall take effect immediately."

Senators Stevenson, Falconer and Knickerbocker demanded the previous question on the bill.

The motion for the previous question carried.

The secretary called the roll on final passage of House bill No. 33 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Metcalf, Myers, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart, Mr. President—20.

Those voting nay were: Senators Cameron, Davis, Eastham, Kline, Knickerbocker, McGregor, McGowan, Minkler, Piper, Potts, Presby, Roberts, Rydstrom, Smithson, Whitney, Williams—16.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Huxtable, Nichols, Smith—6.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The House has passed House bill No. 38, entitled "An act to amend sections 1 and 5 of an act providing for the control, regulation, etc., of stored waters, etc."

The speaker has signed House bill No. 37, entitled "An act to provide for reinstatement of corporations, etc.";

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

House bill No. 45, entitled "An act providing for the appointment and qualification of an assistant state auditor,

making an appropriation therefor, and declaring an emergency," was read first time.

On motion of Senator Myers, the rules were suspended and the bill read second time.

On motion of Senator Allen, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 45.

The bill was considered in the Committee of the Whole, Senator Myers in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Myers, the report of the committee was adopted.

On motion of Senator Myers, the rules were suspended, and the reading had in the Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of House bill No. 45, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Bassett, Blair, Cameron, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Piper, Polson, Potts, Rosenhaupt, Rydstrom, Stewart, Williams, Mr. President—22.

Those voting nay were: Senators Arrasmith, Brown, Cotterill, Cox, Davis, Eastham, Kline, McGowan, Paulhamus, Presby, Roberts, Smithson, Stevenson—13.

Those absent or not voting were: Senators Booth, Bryan, Graves, Hutchinson, Nichols, Smith, Whitney—7.

The secretary called the roll on the emergency clause, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGregor, Metcalf, Myers, Minkler, Piper, Polson, Potts, Roberts, Rydstrom, Stewart, Whitney, Williams, Mr. President—26.

Those voting nay were: Senators Cotterill, Cox, Davis, Eastham, Kline, McGowan, Paulhamus, Smithson—8.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Presby, Rosenhaupt, Smith, Stevenson—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Presby requested that he be excused from attendance at the session until 1:30 o'clock Monday, August 23.

On motion of Senator Falconer, the request was granted.

On motion of Senator Cotterill, House bill No. 58 was taken up at this time.

House bill No. 58, entitled "An act to amend sections 193 and 437 of an act entitled 'An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crimes, etc.," was read first time.

On motion of Senator Cotterill, the rules were suspended and the bill read second and third times.

The secretary called the roll on final passage of House bill No. 58, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—34.

Those absent or not voting were: Senators Booth, Davis, Eastham, Graves, Hutchinson, Nichols, Rosenhaupt, Smith—8.

The emergency clause passed by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Booth, Brown, Bryan, Cameron, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Presby, Roberts, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney, Williams, Mr. President—36.

Those absent or not voting were: Senators Davis, Eastham, Graves, Hutchinson, Nichols, Rosenhaupt—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cameron, House bill No. 56 was taken up at this time.

House bill No. 56, entitled "An act to prohibit the unauthor-

ized sale or disposal of intoxicating liquors, providing a penalty for violation thereof," was read first time.

On motion of Senator Cameron, the rules were suspended and the bill read second and third times.

On motion of Senator Cotterill, the bill was amended by adding to the end of section 1 the following "for the sale of such liquors for medicinal purposes only."

The secretary called the roll on final passage of House bill No. 56, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney—33.

Those voting nay were: Senator Huxtable, Mr. President—2.

Those absent or not voting were: Senators Booth, Fishback, Graves, Hutchinson, Nichols, Presby, Williams—7.

The secretary called the roll on the emergency clause, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Roberts, Rosenhaupt, Rydstrom, Smith, Smithson, Stevenson, Stewart, Whitney—33.

Those voting nay were: Senator Huxtable, Mr. President—2.

Those absent or not voting were: Senators Booth, Fishback, Graves, Hutchinson, Nichols, Presby, Williams—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Piper moved that the Senate defer sitting as a court of impeachment until 1:30 this afternoon.

The motion was lost.

Senator Piper moved that the Senate do now resolve itself into a court of impeachment.

Senator Cotterill moved as a substitute that the Senate now proceed to take up House bill No. 18.

The previous question was demanded by Senators Falconer, Blair and Cotterill.

The motion for the previous question carried.

The substitute motion of Senator Cotterill was put and carried.

On motion of Senator Falconer, the Senate deferred sitting as a court of impeachment until 1:30 this afternoon.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The House has passed House bill No. 34, entitled "An act to prohibit the sale of cigarettes, etc." and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president ruled that House bill No. 18, which, under the motion of Senator Cotterill, was to be taken up at this time, had already been considered in that an identical bill had been defeated at this session, for which reason House bill No. 18 could not properly come before the Senate.

Senator Cotterill appealed from the decision of the chair and the appeal was seconded by Senators Bryan, Polson and Metcalf.

A roll call was demanded by Senators Brown, Cox, Williams, Falconer, Allen, Polson, Eastham.

The secretary called the roll on the question, "Shall the decision of the chair stand as the decision of the Senate?" and the chair was overruled by the following vote:

Those voting aye were: Senators Cameron, Davis, Eastham, Kline, Knickerbocker, McGregor, McGowan, Minkler, Piper, Potts, Roberts, Rosenhaupt, Rydstrom, Smithson, Stevenson, Stewart, Whitney—17.

Those voting nay were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Metcalf, Myers, Paulhamus, Polson, Williams—18.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Presby, Smith, Mr. President—7.

Senator Cameron moved that the Senate do now adjourn.

The motion was lost.

House bill No. 18, entitled "An act relating to the nomination of candidates for public office in the State of Washington," was read first time.

On motion of Senator Cotterill, the rules were suspended and the bill was read second and third times and placed on final passage.

The secretary called the roll on final passage of House bill No. 18, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Huxtable, Metcalf, Paulhamus, Polson, Rosenhaupt, Stevenson, Stewart, Williams—19.

Those voting nay were: Senators Cameron, Davis, Eastham, Fishback, Kline, Knickerbocker, McGregor, McGowan, Myers, Minkler, Piper, Potts, Roberts, Rydstrom, Smithson, Whitney, Mr. President—17.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Presby, Smith—6.

Senator Kline moved that the Senate do now adjourn.

The motion was lost.

The president called Senator Cameron to the chair.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The House has passed House bill No. 51, entitled "An act relating to the boundaries of senatorial and representative districts in Pierce county";

Senate bill No. 29, entitled "An act regulating keeping and deposit of municipal funds, etc.";

And the same are herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

Senator Cotterill moved that House bill No. 34 be made a special order for 1:15 this afternoon.

The motion was lost.

On motion of Senator Falconer, House bill No. 34 was taken up at this time.

House bill No. 34, entitled "An act to regulate and in certain

cases prohibit the manufacture, keeping for sale, owning or giving away of cigarettes, cigarette paper, etc.," was read first time.

On motion of Senator Falconer, the rules were suspended and the bill read second and third times.

Senator Kline moved that the Senate do now adjourn.

The motion was lost.

The previous question was demanded by Senators Myers, Bassett and Cotterill.

The motion carried and the previous question was ordered.

The secretary called the roll on final passage of House bill No. 34, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Metcalf, Myers, Minkler, Paulhamus, Polson, Potts, Stewart—18.

Those voting nay were: Senators Allen, Cameron, Eastham, Kline, Knickerbocker, McGregor, McGowan, Piper, Rosenhaupt, Rydstrom, Williams, Mr. President—12.

Those absent or not voting were: Senators Anderson, Booth, Davis, Graves, Hutchinson, Nichols, Presby, Roberts, Smith, Smithson, Stevenson, Whitney—12.

Senators Cotterill, Myers and Bryan demanded a call of the Senate.

The motion for a call of the Senate was lost.

On motion of Senator Potts, House bill No. 59 was made a special order for 1:15 this afternoon.

On motion of Senator Rydstrom, House bill No. 51 was taken up at this time.

House bill No. 51, entitled "An act relating to the boundaries of the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth senatorial districts and the thirty-fifth, etc., representative districts," was read first time.

On motion of Senator Rydstrom, the rules were suspended and the bill read second and third times.

The secretary called the roll on final passage of House bill No. 51, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Arrasmith, Bassett, Blair, Brown, Cotterill, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf,

Myers, Minkler, Paulhamus, Piper, Polson, Potts, Rydstrom, Stevenson, Stewart, Whitney, Williams, Mr. President—28.

Those absent or not voting were: Senators Anderson, Booth, Bryan, Cameron, Cox, Davis, Graves, Hutchinson, Nichols, Presby, Roberts, Rosenhaupt, Smith, Smithson—14.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 12:05 p. m., on motion of Senator Eastham, a recess was taken until 1:15 this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:15 p. m. by President Ruth.

SPECIAL ORDER.

The Senate took up the consideration of House bill No. 59, which was a special order for this hour.

House bill No. 59, entitled "An act appropriating thirty-six thousand six hundred and eighty dollars from the Military Fund for the maintenance of the National Guard," was read first time.

On motion of Senator Potts, the rules were suspended and the bill was read second time.

On motion of Senator Paulhamus, the Senate resolved itself into a Committee of the Whole for the purpose of considering House bill No. 59.

House bill No. 59 was considered in the Committee of the Whole, Senator Williams in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Williams, the report of the Committee of the Whole was adopted.

On motion of Senator Potts, the rules were suspended and the reading had of the bill in Committee of the Whole was considered the third reading of the bill.

The secretary called the roll on final passage of House bill No. 59 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cameron, Cotterill, Cox, Falconer,

Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Piper, Polson, Potts, Roberts, Rosenhaupt, Stewart, Whitney, Williams, Mr. President—28.

Those voting nay were: Senators Brown, Eastham, Paulhamus, Rydstrom, Smithson—5.

Those absent or not voting were: Senators Booth, Davis, Graves, Hutchinson, Minkler, Nichols, Presby, Smith, Stevenson—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed House bills Nos. 37, 52, 31, 9 and 21.

The president announced the appointment as a committee under Senate concurrent resolution No. 24, passed at the last regular session, Senators Rosenhaupt and Piper, who are by said resolution instructed to meet the president of the United States at the state boundary on the occasion of his visit to this state.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate bill No. 29, have compared the enrolled bill with the original bill and find that the same has been correctly enrolled.

J. W. BRYAN, *Chairman*.

We concur in this report: A. W. Anderson, D. H. Cox.

The president signed Senate bill No. 29.

Senator Cotterill moved that this Senate consider no further legislation except conference committee reports and formal matters.

The motion carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 27, entitled "An act regulating marriages, etc.";

House bill No. 45, entitled "An act providing for appointment of an assistant state auditor, etc."

The House has passed Senate joint memorial No. 3, relating to a survey of Mt. Baker and Sisters peaks, with a view to establishing a national park and game preserve;

Senate joint memorial No. 2, regarding opening Lummi Indian reservation, in Whatcom county.

The speaker has signed Senate bill No. 10, entitled "An act for the protection of game animals and game birds, etc.";

Senate bill No. 29, entitled "An act regulating the keeping and deposit of municipal funds, etc.";

Senate concurrent resolution No. 10, that Senator Fishback be allowed per diem and expenses.

The House has passed Senate bill No. 34, entitled "An act making an appropriation for the maintenance of the Washington Veterans' Home";

Senate bill No. 33, entitled "An act to prohibit indecent, vulgar or insulting exposures, etc.;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

At 1:35 p.m. the Senate resolved itself into a court of impeachment, Senator Knickerbocker in the chair.

[See impeachment proceedings.]

At 4:45 p. m. the Senate reconvened.

The president resumed the chair.

Senator Rydstrom moved that he be excused from attendance at the sessions until 1:30 Monday afternoon.

On motion of Senator Allen, the request was granted.

Senator Fatland requested that he be excused from attendance on the sessions until 1:30 Monday afternoon, August 23.

On motion of Senator Allen, the request was granted.

On motion of Senator Stevenson, Rule No. 64 was suspended for this afternoon.

Senator Piper moved that the vote by which House bill No. 33 failed to pass the Senate be now reconsidered.

The motion carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The Speaker has signed House bill No. 51, entitled "An act relating to senatorial and representative districts in Pierce county";

House bill No. 59, making appropriation for National Guard;

House bill No. 56, entitled "An act to prohibit unauthorized sale of intoxicating liquors, etc.";

House bill No. 58, entitled "An act to amend sections 193 and 437 of an act relating to crimes and punishment thereof, etc.";

House bill No. 35, entitled "An act to amend section 9 of an act creating a bureau of inspection and supervision of public offices, etc.";

House concurrent resolution No. 16, for appointment of committee to notify governor that legislature is about to adjourn;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate joint memorial No. 3 and Senate bills Nos. 33 and 34, have compared the enrolled bills with the original bills and find that the same have been correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, Geo. F. Cotterill.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 11, that secretary of state be instructed to forward copies of new marriage law to all county auditors, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate concurrent resolution No. 11, have compared the enrolled bill with the original bill and find that the same has been correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, Geo. F. Cotterill.

SENATE CHAMBER,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

We, your Committee on Enrolled Bills, to whom was referred Senate joint memorial No. 2, have compared the enrolled bill with the original bill and find that the same has been correctly enrolled.

J. W. BRYAN, *Chairman.*

We concur in this report: A. W. Anderson, Geo. F. Cotterill.

REPORT OF CONFERENCE COMMITTEE.

We, your conference committee, to whom was referred House bill No. 35, recommend that the Senate amendment in lines 9, 10 and 11 be concurred in.

T. J. BELL,

F. L. CALKINS,

E. L. FARNSWORTH.

HARRY ROSENHAUPT,

A. B. EASTHAM,

H. O. FISHBACK.

On motion of Senator Rosenhaupt, the report of the committee was adopted.

The president signed Senate bills Nos. 33 and 34, Senate joint memorials Nos. 2 and 3, Senate concurrent resolution No. 11, House bills Nos. 51, 59, 56, 35, 27 and 45.

On motion of Senator Piper, the roll was called on final passage of House bill No. 33.

House bill No. 33 passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Bryan, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Metcalf, Myers, Paulhamus, Piper, Polson, Rosenhaupt, Stevenson, Stewart, Mr. President—22.

Those voting nay were: Senators Cameron, Davis, Eastham, Kline, Knickerbocker, McGregor, McGowan, Minkler, Potts, Rydstrom, Smithson, Whitney, Williams—13.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Presby, Roberts, Smith—7.

The emergency clause failed to pass by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Brown, Cotterill, Cox, Falconer, Fatland, Fishback, Huxtable, Kline, Metcalf, Myers, Paulhamus, Piper, Polson, Rosenhaupt, Stevenson, Stewart, Mr. President—22.

Those voting nay were: Senators Bryan, Cameron, Davis, Eastham, Knickerbocker, McGregor, McGowan, Minkler, Potts, Rydstrom, Whitney, Williams—12.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Presby, Roberts, Smith, Smithson—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House concurrent resolution No. 16:

Resolved by the House, the Senate concurring, That the president of the Senate appoint two members and the speaker of the House three members as a joint committee to notify the governor that this extraordinary session of the legislature of 1909 is about to adjourn *sine die*.

The resolution was ordered referred to a special committee consisting of Senators Cotterill and Rosenhaupt.

Senator Cotterill moved that House bill No. 38 be taken up at this time.

The motion was lost.

Senator Allen moved that House bill No. 57 be taken up at this time.

Senator Cotterill moved as a substitute that House bills Nos. 57 and 60 be taken up at this time.

The substitute motion carried.

House bill No. 57, entitled "An act making an appropriation for printing the journals of and the laws passed by this extraordinary session, etc.," was read first time; and on motion of Senator Cotterill, the rules were suspended and the bill read second time.

House bill No. 60, entitled "An act for the relief of the Indian War Veterans, etc.," was read first time, and on motion of Senator Cotterill, the rules were suspended and the bill read second time.

On motion of Senator Cotterill, the Senate resolved itself into a Committee of the Whole to consider House bills Nos. 57 and 60.

The bills were considered in the Committee of the Whole, Senator Eastham in the chair, and reported back to the Senate with the following recommendations.

House bill No. 57: That it do pass;

House bill No. 60: That it do pass.

On motion of Senator Eastham, the report of the committee was adopted.

On motion of Senator Potts, the reading had of House bills Nos. 57 and 60 in Committee of the Whole was considered the third reading of the bills, the rules being suspended.

The secretary called the roll on final passage of House bill No. 57, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cotterill, Falconer, Fatland, Fishback, Huxtable, Knickerbocker, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Potts, Rosenhaupt, Stevenson, Stewart—22.

Those voting nay were: Senators Brown, Cameron, Cox, Davis, Eastham, Kline, McGregor, Whitney, Williams, Mr. President—10.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Polson, Presby, Roberts, Rydstrom, Smith, Smithson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The secretary called the roll on final passage of House bill No. 60, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arrasmith, Bassett, Blair, Bryan, Cotterill, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Polson, Potts, Rosenhaupt, Stevenson, Stewart, Whitney, Mr. President—29.

Those voting nay were: Senators Brown, Cameron, Cox, Williams—4.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Presby, Roberts, Rydstrom, Smith, Smithson—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

We, your special committee, to whom was referred House concurrent resolution No. 16, respectfully recommend the resolution be amended as follows:

Add to the end of the resolution the following:

“And that the Senate do continue in session as a court of impeachment.”

Respectfully submitted,

HARRY ROSENHAUPT,
GEO. F. COTTERILL.

On motion of Senator Cotterill, the report of the committee was adopted.

The secretary called the roll on passage of House concurrent resolution No. 16, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen, Anderson, Arra-

smith, Bassett, Blair, Brown, Bryan, Cameron, Cotterill, Cox, Davis, Eastham, Falconer, Fatland, Fishback, Huxtable, Kline, Knickerbocker, McGregor, McGowan, Metcalf, Myers, Minkler, Paulhamus, Piper, Potts, Rosenhaupt, Stevenson, Stewart, Whitney, Williams, Mr. President—32.

Those absent or not voting were: Senators Booth, Graves, Hutchinson, Nichols, Polson, Presby, Roberts, Rydstrom, Smith, Smithson—10.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The speaker has signed Senate bill No. 33, entitled "An act to prohibit indecent practices, etc.";

Senate bill No. 34, entitled "An act making an appropriation for the maintenance of the Washington Veterans' Home";

Senate concurrent resolution No. 11, relative to forwarding copies of marriage bill to each county auditor;

Senate joint memorial No. 2, relating to opening Lummi Indian reservation;

Senate joint memorial No. 3, relative to making Mt. Baker and Sisters peaks a national park and reserve;

And the same are herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

Resolution by Senator Potts:

Be it Resolved, That the secretary of the Senate be authorized and is hereby directed to prepare the copy of the Senate journal for this special session for the printer and to suitably index the same, and that for such work, since July 2, 1909, he be allowed the compensation of one hundred dollars (making in all for this extraordinary session the sum of two hundred dollars) same to be paid out of the appropriation for legislative expenses; the state auditor to issue a warrant for one-half of the amount when the printer's receipt for the journal copy is filed in his office, and the balance to be paid when the state printer shall have certified that the reading of proof on the journal and index thereto has been completed.

On motion of Senator Potts, the resolution was adopted.

Resolution by Senator Potts:

WHEREAS, The legislature of the State of Washington will adjourn Saturday, August 21, 1909; and

WHEREAS, The Senate, sitting as a court of impeachment, will continue in session after that date; therefore, be it

Resolved, That the president and secretary of the Senate and such employees as may be necessary in connection with the court of im-

peachment and in completing the records of legislative and impeachment proceedings be retained and that the per diem be the same as during the legislative session.

On motion of Senator Potts, the resolution was adopted.

On motion of Senator Stevenson, a committee of two was appointed to notify the governor that the Senate, sitting as a legislative body, is about to adjourn.

The president appointed as such a committee Senators Stevenson and Potts.

Resolution by Senator Allen:

Resolved by the Senate, That after the close of the impeachment proceedings, the secretary, under direction of the president, prepare the copy and have printed such number of copies of the record in impeachment proceedings as in his judgment may be necessary, and that the secretary be allowed the sum of two hundred and fifty dollars for preparing such copy and indexing the volume; such payment to be made by the state auditor out of the funds appropriated for impeachment proceedings.

On motion of Senator Allen, the resolution was adopted.

Senator Brown moved that the \$5 fine assessed against Senator Whitney in the court of impeachment be remitted.

The motion was lost.

The committee, consisting of Senators Stevenson and Potts, reported that the governor had no further business to come before the Senate.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., August 21, 1909.

MR. PRESIDENT:

The speaker has signed House bill No. 33, providing for election of representatives in congress;

House bill No. 57, providing for printing of legislative journals;

House bill No. 60, for relief of Indian war veterans;

House concurrent resolution No. 16, relative to the adjournment of the legislature;

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 33, 57 and 60, and House concurrent resolution No. 16.

A committee from the House, consisting of Messrs. McMaster, Bell and Lambert, announced that the House of Representatives was ready to adjourn.

The president appointed Senators Falconer and Bryan as a committee to notify the House that the Senate, sitting as a legislative body, was about to adjourn.

At 6 :20 p. m., on motion of Senator Rosenhaupt, the Senate, as a legislative body adjourned, to meet and sit Monday as a court of impeachment.

WM. T. LAUBE,
Secretary of the Senate.

A. S. RUTH,
President of the Senate.

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EXTRAORDINARY SESSION.

TITLE AND HISTORY OF SENATE AND HOUSE
BILLS, RESOLUTIONS, MEMORIALS, ETC.

AND

GENERAL INDEX.

TITLE AND HISTORY OF SENATE BILLS.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
1. Senator STEVENSON: An act making an appropriation for the payment of the funeral expenses of the late governor of the State of Washington, His Excellency Samuel G. Cosgrove.....	9	45	45	45 81	45	76	81	82	137
2. Senator RYDSTROM: An act repealing an act entitled "An act for the purchase of the highway bridge across the Columbia river at Wenatchee, Washington, by the State of Washington from the Washington Bridge Company, providing means, method and time of payment therefor and the manner of future maintenance and supervision thereof, and making an appropriation for said purchase," approved March 11, 1909.....	63								
3. Senator BOOTH: An act repealing an act entitled "An act making an appropriation and creating a commission to be known as the Columbia river improvement commission for the purpose of the improvement of the Columbia river between Bridgeport and Kettle Falls," approved March 11, 1909.....	63	117							
4. Senator RUTH: An act for the relief of the Olympia National Bank, and making an appropriation therefor.....	63	135		135					
5. Senator NICHOLS: An act relating to the establishment and creation of commercial waterway districts and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, water-courses and streams and the protecting of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency	64	72	120	152	120	145	152	157	

21.	Senator WHITNEY: An act repealing an act entitled "An act creating the Southwest Washington Fair Association, and making an appropriation therefor," passed by the House March 19, 1909; passed by the Senate March 11, 1909, and allowed to become a law without the signature of the governor.....	80							
22.	Senator EASTHAM: An act repealing an act entitled "An act creating the state shoreland improvement fund, providing for certain warrants to be drawn upon said fund, making such warrants preferential, and appropriating and providing for the expenditure and disbursement thereof," approved March 17, 1909.....	81							
23.	Senator EASTHAM: An act amending an act entitled "An act to amend section 3 of an act entitled 'An act relating to the special Alaska-Yukon-Pacific Exposition fund,' making certain warrants to be drawn upon it preferential and transferring any residue thereof into the general fund of the state treasury," approved March 17, 1909.....	81							
24.	Senator PATLAND: An act relating to materialmen's liens and the enforcement thereof, and declaring an emergency.....	82	133	146, 162	133	145	164	165	
25.	Senator GRAYES: An act appropriating the sum of forty thousand (\$40,000) dollars, or so much thereof as may be necessary, for the purpose of paying the expenses of the impeachment proceedings of John H. Schively.....	117	117	134 137 138	118	132	139	139	
26.	Senator BRYAN: An act prohibiting the hunting of deer with dogs in or upon the islands of Puget Sound and in the county of Kitsap.....	127	127		128				
27.	Senator COX: An act to amend chapter 226, Session Laws of 1909, approved March 17, 1909, entitled "An act providing for a field examination of the state with a view to ascertaining the existence and location of suitable road-making material, and for the acquisition by the state of quarries of such materials and the installation at such quarries of suitable rock-crushing machinery and other conveniences for operating said quarries by convict labor or free labor, and for the disposition of the output of such quarries, and making an appropriation therefor," by amending sections 2, 6 and 8 thereof, and declaring an emergency.....	136	136	176	136	167 188	188	190	
28.	Senator ALLEN: An act providing for nine judges of the superior court of the State of Washington in and for King county, and fixing the term of office of the additional judges appointed, and providing for the election of three judges at the general election in November, 1910, and providing for the election of nine judges at the general election in November, 1912, and every four years thereafter, and declaring an emergency.....	144							184

TITLE AND HISTORY OF SENATE BILLS—CONCLUDED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred..	Report of committee.....	Third reading and amendments	Other action in Senate.....	Vote on final passage.....	Report from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
29. Senator Bassett: An act regulating the keeping and deposit of municipal funds, and amending section 2 of chapter 103 of the Session Laws of 1905, and declaring an emergency.....	144		181	199	181	196	194	200	
30. Senator Potts: An act appropriating the sum of thirty-six thousand six hundred and eighty dollars from the military fund for maintenance of the National Guard.....	152								
31. Senator Cotterill: An act providing for the amendment of section 26 of article 1 of the Constitution of the State of Washington, relating to the calling of grand juries.....	161								
32. Senator Bassett: An act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation or association, to promote or oppose the passage of bills or resolutions or the approval of the same, to file with the secretary of state, a statement in writing, subscribed by such counsel or agent, stating the name of the person, firm, corporation or association by whom, or on whose behalf, he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the legislature, providing penalties for the violations of this act, with an emergency clause.....	162								
33. Senator McGowan: An act to prohibit indecent practices, drunkenness and boisterous conduct and fixing a penalty for violation thereof.	166		182	201	182	200	202	205	
34. Senator Bryan: An act making an appropriation for the maintenance of the Washington Veterans' Home.....	174	175	189	201	189	200	202	205	

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NUMBER AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
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2. An act appropriating \$12,000 for the purposes of the extraordinary session of the legislature, convened June 23, 1909.....	55	58	58	58	59	72	76
3. An act appropriating the sum of \$1,000 to pay for printing ordered by the extraordinary session of the legislature or either branch thereof convened June 23, 1909.....	55	58	58	58	59	.....	75	76
4. An act relating to the management of the State College of Washington, and declaring an emergency.....	57	63	.....	63	63	.....	75	76
7. An act relative to the keeping and deposit of municipal funds, and amending section 2 of chapter 103 of Session Laws of 1903, and declaring an emergency.....	180	.....	.....	.....	.....	.....	.....	.....
9. An act to amend section 19 of chapter 115, entitled "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895.....	145	170	.....	170	170	166	190	199
10. An act appropriating \$40,000 for the expenses of the committee appointed to investigate state officers and departments.....	112	117	117	118	118	121, 123 130, 132	134	134
17. An act authorizing cities to levy and collect original and supplemental assessments and reassessments upon all property specially benefited to pay the costs of any local improvement, or any portion of such costs.....	165	173	.....	173	173	.....	180	180

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONCLUDED.

NUMBER AND TITLE.	Received from House.....	Read first and second time and referred...	Report of committee.....	Third reading and amendments	Vote on final passage.....	Other action on bill.....	Signed by Speaker.....	Signed by President.....
18. An act relating to nomination of candidates for public offices and amending sections 1 and 11 of chapter 82, Laws of 1909, and declaring an emergency.....	165	196		196	196			
21. An act relating to teachers' institutes, and amending section 35, chapter 6, title 3 of chapter 97, Session Laws of 1909.....	165	180		180	180		190	199
27. An act regulating marriages, issuing licenses, prohibiting marriages in certain cases, providing penalties, repealing all acts and parts of acts in conflict herewith, and declaring an emergency.....	167	167		167	171	166 168	199	202
29. An act to amend section 1, chapter 230, Laws of 1907, prohibiting stock running at large.....	180							
31. An act amending section 1 of an act approved February 18, 1909, authorizing county commissioners to acquire and operate quarries of suitable road-building gravel, and ground containing deposits of suitable road-building gravel, and to purchase rock-crushing machinery and appliances, and declaring an emergency.....	167	174		174	174		190	199
33. An act providing for filling vacancies in the office of representative in congress	186	191		191	191 202	209	206	206
34. An act to regulate and prohibit the manufacture, sale, keeping for sale, owning or giving away of cigarettes, cigarette paper, cigarette wrappers and other substitutes for same, providing a penalty and repealing all laws in conflict herewith.....	195	197		197	197			
35. An act to amend section 9 of an act to create a bureau of inspection and supervision of public offices, to establish a uniform system of public accounting and auditing and reporting under the administration of the state auditor, approved March 10, 1909, and declaring an emergency	167	169		169	169	166 187 202	201	202

HISTORY OF SENATE JOINT MEMORIALS.

NUMBER, AUTHOR AND SUBJECT.	<i>Read first, second and third time..</i>	<i>Vote on passage..</i>	<i>Message from House.....</i>	<i>Signed by President.....</i>	<i>Signed by Speaker</i>
1. Senator PRESSBY: Memorializing the secretary of the interior to have made a re-examination of certain lands in the Columbia river forest reserve to determine if the same may be restored to settlement.....	131	181	189	189	139
2. Senator BROWN: Memorializing congress of the United States to open for settlement the Lummi Indian reservation, in Whatcom county, after having made allotments to the Indians.....	184	184	200	202	205
3. Senator KLINE: Memorializing the secretary of the interior, urging a survey of Mt. Baker and vicinity, with a view of establishing a national park and game preserve.....	188	189	199	202	205

HISTORY OF SENATE CONCURRENT RESOLUTIONS.

NUMBER, AUTHOR AND SUBJECT.	Presented in Senate	Vote on passage ..	Other action in Senate	Message from House.....	Signed by President.....	Signed by Speaker
1. Senator BASSETT: That the joint rules of last session be adopted as joint rules of this extraordinary session	4	4	.....	48	.....	.....
2. Senator KNICKERBOCKER: That a committee be appointed by Senate and House to notify governor that legislature is in session	5	5	.....	48	.....	.....
3. Senator NICHOLS: That session will consider no legislation except investigation of state officers, appropriation or relief bills	45	52	46	.....	.....	.....
4. Senator NICHOLS: For the continuation of the legislative investigation committee ..	47	56	.....	86	116	121
5. Senator HITCHINSON: Providing for the appointment of three investigating committees to investigate charges against state offices and institutions	48	55 76	.....	.....	.....	.....
6. Senator BRYAN: Permitting the introduction of bill restoring direct primary for nomination of judges of the supreme court	61	.....	85	.....	.....	.....
7. Senator GRAVES: Relating to adjournment of the House during impeachment proceedings	115	116	.....	123	180	182
8. Senator FALCONER: Authorizing the legislative investigating committee to hold sessions any place in the State of Washington	125	125	.....	132	135	135
9. Senator BRYAN: Ratifying proposed income tax amendment to the constitution of the United States	140	.....	156	.....	.....	.....
10. Senator FALCONER: Fixing the per diem of Senator H. O. Fishback at \$10 per day and expenses as a member of the investigating committee	175	176	190	179	190	200
11. Senator FALCONER: Directing secretary of state to forward copy of House bill No. 27 (relating to marriages), to county auditors	179	179	201	201	202	205

HISTORY OF HOUSE CONCURRENT RESOLUTIONS IN THE SENATE.

NUMBER AND SUBJECT.	Received from House.....	Presented in Senate.....	Vote on final passage.....	Other action in Senate.....	Signed by Speaker.....	Signed by President.....
1. Extending an invitation to President Taft to attend the Conservation Congress in Seattle	48	50	51			
2. Relating to procedure of special session	48	51		56		
4. Empowering the Alaska-Yukon-Pacific Exposition Commission to appropriate from its funds an amount sufficient to properly return the courtesies which have been extended to this state.....	76	77	78		84	85
5. Relating to continuation of the legislative investigating committee and providing for submittal of its report.....	112	122	122	122		
10. Relating to the ratification of United State Senate resolution No. 40, relative to collection of income taxes.....	165			187		
12. Relating to the adjournment, <i>sine die</i> , or for more than three days by either house.....	145	145	146			
14. Relating to the House board of managers, etc.	157	154	155		165	165
15. Relating to continuation of the committee appointed to investigate charges made by H. N. DeWolfe against the supreme court	167					
16. Relating to the notifying of the governor that the House is about to adjourn...	201	202	204		206	206

HISTORY OF SENATE JOINT RESOLUTIONS:

<i>Vote on passage . .</i>	<i>Presented in Senate</i>	<i>NUMBER, AUTHOR AND SUBJECT.</i>
.....	81	1. Senator WILLIAMS: Directing that a special election be called to fill vacancies in the offices of governor and secretary of state.....
188	188	2. Senator WHITNEY: Relating to and directing the board of control in the expenditure of funds appropriated for the Institution for the Feeble-Minded near Medical Lake, Washington.....

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For continuing investigating committee. House bill No. 10.	
For relief of Indian war veterans. House bill No. 60.	
For the funeral expenses of the late governor. Senate bill No. 1.	
For the relief of the Olympia National Bank. Senate bill No. 4.	
For buildings at Medical Lake. Senate bill No. 12.	
For publishing proposed amendments. Senate bill No. 13.	
For bureau of inspection of public offices. Senate bill No. 17:	
For state capitol commission. House bill No. 52.	
For expenses of impeachment proceedings. Senate bill No. 25.	
For National Guard. Senate bill No. 30.	
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