

HOUSE JOURNAL

OF THE

SECOND LEGISLATURE

OF THE

STATE OF WASHINGTON.

BEGUN AND HELD AT

OLYMPIA, THE STATE CAPITAL,

JANUARY 7, 1891.

ADJOURNED SINE DIE, MARCH 7, 1891.

OLYMPIA, WASH.:
O. C. WHITE, STATE PRINTER.
1891.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

<i>Dist.</i>	<i>Name.</i>	<i>Post Office.</i>	<i>County.</i>
40...	Adams, A. I.	Seattle.	King.
29...	Anderson, A. H.	Shelton	Mason.
48...	Anderson, Michael	Park	Whatcom.
41...	Andrews, L. B.	Seattle.	King.
7...	Arrasmith, Joseph	Palouse City	Whitman.
36...	Barlow, Byron	Tacoma.	Pierce.
49...	Bass, Samuel	Sehome.	Whatcom.
17...	Berry, P. E.	Waterville.	Douglas.
43...	Bothell, George.	Bothell	King.
23...	Brock, Eugene	Stella	Cowlitz.
35...	Caughran, J. D.	Tacoma	Pierce.
27...	Chambers, A. H.	Olympia	Thurston.
27...	Collins, U. L.	Tenino	Thurston.
15...	Cushman, I. N.	Wilbur	Lincoln.
18...	Davis, John*	Ellensburg	Kittitas.
42...	De Steigner, G. E.	Seattle.	King.
26...	Dysart, George	Centralia	Lewis.
8...	Farrish, William	Asotin.	Asotin.
5...	Fellows, George.	Spokane Falls.	Spokane.
13...	Flummerfelt, C. H.	Pasco	Franklin.
44...	Frame, J. W.	Snohomish	Snohomish.
44...	Frazer, A. W.	Snohomish	Snohomish.
4...	Gandy, J. E.	Spokane Falls.	Spokane.
37...	Garretson, A. H.	Tacoma.	Pierce.
10...	Godman, M. M.	Dayton	Columbia.
4...	Hanson, A. G.	Spokane Falls.	Spokane.
8...	Holt, D. M.	Wawawai	Whitman.
20...	Hunsaker, Jacob	White Salmon.	Klickitat.
15...	Hutchinson, R. A.	Mondovi.	Lincoln.
47...	Johnson, G. M.	Lopez.	San Juan.
28...	Jones, D. R.	Montesano	Chehalis.
14...	Kennedy, W. K.	Ritzville.	Adams.
40...	Lawton, Chas. W.	Seattle.	King.
2...	Lehman, David.	Peone.	Spokane.
26...	McClure, E. P.	Winlock	Lewis.
46...	McKay, W. F.	Avon	Skagit.
43...	McKnight, John	Newcastle	King.
42...	Meany, E. S.	Seattle.	King.
24...	Megler, J. G.	Brookfield.	Wahkiakum.
1...	Metcalfe, John	Squire City	Stevens.
49...	Miller, J. M.	Fairhaven.	Whatcom.
6...	Moore, F. L.	Palouse City	Whitman.
35...	Morse, Geo. W.	Oak Harbor.	Island.
21...	Murray, John L.	Roy.	Pierce.
12...	Nevin, James	Cascades	Skamania.
12...	Painter, Joseph C.	Estes	Walla Walla.
9...	Palmer, James	Pomeroy	Garfield.
38...	Parcell, M. L.	Franklin	King.
36...	Pearson, L. J.	Tacoma.	Pierce.
13...	Peterson, W. H. †	Ellensburg.	Kittitas.
31...	Plummer, A. A.	Port Townsend.	Jefferson.
3...	Powell, E. L.	Spokane Falls.	Spokane.
25...	Putney, F. L.	Willapa	Pacific.
8...	Ragsdale, A. V.	Spokane Falls.	Spokane.
18...	Ready, J. M.	Ellensburg	Kittitas.
4...	Reinhardt, Louis	Spokane Falls.	Spokane.
30...	Reitze, Chas. F.	Seattle.	King.
30...	Rockwell, Ira C.	Sydney	Kitsap.
43...	Sallee, J. S.	Juanita.	King.
46...	Schricker, W. E.	La Conner.	Skagit.
11...	Sharpstein, J. L.	Walla Walla.	Walla Walla.
22...	Shaw, A. F.	Vancouver	Clarke.
16...	Smith, H. F.	Osoyoos	Okanogan.
16...	Smyth, S. J.	Tacoma.	Pierce.
19...	Snively, H. J.	North Yakima.	Yakima.
33...	Spinning, F. R.	Puyallup	Pierce.
33...	Taylor, Johnson C.	Orting	Pierce.
39...	Thalman, J. C.	Seattle.	King.
48...	Tiffany, A. W.	Ferndale	Whatcom.
34...	Tillotson, W. D.	Tacoma	Pierce.
32...	Troy, Smith	New Dungeness.	Clallam.
35...	Tyler, W. D.	Tacoma.	Pierce.
38...	Walker, G. B.	West Seattle.	King.
5...	Walter, Louis	Cheney	Spokane.
31...	Wasson, Andrew	Port Townsend.	Jefferson.
28...	Wyman, Geo. H.	Aberdeen.	Chehalis.
41...	Yancy, G. W.	Seattle.	King.
22...	Yeomans, F. C.	La Camas.	Clarke.
8...	Young, O. E.	Almota.	Whitman.

* Died Jan. 13, 1891. † Elected to fill vacancy caused by death of Hon. John Davis.

OFFICERS AND EMPLOYEES.

<i>Name.</i>	<i>County.</i>	<i>Position.</i>	<i>Per diem.</i>
T. G. Nicklin.....	Whatcom.....	Chief clerk.....	\$8 00
W. M. Chandler.....	Thurston.....	Assistant clerk.....	7 00
Fred H. Lysons.....	Snohomish.....	Journal clerk.....	5 00
Miss Ida Sutton.....	Snohomish.....	Assistant journal clerk.....	5 00
Miss Anna Tarbell.....	Thurston.....	Docket clerk.....	4 00
Mrs. Mamie J. Culver.....	Pierce.....	Engrossing clerk.....	4 50
Miss Dora Sternberg.....	Thurston.....	Enrolling clerk.....	4 50
D. E. Lesh.....	Yakima.....	Sergeant-at-arms.....	5 00
J. W. Horner.....	Spokane.....	Assistant sergeant-at-arms..	4 00
W. E. Jester.....	Chehalis.....	Doorkeeper.....	4 00
A. J. Mills.....	Clarke.....	Messenger.....	4 50
Jesse Elliott.....	Lewis.....	Watchman.....	4 00
J. H. Peterson.....	Jefferson.....	Assistant watchman.....	5 00
Joseph L. Reed.....	Spokane.....	Secretary to speaker.....	4 00
Miss Annie Johnson.....	Lincoln.....	Assistant messenger.....	3 50
Charles F. Ingie.....	Thurston.....	Page.....	2 00
Lachlan Macleay.....	Thurston.....	Page.....	2 00
Thomas Parker.....	Thurston.....	Page.....	2 00
Louis H. Snook.....	Jefferson.....	Speaker's page.....	2 00

G. W. Frame, Snohomish county, clerk to Judiciary Committee; \$5.00.

J. W. Lysons, Port Townsend, Jefferson county, clerk to Committees on Harbors and Navigable Waters, Tide Lands, School Lands, Mileage and Contingent Expenses; \$4.00.

D. C. Conover, Port Townsend, Jefferson county, clerk to Committees on Railroads, Counties and County Lines, Agricultural College and School of Science, Forestry; \$4.00.

E. L. Suter, Seattle, King county, clerk to Committees on Constitution and Revision, Labor and Labor Statistics, Insurance; \$4.00.

E. B. Oliphant, Chard, Garfield county, clerk to Committees on Mines and Mining, Water, Water Rights and Irrigation, State University and Normal Schools, Agriculture, Federal Relations and Immigration; \$4.00.

E. C. McDonald, Olympia, Thurston county, clerk to Committees on Roads and Highways, Military Affairs, Indian Affairs, State Lands and Fisheries; \$4.00.

Mrs. R. Leavitt, Tacoma, Pierce county, clerk to Committees on Medicine, Surgery and Pharmacy, and Ways, Means and Claims; \$4.00.

F. S. Mussetter, Seattle, King county, clerk to Committees on Appropriations, Hospital for Insane, Municipal Corporations, Reform School and School for Defective Youth, Penitentiary; \$4.00.

Miss Isadora Mockler, North Yakima, Yakima county, clerk to Committees on Rules and Orders, Privileges and Elections, State, County and Municipal Indebtedness, State Library, Buildings and public grounds; \$4.00.

J. M. Davis, Port Townsend, Jefferson county, clerk to committees on Public Revenue and Taxation, Compensation and Fees of State and County Officers; \$4.00.

C. N. Hale, Tacoma, Pierce county, clerk to Committees on Commerce, Corporations other than Municipal and Railroads, Manufactures, Printing and Supplies; \$4.00.

JOURNAL OF THE HOUSE.

FIRST DAY.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, January 7, 1891, }
12 o'clock M.

The House of Representatives of the second legislature of the State of Washington was called to order in regular session at the hour of 12 o'clock, noon, by Hon. Allen Weir, secretary of state.

The roll of members elect was called by W. M. Chandler, assistant chief clerk of the House of Representatives of the first legislature of the State of Washington, and the following members answered to their names, to wit:

Messrs. A. I. Adams, A. H. Anderson, M. Anderson, Joseph Arrasmith, Byron Barlow, Samuel Bass, P. E. Berry, George Bothell, Eugene Brock, J. D. Caughran, A. H. Chambers, U. L. Collins, I. N. Cushman, John Davis, G. E. De Steiguer, George Dysart, Wm. Farrish, George Fellows, C. H. Flummerfelt, J. W. Frame, A. W. Frater, J. E. Gandy, A. H. Garretson, M. M. Godman, A. G. Hanson, D. M. Holt, Jacob Hunsaker, R. A. Hutchinson, G. M. Johnson, D. R. Jones, W. K. Kennedy, C. W. Lawton, David Lehman, Edmond S. Meany, J. G. Megler, John L. Metcalfe, E. P. McClure, W. F. McKay, John McKnight, J. M. Miller, Frank Moore, George W. Morse, John L. Murray, James Nevin, Joseph C. Painter, James Palmer, M. I. Parcell, L. J. Pearson, A. A. Plummer, E. L. Powell, Forest L. Putney, A. V. Ragsdale, L. Reinhardt, J. M. Ready, Chas. F. Reitze, Ira C. Rockwell, J. S. Sallee, W. E. Schricker, A. F. Shaw, John L. Sharpstein, H. F. Smith, S. J. Smyth, H. J. Snively, Frank R. Spinning, J. C. Taylor, J. C. Thalman, A. W. Tiffany, Willard Tillotson, W. D. Tyler, Smith Troy, A. Wasson, Geo. B. Walker,

Louis Walter, G. H. Wyman, F. C. Yeomans, O. E. Young, and Geo. W. Yancy.

L. B. Andrews, of King county, was absent.

Nominations for speaker pro tem. were declared in order.

Mr. Ready, of Kittitas, nominated Hon. J. E. Gandy, of Spokane county, for speaker pro tem. Mr. Farrish, of Asotin, seconded the nomination of Mr. Gandy.

There were no other nominations, and the acting clerk cast the vote of the House for Mr. Gandy as speaker pro tem.

Messrs. Shaw, of Clarke, and Plummer, of Jefferson, escorted the speaker pro tem. to the speaker's chair.

On motion of Mr. Plummer, the House proceeded to the election of a chief clerk pro tem.

Mr. Tiffany, of Whatcom, nominated Mr. T. G. Nicklin as chief clerk pro tem.

There were no other nominations, and on motion of Mr. Kennedy, of Adams county, the acting clerk cast the vote of the House for Mr. Nicklin as chief clerk pro tem.

Mr. Nicklin assumed the duties of chief clerk pro tem.

The following communication from the secretary of state was read:

STATE OF WASHINGTON, OFFICE OF SECRETARY OF STATE,

OLYMPIA, January 7, 1891.

I, Allen Weir, Secretary of State of the State of Washington, do hereby certify that the following named persons were elected members of the House of Representatives of the Legislature of the State of Washington at the general election held November 4, 1890, as shown by the election returns now on file in this office:

NAME.	COUNTY.
W. K. Kennedy.....	Adams.
Wm. Farrish.....	Asotin.
G. H. Wyman.....	Chehalis.
D. R. Jones.....	Chehalis.
Smith Troy.....	Clallam.
A. F. Shaw.....	Clarke.
F. C. Yeomans.....	Clarke.
M. M. Godman.....	Columbia.
Eugene Brock.....	Cowlitz.
P. E. Berry.....	Douglas.
C. H. Flummerfelt.....	Franklin.
James Palmer.....	Garfield.
Geo. W. Morse.....	Island.
A. A. Plummer.....	Jefferson.
A. Wasson.....	Jefferson.

M. I. Parcell	King.
G. B. Walker	King.
A. I. Adams	King.
C. W. Lawton	King.
L. B. Andrews	King.
Geo. W. Lancy	King.
Edmond S. Meany	King.
J. C. Thalman	King.
Chas. F. Reitze	King.
G. E. De Steiguer	King.
George Bothell	King.
J. S. Sallee	King.
John McKnight	King.
Ira C. Rockwell	Kitsap.
J. M. Ready	Kittitas.
John Davis	Kittitas.
Jacob Hunsaker	Klickitat.
George Dysart	Lewis.
E. P. McClure	Lewis.
I. N. Cushman	Lincoln.
R. A. Hutchinson	Lincoln.
A. H. Anderson	Mason.
Hiram F. Smith	Okanogan.
Forest L. Putney	Pacific.
Frank R. Spinning	Pierce.
J. C. Taylor	Pierce.
Willard Tillotson	Pierce.
John L. Murray	Pierce.
S. D. Caughran	Pierce.
L. J. Pearson	Pierce.
W. D. Tyler	Pierce.
Byron Barlow	Pierce.
A. H. Garretson	Pierce.
S. J. Smyth	Pierce.
G. M. Johnson	San Juan.
W. F. McKay	Skagit.
W. E. Schricker	Skagit.
James Nevin	Skamania.
J. W. Frame	Snohomish.
A. W. Frater	Snohomish.
David Lehman	Spokane.
E. L. Powell	Spokane.
A. V. Ragsdale	Spokane.
J. E. Gandy	Spokane.
A. G. Hanson	Spokane.
L. Reinhardt	Spokane.
George Fellows	Spokane.
Louis Walter	Spokane.

John L. Metcalfe.....	Stevens.
U. L. Collins.....	Thurston.
A. H. Chambers.....	Thurston.
J. G. Megler.....	Wahkiakum.
Joseph C. Painter.....	Walla Walla.
John L. Sharpstein.....	Walla Walla.
M. Anderson.....	Whatcom.
A. W. Tiffany.....	Whatcom.
J. M. Miller.....	Whatcom.
Samuel Bass.....	Whatcom.
D. M. Holt.....	Whitman.
O. E. Young.....	Whitman.
Frank Moore.....	Whitman.
Joseph Arrasmith.....	Whitman.
H. J. Snively.....	Yakima.

In testimony whereof I have hereto set my hand and affixed the seal of the State of Washington, this 7th day of January, 1891.

[SEAL.]

ALLEN WEIR, *Secretary of State.*

On motion of Mr. Miller, of Whatcom, the name of Geo. W. Lancy, of King county, was corrected to read Geo. W. Yancy.

On motion of Mr. Shaw, the secretary of state took the speaker's chair and administered the oath of office to all the members elect, except Mr. L. B. Andrews, of King county, who was absent.

On motion of Mr. Lawton, of King, the House proceeded to elect a permanent speaker.

Mr. Megler, of Wahkiakum county, nominated Mr. A. F. Shaw, of Clarke county, for speaker. Mr. Plummer, of Jefferson, seconded the nomination of Mr. Shaw.

Mr. Snively, of Yakima county, nominated Mr. M. M. Godman, of Columbia county, for speaker. Mr. Flummerfelt, of Franklin county, seconded the nomination of Mr. Godman.

The roll was called, and the following members voted for Mr. Shaw, to wit: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Caughran, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frater, Gandy, Garretson, Godman, Hanson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Sallee, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Wasson, Walker, Wyman, Yancy, Yeomans, and Young—58.

The following members voted for Mr. Godman, to wit: Messrs. Anderson of Mason, Bass, Chambers, Davis, Flummerfelt, Frame,

Holt, Hutchinson, Moore, Rockwell, Schricker, Sharpstein, Smith, Snively, Troy, and Walter—16.

Messrs. Smyth and Shaw voted for Mr. Gandy—2.

Messrs. Andrews and Nevin were absent—2.

Mr. Shaw having received the votes of a majority of all the members of the House, was declared duly elected as speaker of this House for the ensuing session. Messrs. Megler and Plummer escorted the speaker elect to the chair.

Mr. Gandy, of Spokane, nominated T. G. Nicklin for chief clerk; Mr. Anderson, of Whatcom, seconded the nomination of Mr. Nicklin.

There being no other nominations, the roll was called.

The following members voted for Mr. Nicklin, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Davis, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—76.

Mr. Rockwell voted for D. A. Clement, of Spokane county.

Mr. Andrews was absent.

Mr. Nicklin having received the votes of a majority of the members of the House, was declared elected chief clerk.

The secretary of the Senate appeared on the floor of the House and announced that the Senate had organized, and was ready for the transaction of business.

On motion of Mr. Bothell, Mr. Andrews, of King, was excused until Saturday, on account of sickness.

Mr. Plummer moved to adjourn until 10 o'clock A. M. to-morrow.

The House refused to adjourn.

On motion of Mr. Kennedy, as amended by Mr. Powell, the House took a recess until 2:30 P. M.

AFTER RECESS.

The House was called to order by the speaker at 2:30 P. M.

The roll was called; all the members present except Mr. Andrews, excused.

On motion of Mr. Gandy, a committee of five members was appointed to report to the House a list of officers and employes necessary for its proper organization.

Messrs. Gandy, Godman, Megler, Snively and Kennedy were appointed as such committee.

On motion of Mr. Plummer, the following resolution was adopted, to wit:

Resolved, That the rules adopted by the House of Representatives of the first legislature of the state of Washington, be adopted as the rules of this House until the adoption of permanent rules.

On motion of Mr. Gandy, the House took a recess for 25 minutes.

AFTER RECESS.

The special committee appointed to recommend a list of officers and employes necessary for the House, submitted the following report:

MR. SPEAKER:

Your committee appointed to prepare a list of officers and employes necessary for the House, respectfully submits the following list and recommends that the officers and employes therein designated be elected, to wit:

Speaker, chief clerk, assistant chief clerk, journal clerk, docket clerk, enrolling clerk, engrossing clerk, sergeant-at-arms, assistant sergeant-at-arms, postmaster and messenger, doorkeeper, watchman, 3 pages to be elected by the House, and 1 page to be appointed by the speaker.

We recommend that the salaries of enrolling and engrossing clerks begin at the time that their services are required by their respective committees.

J. E. GANDY, Chairman.

On motion of Mr. Painter, the report was adopted.

Mr. Sharpstein moved that the committee on employes be instructed to report a schedule of salaries for the various officers and employes.

The motion was adopted.

Mr. Kennedy moved that the House adjourn until 10 o'clock A. M. to-morrow.

The motion was lost by a divisional vote of 40 yeas to 28 yeas.

Mr. Gandy moved that the House take a recess for 15 minutes.

The motion was carried by a divisional vote of 40 yeas to 28 yeas.

AFTER RECESS.

The committee on salaries made the following report:

MR. SPEAKER:

Your committee on salaries would respectfully submit the following schedule of salaries for the officers and employes of this House:

Speaker, \$3 per day extra; chief clerk, \$6 per day; assistant chief clerk, \$5.50 per day; journal clerk, \$5 per day; docket clerk, \$4 per day; enrolling clerk, \$4.50 per day; engrossing clerk, \$4.50 per day; sergeant-at-arms, \$5 per day; assistant sergeant-at-arms, \$4 per day; postmaster and messenger, \$4.50 per day; watchman, \$4 per day; and pages \$2 per day.

We also recommend that the watchman perform the duties of janitor in addition to his duties as watchman. J. E. GANDY, Chairman.

On motion of Mr. Dysart, the report was adopted.

On motion of Mr. Painter, the House proceeded with the election of officers.

Mr. Painter nominated W. M. Chandler, of Thurston county, for assistant chief clerk.

There were no other nominations, and the roll was called.

The following members voted for Mr. Chandler, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Davis, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker — 77.

Mr. Andrews was absent. Excused.

Mr. Chandler, having received the votes of a majority of the members of the House, was declared elected as assistant clerk.

For journal clerk, Mr. Frater nominated Mr. Fred H. Lysons, of Snohomish county.

There being no other nominations, the roll was called and the following members voted for Mr. Lysons, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Davis, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze

Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—77.

Mr. Andrews absent.

Mr. Lysons was elected journal clerk.

For docket clerk, Mr. Collins nominated Miss Anna Tarbell, of Thurston county.

Mr. Putney nominated Mr. Adams. Mr. Dysart seconded the nomination of Mr. Adams.

There being no other nominations, the roll was called, and the following members voted for Miss Tarbell, to wit: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Davis, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—70.

Messrs. Anderson of Whatcom, Dysart, Miller, Putney, Spinning, Tiffany, and Tyler voted for Mr. Adams—7.

Mr. Andrews was absent.

Miss Tarbell, having received the votes of a majority of the members, was declared elected docket clerk.

For enrolling clerk, Mr. Hunsaker nominated Miss Dora Sternberg, of Thurston county.

There being no other nominations, the roll was called, and the following members voted for Miss Sternberg, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Davis, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reinhardt, Ready, Rockwell, Sallee, Schricker, Sharp-

stein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Wyman, Yancy, Yeomans, and Mr. Speaker—70.

Absent: Messrs. Andrews, Kennedy, Murray, Nevin, Putney, Reitze, Walter, and Young—8.

Miss Sternberg having received the votes of a majority of the members of the House was declared elected enrolling clerk.

For engrossing clerk, Mr. Gandy nominated Mrs. Mamie J. Culver, of Pierce county; Mr. Bothell seconded the nomination of Mrs. Culver. Mr. Ready nominated Mr. R. W. Helm, of Kittitas county; Mr. Hunsaker seconded the nomination of Mr. Helm.

The roll was called and the following members voted for Mrs. Culver, to wit: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Bass, Berry, Bothell, Caughran, Chambers, Collins, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Reitze, Sallee, Schricker, Sharpstein, Smith, Smyth, Thalman, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—63.

The following members voted for Mr. Helm, to wit: Messrs. Anderson of Whatcom, Brock, Cushman, Davis, Dysart, Hunsaker, Metcalfe, Palmer, Ready, Rockwell, Snively, Spinning, Taylor, and Tiffany—14.

Mr. Andrews was absent; excused.

Mrs. Culver having received the votes of a majority of all the members of the House was declared elected engrossing clerk.

For sergeant-at-arms, Mr. Ready nominated Mr. D. E. Lesh, of Yakima county.

Mr. Kennedy nominated Mr. J. W. Horner, of Spokane county. Messrs. Gandy and Sallee seconded the nomination of Mr. Horner.

The roll was called and the following members voted for Mr. Lesh, to wit: Messrs. Anderson of Mason, Barlow, Bass, Brock, Caughran, Chambers, Collins, Cushman, Davis, Dysart, Flummerfelt, Godman, Holt, Hunsaker, Johnson, Meany, Megler, Metcalfe, McClure, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Plummer, Putney, Ready, Rockwell, Sharpstein,

Smyth, Snively, Spinning, Taylor, Tiffany, Tillotson, Tyler, Troy, Walter, Yeomans, and Mr. Speaker—44.

The following members voted for Mr. Horner, to wit: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, De Steiguer, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Hanson, Hutchinson, Jones, Kennedy, Lawton, Lehman, McKnight, Pearson, Powell, Ragsdale, Reinhardt, Sallee, Schricker, Smith, Thalman, Wasson, Walker, Wyman, Yancy, and Young—33.

Mr. Andrews was absent.

Mr. Lesh having received the votes of a majority of the members of the House, was declared elected sergeant-at-arms.

For assistant sergeant-at-arms, Mr. Kennedy nominated Mr. J. W. Horner, of Spokane county. Mr. Gandy seconded the nomination of Mr. Horner.

Mr. Taylor nominated John N. Conna, of Pierce county.

Mr. Ready nominated Mr. F. E. Madigan, of Kittitas county.

The roll was called, and the following members voted for Mr. Horner, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, McClure, McKay, McKnight, Miller, Moore, Painter, Powell, Putney, Ragsdale, Reinhardt, Reitze, Sallee, Schricker, Smith, Thalman, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—52.

Messrs. Berry, Davis, Johnson, Morse, Ready, Rockwell, Snively and Tiffany voted for Mr. Madigan—8.

Messrs. Barlow, Caughran, Flummerfelt, Metcalfe, Murray, Nevin, Palmer, Parcell, Pearson, Plummer, Sharpstein, Smyth, Spinning, Taylor, Tillotson, Tyler and Troy voted for Mr. Conna—17.

Mr. Andrews was absent.

Mr. Horner having received the votes of a majority of the members of the House, was declared elected assistant sergeant-at-arms.

For postmaster and messenger, Mr. Painter nominated Mr. A. J. Mills, of Clarke county. Messrs. Lehman, Flummerfelt and Bothell seconded the nomination of Mr. Mills.

Mr. Collins nominated Mr. E. R. McClarty, of Thurston county.

The roll was called, and the following members voted for Mr. Mills, to wit: Messrs. Adams, Anderson of Mason, Anderson of

Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Cushman, Davis, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—70.

Messrs. Chambers, Collins, Hanson, Moore, Reinhardt, Rockwell and Troy voted for Mr. McClarty—7.

Absent and not voting, Mr. Andrews.

Mr. Mills having received the votes of a majority of the members of the House, was declared elected as postmaster and messenger.

For doorkeeper, Mr. Jones nominated Mr. W. E. Jester, of Chehalis county. Mr. Tiffany seconded the nomination of Mr. Jester.

Mr. Garretson nominated Mr. W. W. Luellen, of Pierce county.

The roll was called, and the following members voted for Mr. Jester, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Collins, Cushman, Davis, De Steiguer, Farrish, Fellows, Frame, Frater, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKnight, Miller, Morse, Palmer, Parcell, Plummer, Putney, Reitze, Rockwell, Sallee, Smith, Thalman, Tiffany, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—44.

Messrs. Barlow, Bass, Caughran, Dysart, Flummerfelt, Garretson, Godman, Hanson, Holt, McKay, Moore, Nevin, Painter, Pearson, Powell, Ragsdale, Reinhardt, Ready, Schricker, Sharpstein, Smyth, Snively, Spinning, Taylor, Tillotson, Tyler, Troy, Wasson, Walker, and Walter voted for Mr. Luellen—31.

Messrs. Andrews, Gandy, and Murray were absent and not voting.

Mr. Jester having received the votes of a majority of the members of the House, was declared elected as doorkeeper of the House.

For watchman, Mr. McClure nominated Mr. Jesse Elliott, of Lewis county.

There being no other nominations, the roll was called and the

following members voted for Mr. Elliott, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Davis, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, Megler, Metcalfe, McClure, McKnight, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker — 69.

Absent or not voting: Messrs. Andrews, Bothell, Cushman, Gandy, Hutchinson, Kennedy, Meany, McKay, and Nevin — 9.

Mr. Elliott having received the votes of a majority of the members of the House was declared elected as watchman.

For pages, Mr. Snively nominated Master Chas. Ingle, of Thurston county; Mr. Megler nominated Master Lachlan Macleay, of Thurston county; Mr. Painter nominated Master Thomas Parker, of Thurston county.

The roll was called, and the following members voted for Masters Ingle, Macleay, and Parker, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Davis, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Laughton, Lehman, Meany, Megler, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker — 75.

Absent and not voting: Messrs. Andrews, Metcalfe, and Nevin — 3.

Masters. Ingle, Macleay and Parker, having received the votes of a majority of the members, were declared elected as pages.

Master Louis H. Snook was appointed as speaker's page.

The officers elect appeared at the speaker's desk and the oath of office was administered to them by the speaker.

Mr. Gandy presented House resolution No. 1, Relative to fur-

nishing copies of the session laws of 1889-90 to members of the House and Senate, which was read first time.

On motion of Mr. Snively, Mr. Davis was excused indefinitely on account of sickness.

On motion of Mr. Ragsdale, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

SECOND DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, January 8, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M., the speaker in the chair.

The roll was called. All the members were present except Messrs. Andrews and Davis; excused.

The journal of yesterday was read, corrected and approved.

Mr. Megler presented House concurrent resolution No. 1, Relative to the appointment of a joint committee to wait on the governor, and moved its adoption.

The House adopted the resolution, and Messrs. Megler, Sharpstein, Wasson, Meany, and Godman were appointed as such committee on the part of the House.

Mr. Gandy moved that a special committee of seven members be appointed to prepare and report a list of standing committees necessary for the House.

The House adopted the resolution, and Messrs. Gandy, Jones, Flummerfelt, Ragsdale, Tiffany, Rockwell, and Walker were appointed as such committee.

Mr. Kennedy moved that a special committee of three members be appointed on mileage.

The motion was adopted by a divisional vote of 37 yeas to 29

nays, and Messrs. Kennedy, Smith, and Adams were appointed as such committee.

INTRODUCTION OF BILLS.

Mr. Gandy introduced House bill No. 1, An act extending the time for payment of taxes levied for the year 1890, and declaring an emergency, which was read first time by sections and second time by title.

Mr. Gandy moved that the bill be referred to a special committee of seven members.

The motion was adopted, and Messrs. Ready, Snively, Frater, Garretson, Sharpstein, Putney and Godman were appointed as such committee.

Mr. Dysart introduced House bill No. 2, An act prescribing the duties of county attorneys, and declaring an emergency, which was read first time by title, and laid on the table until the appointment of standing committees.

Mr. Hutchinson introduced House bill No. 3, An act to regulate common carriers, and creating the railroad commission of the State of Washington, and defining the duties and powers of such commission in relation to common carriers, and declaring an emergency, which was read first time by title, and laid on the table until the appointment of standing committees.

Mr. Sharpstein introduced House bill No. 4, An act to extend the time for payment of taxes, remitting penalties, and declaring an emergency, which was read first time by sections.

On motion of Mr. Gandy, the bill was read second time by title, and referred to the special committee of seven to which was referred House bill No. 1.

Mr. Tiffany introduced House bill No. 5, An act to compel the teaching in the public schools of the State of Washington of physiology and hygiene, with special reference to the effects of stimulants on the human system, which was read first time by title and laid on the table until the appointment of standing committees.

Mr. Berry introduced House bill No. 6, An act locating the Washington state agricultural college and school of science, which was read first time by title and laid on the table until the appointment of standing committees.

House joint resolution No. 1, Relative to furnishing copies of the session laws of 1889-90 to members of the House and Senate, was read second time.

On motion of Mr. Powell, the resolution was referred to a special committee of three members, consisting of Messrs. Powell, De Steiguer and Yancy.

Mr. Sharpstein moved that a special committee of seven members be appointed on permanent rules and order of business.

The motion was adopted, and Messrs. Sharpstein, Megler, Farish, Chambers, Parcell, Tiffany and Wasson were appointed as such committee.

On motion of Mr. Godman, Mr. Snively was excused until Monday.

On motion of Mr. Gandy, the House adjourned.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Thursday, January 8, 1891. }
 2 o'clock P. M.

The House was called to order by the speaker.

The roll was called and a quorum was found present.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
 OLYMPIA, WASH., January 8, 1891.

MR. SPEAKER:

The Senate has concurred in House concurrent resolution No. 1, and appointed Messrs. Long, O'Neill and Eshelman a committee on the part of the Senate to notify the governor of the organization of the legislature, and the same is herewith returned to the House.

C. M. BARTON, Secretary.

SENATE CHAMBER,
 OLYMPIA, WASH., January 8, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 1, Relative to the two houses meeting in the hall of the House to receive the message of the governor, and the same is herewith forwarded to the House for its action.

C. M. BARTON, Secretary.

Senate concurrent resolution No. 1, Relative to both houses of the legislature meeting in joint session to receive the governor's message, was read and concurred in.

The following resolution was adopted, on motion of Mr. Plummer, to wit:

Resolved, That the privileges of the floor of the House be extended to all state and county officers, United States officers, members and ex-members of congress, and members of the state constitutional convention.

JOINT CONVENTION.

At 2:10 P. M. the Senate and House of Representatives met in joint session in the representative hall to receive the message of the governor, the president of the Senate presiding over the joint convention.

The roll of the House was called by the chief clerk, and the roll of the Senate was called by its secretary.

There was a quorum of each House present.

The joint committee appointed to wait upon his excellency, the governor, and inform him that both Houses were organized and ready to receive any communication he might have to make, reported that the duty assigned the committee had been performed, and that the governor was ready to deliver his message to the legislature.

Senator Austin and Representative Anderson, of Mason, were appointed as a committee to escort the governor to the chair.

Hon. Miles C. Moore, ex-governor of Washington Territory, was invited to a seat on the floor of the House.

Messrs. Austin and Anderson escorted Hon. Chas. E. Laughton, lieutenant governor and acting governor, to the speaker's chair, where he delivered the following message: [For governor's message, see appendix "A."]

After receiving the governor's message the joint convention dissolved, and the Senate retired and the speaker resumed the chair.

On motion of Mr. Kennedy, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRD DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Friday, January 9, 1891. }
 10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Davis, Snively, and Tyler; excused.

The journal of yesterday was read, and approved as read.

REPORT OF SPECIAL COMMITTEE.

The following report was received and read, to wit:

MR. SPEAKER:

Your special committee appointed to report standing committees for the House of Representatives, recommend the following committees, with number named on each, to wit:

Privileges and elections, seven members.

Federal Relations and Immigration, nine members.

Ways, Means and Claims, nine members.

Education, nine members.

Judiciary, nine members.

Military Affairs, nine members.

Roads and Highways, seven members.

Engrossed Bills, seven members.

Enrolled Bills, seven members.

Indian Affairs, seven members.

Commerce, seven members.

Manufactures, seven members.

Printing and Supplies, five members.

Municipal Corporations, seven members.

Corporations other than Municipal and Railroad, seven members.

Railroads, nine members.

Counties and County Lines, seven members.

Rules and Order, seven members.

Agriculture, seven members.

Hospital for Insane, seven members.

Schools for Defective Youth and Reform Schools, seven members.

State University and Normal Schools, nine members.

Agricultural College and School of Science, seven members.

School Lands, nine members.
 Penitentiary, seven members.
 State Library, Buildings and Public Grounds, seven members.
 State Lands, seven members.
 Mines and Mining, seven members.
 Fisheries, seven members.
 Water, Water Rights and Irrigation, seven members.
 Mileage and Contingent Expenses, seven members.
 Harbors and Navigable Waters, seven members.
 Tide Lands, nine members.
 Forestry, five members.
 Medicine, Surgery and Pharmacy, five members.
 Compensation and Fees of State and County Officers, seven members.
 Public Revenue and Taxation, nine members.
 State, County, and Municipal Indebtedness, seven members.
 Constitution and Revision, seven members.
 Labor and Labor Statistics, nine members.
 Insurance, five members.
 Appropriations, seven members.

Respectfully submitted.

J. E. GANDY, Chairman.

The report of the committee was adopted.

REPORT OF SPECIAL COMMITTEE ON RULES AND ORDER OF BUSINESS.

The following report was received and read:

MR. SPEAKER:

We, your special committee on rules and order of business, beg leave to report the following, and recommend the adoption thereof by the House, to wit:

RULES OF THE HOUSE.

RULE 1. The speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day. He shall immediately call the members to order, and on the appearance of a majority of the members shall cause the journal of the preceding day to be read.

RULE 2. Seven members with the speaker, or eight members in his absence, having chosen a speaker pro tem., shall be authorized to call the House and compel the attendance of absent members, make an order for their fine or censure, and may adjourn.

RULE 3. The speaker shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than twice without leave of the House.

RULE 4. The speaker shall rise to put a question, but may state it sitting.

RULE 5. Questions shall be directly put in this form, to wit: "As many as are in favor of (as the question may be) say aye," and after the affirmative vote is expressed, "As many as are opposed say no." If the speaker doubt, or a division is called for, the House shall divide. Those in the affirmative of the question shall first rise from their seats, and, the number being announced, those in the negative shall rise.

RULE 6. The speaker shall have a general direction of the House of Representatives' room; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall have the right to appoint all committees, subject to additional members being added upon motion.

RULE 7. The speaker shall vote when the yeas and nays are called for, his name being called last; and in case of an equal division the question shall be lost.

RULE 8. The standing committees to be appointed by the speaker shall consist of not less than three nor more than nine members each.

RULE 9. In case of any disturbance or disorderly conduct in the lobby, the speaker (or chairman of the committee of the whole House) shall have the power to order the same to be cleared.

RULE 10. No committee shall sit during the sessions of the House without special leave.

RULE 11. All questions relating to the priority of business shall be decided without debate.

RULE 12. Business shall be disposed of in the following order:

First: Calling the roll, and reading the journal of the preceding day.

Second: Presentation of petitions, memorials and remonstrances addressed to the legislature.

Third: Reports of standing committees.

Fourth: Reports of special committees.

Fifth: Propositions and motions.

Sixth: Introduction and first reading of bills.

Seventh: Second reading of bills.

Eighth: Third reading of bills.

Ninth: Other business to be considered.

Special orders shall be taken up at the hour for which they have been fixed, and no other business of any kind shall be considered until the special order has been disposed of, unless the special order shall be postponed to some future time, or dispensed with by a vote of the House.

RULE 13. The speaker shall, upon each day, announce to the House the business in order agreeably 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; but messages from the governor or Senate, or any communication from any state officer, may be read at any time.

RULE 14. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to Mr. Speaker, and shall confine himself to the question under debate and avoid personalities; and no member shall impeach the motive of any other member's vote or argument.

RULE 15. If any member, in speaking or otherwise, transgress the rules of the House, the speaker shall, and any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

RULE 16. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the clerk's table, and no member shall be held to answer or be subject to the censure of the House for words spoken in debate if any other member has spoken or other business has intervened after the words are spoken and before exceptions to them have been taken.

RULE 17. When two or more members rise at once the speaker shall name who is the first to speak.

RULE 18. No member shall speak more than twice to the same question without leave of the House, except the chairman of the committee reporting the matter under consideration, or the mover of the question, who may close the debate.

RULE 19. While the speaker is putting the question no member shall walk across or out of the House; nor when a member is speaking shall any member entertain private discourse, or pass between him and the chair.

RULE 20. No member shall vote on any question in the event of which he is immediately or particularly interested, or in any case when he was not within the bar of the House when the last name was called, unless by unanimous consent; and when any member shall ask leave to vote the speaker shall propound the question, "Were you within the bar when the last name was called?"

RULE 21. Upon a division and a count of the House on any question no member without the bar shall be counted.

RULE 22. Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of yeas and nays is commenced; and any member requesting to be excused from voting may make a brief statement of the reasons for making such request, and the question shall then be taken without further debate.

RULE 23. When a motion is made and seconded it shall be stated by the speaker, or, being in writing, it shall be handed to the chair and read aloud before debate.

RULE 24. Every motion shall be reduced to writing if the speaker or a member desire it.

RULE 25. After a motion is stated by the speaker, or read, it shall be deemed to be in the possession of the House, but may be withdrawn at any time by consent of the House, before decision or amendment.

RULE 26. When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone indefinitely, to postpone to a day certain, to recommit or amend; which several motions shall have precedence in the order in which they stand arranged, and no motion to postpone indefinitely having been decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

RULE 27. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

RULE 28. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and until it is decided, shall preclude all amendment and debate on the main question. On motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question.

RULE 29. On a previous question there shall be no debate; all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise, without debate.

RULE 30. Motions and reports may be committed at the pleasure of the House.

RULE 31. Any member may call for a division of a question, which shall be divided if it comprehends propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out being lost shall preclude neither amendments nor a motion to strike out and insert.

RULE 32. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House.

RULE 33. When a motion has been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof on the same day or within one day thereafter.

RULE 34. When the reading of a paper is called for, if any objections are made, it shall be decided by a vote of the House.

RULE 35. The unfinished business on which the House was engaged at the preceding adjournment shall have the preference in the order of the day, and no motion or any other business shall be received without special leave of the House until the former is disposed of.

RULE 36. If a question pending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave.

RULE 37. Petitions, memorials and other papers addressed to the House

may be presented by the speaker or any member, and shall not be debated, or decided on the day of their being first read, unless the House shall direct otherwise, but they may be referred to the committee having the subject matter thereof under consideration, or may lie on the table to be taken up in the order in which they were presented.

RULE 38. A motion to adjourn shall always be in order; that and the motion to lie on the table to be taken up in the order named.

RULE 39. It shall be in order for the Committee on Engrossed and Enrolled bills to report at any time when no motion is before the House. The committee can report without notice by handing the report to the chief clerk.

RULE 40. Introduction and reading of bills: Any member desiring to introduce a bill shall first obtain the floor and state that he desires to introduce a bill, and if entitled to do so the bill shall be sent to the clerk's desk and numbered; and all bills shall be read in the order in which they are numbered by the clerk; but no bill shall be read a first time until every member present entitled to introduce a bill has had an opportunity to do so, unless otherwise ordered by the House.

RULE 41. Every bill shall be read on three several days, unless a majority of the House shall by a vote deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with. The first reading of a bill shall be for information, and if objection be made to it, the question shall be "Shall the bill be rejected?" If no objection be made, or if the question to reject be lost, the bill shall pass to second reading. The first reading of a bill may be by title only, unless the reading of the bill in full be demanded by a member. Bills shall be read a second time on the day following that of the first reading, if the business of the House permits. Bills may be referred to the proper committees, and may be ordered printed on the second reading.

RULE 42. Standing committees shall report all bills back to the House within ten days from the time of reference, unless further time be granted by the House.

RULE 43. When a bill is reported back from a committee, it may be read for information and amendment, and may be ordered engrossed, and shall take its place on the calendar for third reading.

RULE 44. No amendment shall be received to a bill on its third reading, but it may be referred or recommitted for amendment. A bill may be recommitted at any time before its passage.

RULE 45. When a bill has passed the House, it shall be certified to by the clerk, noting the day of its passage at the foot thereof.

RULE 46. In forming a committee of the whole House, the speaker, having the chair, shall appoint a chairman to preside.

RULE 47. Upon a bill committed to a committee of the whole House, the bill shall be read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so

reported to the House. After a report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

RULE 48. All questions, whether in committee or in the House, shall be propounded in the order in which they are moved, except that in filling blanks, the largest sum and the longest time shall be first put.

RULE 49. Upon the passage of any question the vote shall be taken by yeas and nays and entered on the journal of the House, when demanded by one-sixth of the members present.

RULE 50. The rules of proceeding in the House shall be observed in a committee of the whole House, so far as they may be applicable, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 51. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members present, nor shall the order of business established by the House be postponed or changed except by a vote of at least two-thirds of the members present.

RULE 52. No member shall absent himself from the service of the House, unless he shall have leave, or be sick and unable to attend.

RULE 53. The time of meeting of the House shall be at 10 o'clock A. M. and 2 o'clock P. M., unless otherwise ordered by the House.

RULE 54. No person shall be allowed to smoke in the hall or lobby thereof during session or recess.

RULE 55. On the final passage of every bill the yeas and nays shall be taken and entered on the journal.

RULE 56. Five members may demand a call of the House at any time before the House has divided, or the voting has commenced, by "yeas" and "nays," and thereupon the doors shall be closed until further proceedings upon the call have been dispensed with, which shall not be done until the absentees have been sent for, if requested by any member; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

RULE 57. The rules of parliamentary practice in "Cushing's Law and Practice of Legislative Assemblies," shall govern in all cases in which they are not inconsistent with the standing rules and orders of the House.

RULE 58. No engrossed bill, memorial or joint resolution shall be sent to the Senate until one day after its passage without special instructions by the House.

DUTIES OF SUBORDINATE OFFICERS.

RULE 1. The chief clerk of the House shall be the reading clerk; he shall see that the journal is properly kept, and have general supervision over the clerks, excepting clerks that are under the immediate charge of standing committees.

RULE 2. The assistant clerk shall keep a correct record of all the pro-

ceedings of the House, and perform such other duties as the chief clerk shall prescribe.

RULE 3. The journal clerk shall transcribe the minutes of the House as approved, into the journal provided for that purpose.

RULE 4. The docket clerk shall keep a correct list (in a book provided for that purpose) of all bills, memorials and joint resolutions introduced, and write messages, and perform such other duties as the chief clerk may from time to time require.

RULE 5. The enrolling clerk and assistant enrolling clerk shall be under the supervision of the Committee on Enrolled Bills.

RULE 6. The engrossing clerk shall be under the supervision of the Committee on Engrossed Bills.

RULE 7. The committee clerks of the House shall be under the supervision of the committee or committees to which they may be assigned.

RULE 8. The sergeant-at-arms shall attend the House during the sittings, announce all messages, preserve order in the lobby of the hall, and execute all process issued by authority of the House, and directed to him by the speaker.

RULE 9. The assistant sergeant-at-arms shall be under the supervision of the sergeant-at-arms, and perform such duties as that officer shall prescribe.

RULE 10. The doorkeeper shall attend the House during the sittings; shall give notice to the House of all messages; keep the representative hall and committee rooms in perfect order, and in all things execute the commands of the speaker of the House.

RULE 11. The messenger and postmaster shall carry all messages the House may require, private as well as public; distribute and deliver all mail matter, and in all things execute the commands of the speaker and the House.

RULE 12. The watchman shall be in charge of the representative hall and be responsible for the property therein, when the House is not in session, from the hour of 6 P. M. to 8 A. M.

RULE 13. All employes of the House, excepting the clerks and watchman, shall report for duty to the sergeant-at-arms at 9 A. M.

RULE 14. Any clerk or other employe of the House who shall neglect or refuse to perform any duties assigned them, or when found in a state of intoxication, shall, when reported to the House in writing by a standing committee, be subject to reprimand, and for a second offense be removed by a majority vote of the House.

Respectfully submitted. JOHN L. SHARPSTEIN, Chairman.

On motion of Mr. Plummer, rule 41 was amended by inserting the words "Upon the first or second reading of a bill, it may be ordered printed by a majority vote of the House," after the word "member," in line 9.

On motion of Mr. Plummer, rule 41 was further amended by striking out the words "Bills may be referred to the proper com-

mittees, and may be ordered printed on the second reading," and inserting in lieu thereof "Bills upon second reading shall be ready for amendment, commitment or engrossment."

On motion of Mr. Megler, the following rule in regard to the duties of subordinate officers was adopted, to wit:

RULE 13. The assistant watchman shall sweep the hall, keep the room heated and ventilated, keep the out houses connected with the state house in good condition, and perform the duties of watchman during his absence, and such other duties as the House may require.

On motion of Mr. Painter, the rules as amended were adopted.

On motion of Mr. Megler, the joint rules of the House and Senate, adopted at the session of 1889-90, were adopted by the House as the joint rules of this session.

The following communication was received from the sergeant-at-arms:

OLYMPIA, January 9, 1891.

To the members of the House of Representatives:

I would respectfully ask that I be granted a leave of absence for the period of five days.

D. E. LESH, Sergeant-at-Arms.

On motion of Mr. Collins, the request of the sergeant-at-arms was granted.

On motion of Mr. Frame, Mr. Frater was excused until Monday.

Messrs. Putney, Frame, Smith, Meany and Spinning were appointed as a committee on printing and supplies.

On motion of Mr. Megler, the office of assistant watchman was created.

Mr. Gandy moved that the salary of assistant watchman be fixed at \$3.50 per day.

Mr. Plummer moved to amend to make the salary \$4 per day.

The amendment was lost by a divisional vote of 44 nays to 22 yeas.

The motion as made by Mr. Gandy was adopted.

On motion of Mr. Megler, the House proceeded to elect an assistant watchman.

Mr. Frame nominated Mr. A. H. Peterson, of Jefferson county.

There being no other nominations, the roll was called and the following members voted for Mr. Peterson, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Hunsaker, Hutchin-

son, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker — 73.

Messrs. Andrews, Davis, Holt, Reitze, and Snively were absent.

Mr. Peterson was declared elected as assistant watchman.

The assistant watchman was sworn by the speaker.

REPORT OF THE SPECIAL COMMITTEE ON HOUSE JOINT
RESOLUTION No. 1.

The following report was received and read:

MR. SPEAKER:

We, your special committee to whom was referred House joint resolution No. 1, beg leave to report:

We have ascertained that the members of the Senate have each been provided with a copy of the session laws and journal of 1889-90, and therefore respectfully offer the following House resolution as a substitute, and recommend its adoption:

Resolved, That the honorable secretary of state be requested to furnish each member and the chief clerk of the House of Representatives a copy of the session laws of 1889-90, and also a copy of the journal of the House for the session of 1889-90. Respectfully submitted.

E. L. POWELL, Chairman.

On motion of Mr. Gandy, the report and resolution were adopted.

REPORT OF SPECIAL COMMITTEE ON HOUSE BILLS NOS. 1
AND 4.

The following report was read:

MR. SPEAKER:

Your special committee to which was referred House bill No. 1, entitled "An act extending the time for payment of taxes levied for the year 1890, and declaring an emergency," and House bill No. 4, "An act to extend the time for payment of taxes, remitting penalties, and declaring an emergency," respectfully reports the bills back to the House with a substitute and recommend that the substitute do pass.

J. M. READY, Chairman.

On motion of Mr. Gandy, the report was adopted.

House bill No. 7 (substitute for House bills Nos. 1 and 4), "An act extending the time for payment of taxes, remitting penalties, and declaring an emergency," was read first time by section.

On motion of Mr. Gandy, the rules were suspended, and the bill was read second time by title.

On motion of Mr. Gandy, the rules were further suspended, and the bill was considered engrossed and was read third time, and passed by the following vote, to wit: Yeas 74, nays none, absent and not voting 4.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Davis, Plummer, and Snively.

The emergency clause was passed by the following vote, to wit: Yeas, 74; nays, none; absent and not voting, 4.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Anderson of Mason, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—74.

Those absent and not voting were: Messrs. Andrews, Davis, Plummer, and Snively—4.

The title of the bill was agreed to.

The clerk was instructed to report the passage of the bill to the Senate to-day.

Mr. Putney moved that the House adjourn.

The House refused to adjourn.

Mr. Barlow was excused until Monday.

Mr. Gandy moved that the House adjourn until to-morrow at 10 o'clock A. M.

Mr. Spinning moved to amend the motion so as to adjourn until Monday at 10 o'clock A. M.

The amendment to the motion was adopted.

The motion as amended was adopted, and the House was adjourned until 10 o'clock A. M. on Monday.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

SIXTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, January 12, 1891. }
10 o'clock A. M.

The House was called to order by the speaker.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Arrasmith, Bass, Davis, Plummer, Rockwell, Smith, Snively, Spinning, Tillotson, Walter, and Yancy; excused.

The journal of the last day's session was read, and approved as read.

The following telegram was read:

REDONDO BEACH, Cal., January 8, 1891.

Hon. A. F. Shaw, Speaker of the House:

Present my kind regards to members of the House, hoping that you will be harmonious, and that your deliberations will result in wise and just legislation that will advance the best interests of our noble young state.

ELISHA P. FERRY.

On motion of Mr. Sharpstein, the following resolution was unanimously adopted:

Resolved, That the speaker be requested to convey to Governor E. P. Ferry the good wishes of this House and express to him our hope that he will soon be able to return to this state completely restored in health.

REPORT OF COMMITTEE ON PRINTING AND SUPPLIES.

The Committee on Printing and Supplies made the following report:

MR. SPEAKER:

Your Committee on Printing and Supplies respectfully recommends that the state printer be ordered to print, immediately, three hundred copies of the rules of the House, embodying the joint rules of the Senate and House, and the standing committees of the House.

F. L. PUTNEY, Chairman.

Mr. Painter moved the adoption of the report.

Mr. Megler moved that the report lay on the table until the appointment of the standing committees.

The House refused to lay on the table.

The report was adopted.

Mr. Powell offered House concurrent resolution No. 2, Relative to printing 5,000 copies of the governor's message.

On motion of Mr. Powell, the resolution was adopted.

On motion of Mr. Gandy, the rules were suspended and the clerk was instructed to report the passage of the resolution to the Senate immediately.

On motion of Mr. Gandy, the speaker was authorized to appoint a private secretary at a salary of \$4 per day.

On motion of Mr. Kennedy, as amended by the motion of Mr. Gandy, the sergeant-at-arms was instructed to furnish all representatives of the public press in attendance on the sessions of this House with a reasonable quantity of stationery, for use in reporting the proceedings of the House.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,

OLYMPIA, January 12, 1891.

To the honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have the honor to transmit to you one printed copy of each report of the various state officers, institutions and boards enumerated below: State auditor, superintendent of public instruction, state librarian, attorney general, state agricultural college, Cheney state normal school, state fish commissioner, pilot commissioners, Western Washington hospital for the insane, Eastern Washington hospital for the insane, board of health Puget Sound district, state board of dental examiners, commissioner of insurance, Washington soldiers' home, school for defective youth, Washington state reform school, penitentiary commissioners.

SIG. 3.—HOUSE.

In accordance with section 2 of an act entitled "An act to appoint a commissioner to compile, rearrange and annotate the laws of Washington, and to provide for the publication and distribution thereof, and for the payment therefor," I have this day forwarded to the sergeant-at-arms for proper distribution seventy-eight copies of the remedial code, or code of procedure, of Hon. William Lair Hill, code commissioner.

I have transmitted to the honorable the Senate forty-five bills submitted to me by Mr. Hill, in accordance with section 4 of the act above referred to, and inclose herewith letter received from Mr. Hill on the subject, for such action as you may deem proper.

I have the honor to be your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

[Enclosure received with message from the governor:]

To his Excellency Chas. E. Laughton, Governor of the State of Washington:

SIR—I hand you herewith one hundred and fifty (150) copies of the remedial code of Washington, as prepared, arranged and annotated by me; also, bills for the enactment of such amendments and changes and new sections as seem to me to be necessary to harmonize the code with the constitution and with itself.

This volume embraces procedure in civil and criminal causes. It was my hope to present the penal statutes in the same volume, but that seems impracticable on account of the large bulk to which the volume would be swelled by doing so. It will, therefore, probably be necessary that the penal statutes shall be embraced in the volume containing the general laws; that volume I have been unable, for want of time, to have before you at this time, but will have it before you in a few days.

Instead of a single bill for the enactment of the amendments and alterations required to harmonize this work with the constitution, and to harmonize the laws with themselves, it has become necessary to present a large number of bills covering the same matter. This necessity arises from the provision of the constitution of the state which requires that every bill shall have but one object in view, and that object shall be stated in the title.

The law under which I have been acting, that is the law appointing a code commissioner, contemplating, as I read it, that I shall, as closely as possible, adhere to the laws as they existed—a requirement which seems to me eminently a wise one—I have endeavored to preserve the spirit and purposes, and even the details of the code of 1881, and the laws subsequently passed, and have departed therefrom in no case requiring the introducing of any radical or important change in the proceedings of the courts. In a few instances, not to exceed ten, I am of the opinion that an improvement would have been made by changing the system or adding thereto provisions which would have required something more or something less in procedure than that which has been heretofore followed, but I have not felt at liberty to introduce these changes.

Also, there are some provisions which, as a matter of my own preference, I should have omitted, but have not felt at liberty to do so under

the act appointing me. Especially is this so as to the chapter providing for proceedings in the nature of *ne exeat*. Most of the code states have abolished that writ entirely, and all proceedings in the nature of it.

In arranging the general statutes—that is, the constitution outside of the subject of procedure and all penal statutes—I have taken no liberties whatever with the laws as I found them, excepting in a few instances where sections were in direct conflict with each other; in which instances, of course, the requirements that I harmonize the statutes made necessary such changes as would remove the conflict.

In the volume of remedial code or code of procedure, already in hand, I find upon a rapid examination a considerable number of clerical and typographical errors, which will, of course, be corrected before the volume goes to print finally.

In order that the sources of the various sections may be taken at a glance by persons using the volume, I have indicated the sections taken from the code of 1881—that code having been made by the statute the basis of my work—by preserving in brackets at the beginning of each section in this volume, the number of the section in the code of 1881; and at the close of each section of this volume taken from statutes passed after the code of 1881, I have given the date of the passage of the act, and the number of the section of the original act where it will be found. Those sections in this volume having neither of these indications are sections requiring change by the present legislature, and these are covered by the bills I have prepared. By this arrangement much time and inconvenience will be saved to all persons having occasion to use the statutes. At the end of sections taken from statutes passed subsequently to the code of 1881, will be found the date of their taking effect, whenever that date is specified in the statute; when not specified in the statute, no date is given, as they would then take effect at the time appointed by general law or by the constitution.

In the annotations, I have endeavored to present the points of the decisions of the supreme court of this state and of the territory, construing these statutes; and also of the decisions of the highest courts in some of the leading states in construing similar statutes. I have not endeavored to present all the decisions of other states upon these subjects, but only such as will point out the line of authority. To have embraced all would have caused the volume to multiply itself into many.

No doubt, there will be found many imperfections in my work, which the legislature will correct; but I can only say, I have given it my very best labor and thought, devoting most of my time to it since the time of my appointment, and have had the assistance of persons of large experience in such work. As to the statutes themselves, nothing has been done which has not passed under my own hand and received the most careful attention.

The difficulties of the work were suggested by the former code commissioner, and I have found them certainly no less than I expected them to be.

Very respectfully, your obedient servant,

W. LAIR HILL.

Dated OLYMPIA, WASH., January 7, 1891.

INTRODUCTION OF BILLS.

Mr. Hutchinson introduced House bill No. 8, An act to compel railroad corporations or individuals owning railroads to operate their roads, and declaring an emergency, which was read first time by title, and referred to the Committee on Railroads.

Mr. Hutchinson introduced House bill No. 9, An act to regulate charges for carrying freight and passengers, and declaring an emergency, which was read first time by title, and referred to the Committee on Railroads.

Mr. Flummerfelt introduced House bill No. 10, An act making appropriations for the expenses of the second legislature of the State of Washington, which was read first time by title, and referred to the Committee on Appropriations.

Mr. Anderson, of Whatcom, introduced House bill No. 11, An act legalizing incorporations of municipal corporations of the fourth class, and declaring an emergency, which was read first time by title, and referred to the Committee on Municipal Corporations.

Mr. Dysart introduced House bill No. 12, An act to provide for the appointment, prescribe the duties and powers and defining the mode of proceedings of court commissioners of this state, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Powell introduced House bill No. 13, An act in relation to civil actions against the state, which was read first time by title, and referred to the Committee on Judiciary.

On motion of Mr. Gandy, the rules were suspended and the following bills were taken from the table and referred to the proper committees:

House bill No. 2, An act prescribing the duties of county attorneys, and declaring an emergency, was referred to the Committee on Judiciary.

House bill No. 3, An act to regulate common carriers and creating the railroad and transportation commission of the State of Washington, and defining the duties and powers of such commission in relation to common carriers, and declaring an emergency, was referred to the Committee on Railroads.

House bill No. 5, An act to compel the teaching in the public schools of the State of Washington of physiology and Hygiene, with special reference to the effects of stimulants and narcotics on the human system, was referred to the Committee on Education.

House bill No. 6, An act locating the Washington state agricultural college and school of science, was referred to the Committee on Agricultural College and School of Science.

On motion of Mr. Sharpstein, 300 copies of each bill on the table was ordered printed.

Mr. Frater gave notice that to-morrow he would move to amend the rules of the House so that "all bills shall be ordered printed on the first reading unless otherwise ordered by the House."

Mr. Tyler moved that the House adjourn until 10 o'clock A. M. to-morrow.

The motion was adopted by a divisional vote of 30 yeas to 27 nays, and the House was adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

SEVENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, January 13, 1981. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Davis, Snively, Tyler, and Yancy; excused.

The journal of yesterday was read, corrected and approved.

Mr. Hutchinson presented a petition from members of the Farmers' Alliance, praying for the enactment of laws for the regulation of fares and freights on railroads, which was referred to the Committee on Railroads.

Mr. Hunsaker presented a petition from No. 6 Grange, Patrons of Husbandry, asking for the repeal of the present road law, and making the legal rate of interest six per cent., which was read, and referred to the Committee on Roads and Highways.

The speaker presented resolutions from the Clarke county fruit grower's society and other citizens, asking for the creation of a

state board of horticulture, and an appropriation therefor, which was read, and referred to the Committee on Agriculture.

Mr. Meany presented House concurrent resolution No. 3, Relative to the appointment of a joint committee to be known as the World's Fair Committee, which was read, and on motion of Mr. Meany adopted.

On motion of Mr. Meany, the rules were suspended, and the clerk was instructed to transmit the resolution to the Senate to-day.

Mr. Parcell presented the following resolution and moved its adoption:

Resolved, That the sergeant-at-arms be instructed to furnish each member of this House, and the chief and assistant clerk, with five dollars' worth of postage stamps, and that a certificate for \$400 be issued for the payment thereof.

Mr. Tiffany moved to amend by striking out \$5.00 and inserting \$2.50.

The House rejected the amendment by a divisional vote of 41 nays to 13 yeas.

The resolution was adopted.

On motion of Mr. Sharpstein, the following resolution was adopted, to wit:

Resolved, That in all cases where a bill is ordered printed, 500 copies be printed unless otherwise ordered by the House.

On motion of Mr. Wasson, the following resolution was adopted, to wit:

Resolved, That the sergeant-at-arms be and he is hereby directed and authorized to arrange the office of the postmaster with boxes and other necessary furniture for the convenient and speedy distribution of all mail matter coming to the House.

Mr. Yeomans presented the following resolution and moved its adoption, to wit:

Resolved, That the sergeant-at-arms be requested to procure and furnish to every member of the House a holder for Senate bills.

The resolution was adopted by a divisional vote of 30 yeas to 19 nays.

Mr. Thalman presented House joint resolution No. 1, Relative to an amendment to section 1 of article VIII of the state constitution, which was read first time, and on motion of Mr. Sharpstein, referred to the Committee on Constitution and Revision.

Mr. Hunsaker presented House concurrent resolution No. 4, Relative to the completion of the locks at the Cascades of the

Columbia, which was read and, on motion of Mr. Hunsaker, the resolution was adopted.

Mr. Kennedy presented the following resolution, and moved its adoption, to wit:

Resolved, That the House postmaster be allowed an assistant, and that we now proceed to the election of an assistant.

Mr. Hanson moved that the postmaster be allowed to appear before the House and make a statement as to the necessity for an assistant.

The motion was adopted, and the postmaster appeared and made a statement as to the need of assistance.

The resolution was adopted.

Mr. Dysart moved that the salary of the assistant postmaster be fixed at \$4 per day.

Mr. Schricker moved to amend so as to make the salary \$3.50 per day.

Mr. Megler moved to amend Mr. Schricker's amendment by striking out \$3.50 and inserting \$2.50.

The House refused to adopt Mr. Megler's amendment.

The House adopted Mr. Schricker's amendment.

The motion as amended was adopted.

The House proceeded to elect an assistant postmaster.

Mr. Gandy nominated Mr. E. D. Oliphant, of Garfield county.

Mr. McKnight nominated Miss Annie Johnson, of Lincoln county.

Mr. Schricker nominated Mr. D. E. Crandall, of Thurston county.

Mr. McKay nominated Mr. Guy W. Stocton, of Clarke county.

The roll was called, and the following members voted for Mr. Oliphant, to wit: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bothell, Dysart, Farrish, Fellows, Flummerfelt, Frater, Gandy, Godman, Hanson, Holt, Hunsaker, Kennedy, Lawton, Lehman, Meany, McClure, Miller, Moore, Morse, Painter, Palmer, Parcell, Putney, Reinhardt, Ready, Reitze, Rockwell, Tillotson, Yeomans, and Mr. Speaker—34.

The following members voted for Miss Johnson, to wit: Messrs. Barlow, Caughran, Collins, Cushman, Frame, Garretson, Hutchinson, Johnson, Megler, Metcalfe, McKnight, Murray, Nevin, Pearson, Plummer, Powell, Sallee, Smith, Smyth, Spinning, Taylor, Thalman, Wasson, Walter, and Wyman—25.

The following members voted for Mr. Crandall, to wit: Messrs. Bass, Berry, Brock, Chambers, De Steiguer, Jones, Ragsdale, and Troy—8.

The following members voted for Mr. Stockton, to wit: Messrs. McKay, Schricker, Sharpstein, Tiffany, Walker, and Young—6.

Absent and not voting: Messrs. Andrews, Davis, Snively, Tyler, and Yancy—5

No candidate having received a majority of all the votes cast, there was no election.

The name of Mr. Crandall was withdrawn, and the roll was again called.

The following members voted for Mr. Oliphant, to wit: Messrs. Adams, Anderson of Mason, Arrasmith, Bass, Berry, Bothell, Brock, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Gandy, Godman, Hanson, Holt, Hunsaker, Jones, Kennedy, Lawton, Lehman, Meany, McClure, Miller, Morse, Palmer, Parcell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Yeomans, Young, and Mr. Speaker—36.

The following members voted for Miss Johnson, to wit: Messrs. Anderson of Whatcom, Barlow, Caughran, Chambers, Collins, Cushman, Frame, Frater, Garretson, Hutchinson, Johnson, Megler, Metcalfe, McKay, McKnight, Moore, Murray, Nevin, Painter, Pearson, Plummer, Powell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, and Wyman—37.

Those absent and not voting were: Messrs. Andrews, Davis, Snively, Tyler, and Yancy—5.

Miss Johnson having received a majority of the votes cast, was declared assistant postmaster.

The speaker announced the following standing committees, to wit:

HOUSE STANDING COMMITTEES.

Agriculture.—Arrasmith, Brock, Nevins, Lehman, Lawton, Hunsaker, and Taylor.

Agricultural College and School of Science.—Morse, Wasson, Godman, Gandy, Kennedy, Holt, and Meany.

Appropriations.—Megler, Lehman, Anderson of Whatcom, Morse, Yancy, Garretson, and Snively.

Commerce.—Rockwell, Reitze, Taylor, Anderson of Whatcom, Wasson, Painter, and Flummerfelt.

Compensation and Fees of State and County Officers.—Andrews, Hanson, Palmer, Ragsdale, Murray, Frater, and Moore.

Constitution and Revision.—Garretson, Yancy, Fellows, Johnson, Putney, Godman, and Collins.

Corporations other than Municipal and Railroads.—Tyler, Adams, Reinhardt, Moore, Schricker, Johnson, and Davis.

Counties and County Lines.—Tiffany, Ragsdale, Kennedy, Cushman, Lawton, Morse, and Holt.

Engrossed Bills.—Young, Putney, Wasson, Tillotson, McKnight, Walter, and Schricker.

Enrolled Bills.—Kennedy, Smyth, Adams, Jones, Troy, Frame, and Tiffany.

Education.—Smyth, Gandy, Frame, Berry, Cushman, McClure, Sharpstein, Johnson, and Andrews.

Federal Relations and Immigration.—Powell, Reitze, Morse, Spinning, Schricker, Miller, Yeomans, Painter, and Arrasmith.

Fisheries.—Jones, Megler, Yeomans, Taylor, Troy, Nevin, and Parcell.

Forestry.—Bothell, Pearson, McKay, Bass, and Moore.

Harbors and Navigable Waters.—Wasson, Anderson of Mason, Wyman, Caughran, Frame, Putney, and Sallee.

Hospital for Insane.—Tillotson, Chambers, Powell, Farrish, Hunsaker, Thalman, and Smith.

Insurance.—Ragsdale, Sallee, Barlow, Hutchinson, and Wyman.

Indian Affairs.—Reinhardt, Chambers, Metcalfe, Young, Murray, Wyman, and Reitze.

Judiciary.—Frater, Ready, Godman, Garretson, Miller, Sharpstein, Berry, De Steiguer, and Dysart.

Labor and Labor Statistics.—Adams, Caughran, Reinhardt, De Steiguer, Brock, Arrasmith, Murray, Metcalfe, and Palmer.

Manufactures.—Pearson, Andrews, Schricker, Reinhardt, Rockwell, Wyman, and Plummer.

Medicine, Surgery and Pharmacy.—Chambers, Gandy, Plummer, Kennedy, and Flummerfelt.

Mines and Mining.—Metcalfe, Parcell, Smith, Wyman, McKnight, Dysart, and Davis.

Mileage and Contingent Expenses.—Hutchinson, Garretson, Moore, Hanson, McKnight, McClure, and Troy.

Military Affairs.—Cushman, Megler, Bothell, Troy, Smyth, Holt, Sharpstein, Chambers, and Brock.

Municipal Corporations.—Miller, Andrews, Tyler, Jones, Snively, Frater; and Ragsdale.

Penitentiary.—Painter, Walker, Lehman, Flummerfelt, Bass, Hunsaker, and Tillotson.

Printing and Supplies.—Putney, Frame, Smith, Meany, and Spinning.

Privileges and Elections.—Dysart, Snively, Johnson, Fellows, Caughran, McKay, and De Steiguer.

Public Revenue and Taxation.—Plummer, Powell, Tiffany, Hunsaker, Farrish, Ready, Caughran, Hutchinson, and Lawton.

Railroads.—Ready, Kennedy, Anderson of Mason, Fellows, Tyler, Hutchinson, Thalman, Collins, and Miller.

Roads and Highways.—Berry, McClure, Spinning, Tiffany, Nevin, Lehman, and Rockwell.

Rules and Orders.—Snively, Frater, Davis, Hanson, Brock, Pearson, and Moore.

Reform School and School for Defective Youth.—Yeomans, Dysart, Nevin, Brock, Sallee, Farrish, and Spinning.

School Lands.—Anderson of Mason, Fellows, Farrish, Palmer, Barlow, Lawton, Megler, Young, Troy, and Metcalfe.

State University and Normal Schools.—Meany, Putney, Megler, Walter, Anderson of Whatcom, Sharpstein, Ready, and Farrish.

State Library, Buildings and Public Grounds.—Collins, Pearson, Cushman, Walter, Anderson of Whatcom, Thalman, and Walker.

State Lands.—Godman, Bothell, Walter, Bass, McKay, Collins, and McClure.

State, County and Municipal Indebtedness.—Barlow, Parcell, Jones, Powell, Davis, Wasson, and Rockwell.

Tide Lands.—Yancy, Barlow, Powell, Snively, Anderson of Mason, Putney, Bass, Wyman, and Palmer.

Water, Water Rights and Irrigation.—Flummerfelt, Walker, Davis, Snively, Sharpstein, Plummer, and Smith.

Ways, Means and Claims.—Gandy, Tyler, Bothell, McKay, Godman, Flummerfelt, Young, Yeomans, and Painter.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, OLYMPIA, WASH., January 13, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 2, Relative to printing the governor's message in pamphlet form.

Also, Senate concurrent resolution No. 3, Relative to examining the annotated code, as arranged by Code Commissioner Hill, by committee of the Senate and House.

The same are herewith transmitted to the House for its action.

C. M. BARTON, Secretary.

INTRODUCTION OF BILLS.

Mr. Berry introduced House bill No. 14, An act providing for a superior court judge for Douglas and Okanogan counties, and declaring an emergency, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Dysart introduced House bill No. 15, An act providing that a superior court judge shall be elected for the counties of Lewis, Pacific and Wahkiakum, and declaring an emergency, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Sharpstein introduced House bill No. 16, An act requiring railroad corporations to fence their tracks, which was read first time by title, and referred to the Committee on Railroads and ordered printed.

Mr. Meany introduced House bill No. 17, An act relating to building, loan and saving associations doing a local business, which was read first time by title, and referred to the Committee on Corporations other than Municipal.

Mr. Thalman introduced House bill No. 18, An act fixing the salaries of the justices of the peace and constable in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof, and providing for clerks, office quarters, books, blanks and stationery for said officers, and declaring an emergency, which was read first time by title, and referred to the Committee on Municipal Corporations.

Mr. Frater introduced House bill No. 19, An act providing for a superior court judge for the counties of Snohomish and Skagit, and declaring an emergency, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Fellows introduced House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency, which was read first time by title, and referred to the Committee on Railroads.

Mr. Shaw introduced House bill No. 21, An act to create a state board of horticulture, and appropriate money therefor, which was read first time by title, and referred to the Committee on Agriculture.

Mr. Metcalfe introduced House bill No. 22, An act to punish the counterfeiting of labels, trade marks and advertisements, and the use of counterfeited labels, trade marks and advertisements, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Metcalfe introduced House bill No. 23, An act to prohibit members of the Legislature from accepting bribes, or trading votes upon any matter or question upon which they may be required to act in their official capacity, and providing punishment therefor, which was read first time by title, and referred to the Committee on Mines and Mining.

Mr. Metcalfe introduced House bill No. 24, An act for the relief and protection of workmen in the purchase of store goods and supplies, which was read first time by title, and referred to the Committee on Labor and Labor Statistics.

Mr. Tiffany introduced House bill No. 25, A bill for an act to establish a normal school for the State of Washington at the town of Lynden in Whatcom county, and for the government, management and control of the same, which was read first time by title, and referred to the Committee on State University and Normal Schools.

On motion of Mr. Barlow, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Wednesday, January 14, 1891. }
 10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members were present except Messrs. Andrews, Davis, Ragsdale, Snively, Troy, Tyler, and Yancy; excused.

The journal of yesterday was read, and approved as read.

Miss Annie Johnson was sworn in as assistant postmaster and messenger by the speaker.

Mr. Palmer presented a resolution from the farmers' alliance, of Belle Plain, Garfield county, and a petition from members of the farmers' alliance and others, praying for the enactment of a law regulating fares and freights on railroads.

Mr. Walter presented a resolution from the local farmers' alliance, No. 14, of Spokane county, and a petition from members of the farmers' alliance and others, praying for the enactment of a law regulating freights and fares on railroads.

The resolutions and petitions were referred to the Committee on Railroads.

Mr. Frater presented House concurrent resolution No. 5, Relative to a joint committee being appointed to investigate the matter of public buildings and grounds in the city of Olympia.

Mr. Frater moved the adoption of the resolution, which was adopted by a divisional vote of 28 yeas to 22 nays; and Messrs. McKay, Jones and Painter were appointed as such committee on the part of the House.

Mr. Collins presented the following resolution:

Resolved, That the speaker appoint a committee of five members to report to the House what committees are entitled to clerks, and recommend the salaries to be paid.

On motion of Mr. Gandy, the resolution was adopted; and Messrs. Collins, Frater, Gandy, Anderson of Mason, and Berry were appointed as such committee.

On motion of Mr. Ready, the following resolution was adopted:

Resolved, That the sergeant-at-arms be required to ascertain and report to the House what rooms can be procured for the use of the House committees, and the price asked for the rent of the same.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, January 13, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day forwarded to the sergeant-at-arms for distribution, seventy-eight copies of penal code, prepared by Hon. Wm. Lair Hill, code commissioner, in accordance with section 1 of an act entitled "An act to appoint a commissioner to compile, rearrange and

annotate the laws of Washington, and to provide for the publication and distribution thereof, and for the payment therefor."

I have the honor to be your obedient servant,

CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

INTRODUCTION OF BILLS.

Mr. Flummerfelt introduced House bill No. 26, An act to prevent the driving of stock from their ranges, and providing for the violation of the same, which was read first time by title, and referred to the Committee on Agriculture, and was ordered printed.

Mr. Johnson introduced House bill No. 27, An act providing for a superior judge for the county of San Juan, and declaring an emergency, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Miller introduced House bill No. 28, An act concerning the verification of pleadings and repealing existing laws in conflict with the provisions of this act, and declaring an emergency, which was read first time by title, and referred to the Committee on Judiciary, and was ordered printed.

Mr. Schrieker introduced House bill No. 29, An act regulating the practice of jury trials in justice of the peace courts, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Garretson introduced House bill No. 30, An act creating and establishing municipal courts in cities of the State of Washington having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks thereof, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Hunsaker introduced House bill No. 31, An act to amend an act entitled "An act authorizing and empowering the organized counties of the State of Washington to contract indebtedness, to issue bonds for funding the same, and declaring an emergency," which was read first time by title, and ordered printed; referred to the Committee on State, County and Municipal Indebtedness.

Mr. Hutchinson introduced House bill No. 32, An act for the protection of railroad employes, forbidding certain rules, regulations, contracts and agreements, and declaring them unlawful,

which was read first time by section, and ordered printed; referred to the Committee on Railroads.

Mr. Hutchinson introduced House bill No. 33, An act for the punishment of crimes, which was read first time by title, and referred to the Committee on Labor and Labor Statistics.

Mr. Adams introduced House bill No. 34, An act declaring eight hours labor shall constitute a legal days work on all work done by and for the state, or any county or municipality therein, which was read first time by title, and ordered printed; referred to the Committee on Labor and Labor Statistics.

Mr. Berry introduced House bill No. 35, An act providing for the payment of traveling and incidental expenses of superior court judges, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Taylor introduced House Bill No. 36, An act to repeal section 32 of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," which was read first time by title, and ordered printed; referred to the Committee on Education.

Mr. Taylor introduced (by request) House bill No. 37, An act to create a state board of horticulture, and appropriate money therefor, which was read first time by section, and referred to the Committee on Agriculture.

Mr. Walter introduced House bill No. 38, An act to appropriate the sum of twenty-seven thousand and twenty dollars for the support of the normal school for the State of Washington in the city of Cheney, which was read first time by title, and ordered printed; referred to the Committee on State University and Normal Schools.

Mr. Putney introduced House bill No. 39, An act to establish a normal school for the State of Washington in the town of Willapa City, in Pacific county, and for the government, management and control of the same, which was read first time by title, and ordered printed; referred to the Committee on State University and Normal Schools.

Mr. Fellows introduced House bill No. 40, An act creating a railroad and transportation commission and defining its powers and duties, and declaring an emergency, which was read first time by title, and referred to the Committee on Railroads.

Mr. Spinning introduced House bill No. 41, An act to amend

sections 2776 and 2777 and to repeal section 2793 of chapter CCXXI of the Code of Washington, relating to coroners, their powers and duties, which was read first time by title, and referred to the Committee on Medicine, Surgery and Pharmacy.

Mr. Kennedy introduced House bill No. 42, An act requiring railroads in this state to be fenced, and prescribing rules and regulations therefor, and prescribing the powers, duties and responsibilities of certain officers and others, in relation thereto, and providing penalties for violation of the same, which was read first time by title, and ordered printed; referred to the Committee on Railroads.

The following communication from the secretary of state was read:

OLYMPIA, WASHINGTON, January 13, 1891.

To the Honorable Speaker and Members of the House of Representatives:

GENTLEMEN—In compliance with your request I have distributed legislative journals and laws of last session to members of the House. These books had been previously distributed as the law directs, the secretary of state being required to turn over balance of session laws to state auditor, and balance of legislative journals to state librarian. Nevertheless, I honored the house resolution in order to expedite the business of the legislature, there being enough copies of the books desired still on hand in my office to do so. It is respectfully suggested, however, that the House Judiciary Committee be directed to inquire into the necessity, if any exists, of passing a law to cover this last distribution.

Very respectfully,

ALLEN WEIR,

Secretary of State.

On motion of Mr. Powell, the communication was referred to the Judiciary Committee.

The following communication from the secretary of state was read:

OLYMPIA, WASHINGTON, January 13, 1891.

To the Speaker of the House of Representatives:

SIR—In accordance with the provisions of sections 2 and 7 of the law governing the office of secretary of state, I herewith transmit bill and vouchers for moneys necessarily expended by me in carrying out mandatory laws, and for which no appropriations have been made. I would suggest that immediate action be taken in providing for these items, as money has been borrowed to meet part of them, with obligations and interest coming due this week.

Very respectfully,

ALLEN WEIR,

Secretary of State.

[Enclosure received with communication from secretary of state.]

OLYMPIA, WASHINGTON, January 13, 1891.

State of Washington, debtor to Allen Weir, secretary of state. To moneys advanced to carry out the provisions of mandatory laws for which no appropriations have been made, as follows:

Weights and measures from Geo. D. Barnard & Company.....	\$195 00
Weights and measures from Geo. D. Barnard & Company.....	91 30
Freight and warehouse charges on same.....	57 50
Expressage on weights and measures, Washington, D. C., to Olympia.....	234 00
Interest on same at one per cent. per month from October 3, 1890.....	7 50
Furniture for state capitol for legislature.....	262 50
Bill of G. B. Moore, for cleaning and renovating capitol building.....	50 00
Bill of Samuel Williams, hardware, labor, etc., capitol building.....	76 43
Bill of M. S. Ford, locks, materials and labor, capitol building.....	24 80
Bill of Robert Frost, materials, capitol building.....	1 20
Bill of Dobbins & Merryman, materials, capitol building.....	1 20
Bill of Drewry & Son, drayage.....	4 25
Cash paid by secretary of state, drayage.....	27 25
Bill of Poster & Laberee, drayage.....	1 00
Bill of N. P. Ex. Co., expressage on legislative journals and Barton's Handbook...	94 80
Bill of N. P. Ex. Co., expressage on legislative journals and Barton's Handbook...	33 45
Bill of N. P. Ex. Co., expressage on legislative journals and Barton's Handbook...	22 85
Postage paid by secretary of state.....	16 80
Expenses secretary of state, trip to Ellensburg to locate normal school.....	30 50
Expenses secretary of state, twine, wrapping paper and labor.....	5 00
Bill of Clayton Aldrich, cordwood.....	50 00
Bill of state librarian.....	113 88
Total.....	\$1,401 21

The communication and accompanying bills were referred to the Committee on Ways, Means and Claims.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 14, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 7, entitled "An act extending the time for payment of taxes, remitting penalties, and declaring an emergency"—yeas 31, nays 0; and also passed the emergency clause—yeas 30, nays 0; and adopted the title.

Also, passed unanimously House concurrent resolution No. 3, Relative to the appointment of a joint world's fair committee.

The same are herewith returned to the House.

C. M. BARTON, Secretary.

Senate concurrent resolution No. 2, Relative to printing the governor's message, was read, and on motion of Mr. Gandy, the resolution was amended by striking out the words "nine thousand" and inserting the words "four thousand."

The House concurred in the resolution as amended.

Senate concurrent resolution No. 3, Relative to examining the annotated code as submitted by W. Lair Hill, was read, and on motion of Mr. Gandy the House concurred in the resolution.

Mr. Powell presented the following resolution and moved its adoption:

Resolved, That a committee of three be appointed to segregate and refer to the appropriate committees the different subjects contained in the governor's message.

The House adopted the resolution, and Messrs. Powell, Smyth and Miller were appointed as such committee.

On motion of Mr. Megler, the sergeant-at-arms was instructed to place a bulletin board in the hallway for the use of the standing committees of the House.

On motion of Mr. Gandy, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

NINTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, January 15, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Davis and Yancy; excused.

The journal of yesterday was read, and approved as read.

REPORT OF SPECIAL COMMITTEE ON COMMITTEE CLERKS.

The special committee appointed yesterday to recommend a list of committees that are entitled to clerks made the following report, to wit:

MR. SPEAKER:

Your special committee on clerks recommends that the compensation of the clerk of the Judiciary Committee be \$6 per day, and that the other

committee clerks be at the rate of \$4 per day, and recommend the grouping of the several committees as follows:

1. Judiciary, one clerk.
2. Ways, Means and Claims, Medicine, Surgery and Pharmacy, one clerk.
3. Harbors and Navigable Waters, Tide Lands, School Lands, Mileage and Contingent Expenses, one clerk.
4. Railroads, Counties and County Lines, Agricultural College and School of Science, Forestry, one clerk.
5. Public Revenue and Taxation, Compensation and Fees of State and County Officers, Constitution and Revision, Labor and Labor Statistics, Insurance, one clerk.
6. Appropriations, Municipal Corporations, Hospitals for Insane, School for Defective Youth, Penitentiary, one clerk.
7. Mines and Mining, Water, Water Rights and Irrigation, State University and Normal Schools, Agriculture, Federal Relations and Immigration, one clerk.
8. Roads and Highways, Military Affairs, Indian Affairs, State Lands, Fisheries, one clerk.
9. State Library, Buildings and Public Grounds, Privileges and Elections, Rules and Orders, State, County and Municipal Indebtedness, one clerk.
10. Corporations other than Municipal, Manufactures, Commerce, Printing and Supplies, one clerk.
11. Education, state superintendent of public instruction tenders room and clerk for this committee free of charge.

U. L. COLLINS, Chairman.

Mr. Gandy moved the adoption of the report.

Mr. Plummer moved to amend the report by making the salary of the clerk of the Judiciary Committee \$5 instead of \$6.

The yeas and nays were called for on the adoption of the amendment.

The amendment was adopted by the following vote, to wit: Yeas 67, nays 7, absent and not voting 4.

Those who voted yea were: Messrs. Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker; Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, De Steiguer, Dysart, Garretson, and Meany.

Those absent and not voting were: Messrs. Andrews, Davis, Megler, and Yancy.

Mr. Plummer moved to further amend the report by making the salary of all committee clerks \$5 per day.

The yeas and nays were called for.

The House refused to adopt the amendment by the following vote: Yeas 30, nays 43, absent and not voting 5.

Those who voted yea were: Messrs. Anderson of Whatcom, Ar-rasmith, Barlow, Bothell, Brock, Caughran, Cushman, Farrish, Fellows, Frater, Hanson, Holt, Kennedy, Meany, Metcalfe, Morse, Murray, Painter, Pearson, Plummer, Putney, Ready, Rockwell, Smith, Smyth, Tillotson, Tyler, Wasson, Wyman, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Bass, Berry, Collins, De Steiguer, Dysart, Flummerfelt, Frame, Gandy, Garretson, Godman, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Miller, Moore, Nevin, Palmer, Parcell, Powell, Ragsdale, Reinhardt, Reitze, Sallee, Schricker, Sharpstein, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Walker, Walter, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Chambers, Davis, Megler, and Yancy.

Mr. Plummer moved to further amend the report by inserting the following:

When any committee shall require the services of a clerk, the chairman shall so report to the House, and no clerk shall be employed until such report is made and employment authorized by the House. The several committees authorized to employ a clerk shall then meet, select a clerk, and report his name and date of employment to the chief clerk.

Mr. Snively made the point of order that the amendment was not properly an amendment to the report of the committee, but was more properly a substitute.

The speaker ruled the point of order "not well-taken."

Mr. Gandy appealed from the decision of the chair.

The question being, "Shall the decision of the chair be sustained?" the House sustained the decision of the chair.

The amendment offered by Mr. Plummer was adopted.

On motion of Mr. Sharpstein, the report was amended to read "his or her" where the word "his" occurs.

The report as amended was adopted.

On motion of Mr. Yeomans, the following resolution was adopted:

Resolved, That a committee of five, to consist of the chairmen of five of the principal committees, be appointed to select committee rooms, and that the chairmen of the Committee on Judiciary and Ways, Means and Claims be included as members of such committee.

The speaker announced the chairmen of the following committees as members of such committee, to wit: The Committee on Judiciary, Ways, Means and Claims, School for Defective Youth, Rules and Orders, and Public Revenue and Taxation.

A communication was received from the sergeant-at-arms relative to committee rooms.

On motion of Mr. Plummer, the communication was referred to the committee appointed under the resolution offered by Mr. Yeomans.

REPORT OF COMMITTEE ON SEGREGATION OF GOVERNOR'S MESSAGE.

The committee on segregation of the governor's message made the following report, to wit:

To the House of Representatives, State of Washington:

Your committee, to whom was referred the message of his excellency C. E. Laughton, lieutenant governor, acting governor of the State of Washington, for segregation and appropriate references, have had the same under consideration, and report as follows:

We recommend that the portion of the message relating to elections be referred to the Committee on Privileges and Elections.

That the portion relating to convict labor be referred to the Committee on Penitentiary.

That the portion relating to harbor lines and the portion relating to the Columbia river be referred to the Committee on Harbors and Navigable Waters.

That the portion relating to tide lands be referred to the Committee on Tide Lands.

That the portion relating to educational matter be referred to the Committee on Education.

That the portions relating to the university and the Cheney and Ellensburg normal schools be referred to the Committee on State University and Normal Schools.

That the portion relating to the agricultural college and school of science be referred to the Committee on Agricultural College and School of Science.

That the portions relating to the state library, state capitol, and other

buildings, reform school and soldiers home be referred to the Committee on State Library, Buildings and Public Grounds.

That the portion relating to the national guard and coast defenses be referred to the Committee on Military Affairs.

That the portion relating to the election of United States senators, and the bureau of statistics, agriculture and immigration be referred to the Committee on Federal Relations and Immigration.

That the portion relating to the preservation of our forests and the cultivation of forestry be referred to the Committee on Forestry.

That the portion relating to clerical services of departments, newspaper publication of laws, and the appointment of commissioners by the governor be referred to the Committee on Ways, Means and Claims.

That the portion relating to salaries of county officers be referred to the Committee on Compensation and Fees of State and County Officers.

That the portion relating to printing reports of various state officers and proceedings of constitutional convention be referred to Committee on Printing and Supplies.

That the portion relating to the Washington school for defective youth be referred to the Committee on School for Defective Youth and Reform.

That the portion relating to the penitentiary at Walla Walla and the United States penitentiary at McNeil's Island be referred to the Committee on Penitentiary.

That the portion relating to the railroad and transportation commission be referred to the Committee on Railroads.

That the portion relating to the World's Columbian Fair be referred to the joint Committee (on the part of the House) of the World's Columbian Fair.

That the portion relating to finance be referred to the Committee on Revenue and Taxation.

That the portion relating to state lands be referred to the Committee on State Lands.

That the portion relating to the sale of school lands be referred to the Committee on School Lands.

That the portion relating to the state geologist be referred to the Committee on Mines and Mining.

That the portion relating to the fish commission be referred to the Committee on Fisheries.

That the portion relating to the state board of health and the board of health for the district of Puget Sound be referred to the Committee on Medicine, Surgery and Pharmacy.

That the portion relating to pilot commissioners be referred to the Committee on Commerce.

That the portion relating to the hospital for the insane be referred to the Committee on Hospitals for the Insane.

E. L. POWELL,
S. J. SMYTH,
J. M. MILLER.

On motion of Mr. Taylor, the report was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 15, 1891.

MR. SPEAKER:

The Senate has concurred in the amendment to Senate concurrent resolution No. 2, to strike out 9,000 and insert 4,000 copies of the governor's message.

The Senate has passed Senate bill No. 4, Relative to making nine jurors competent to give a verdict in civil cases—yeas 29, nays 4, and adopted the title of the bill.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF SPECIAL COMMITTEE ON MILEAGE.

The special committee on mileage submitted the following report:

MR. SPEAKER:

Your special committee on mileage would respectfully submit the following report, and recommend its adoption:

<i>Name.</i>	<i>Miles.</i>	<i>Amount.</i>
W. K. Kennedy.....	790	\$79 00
Wm. Farrish.....	1,004	100 40
G. H. Wyman.....	146	14 60
D. R. Jones.....	156	15 60
Smith Troy.....	348	34 80
A. F. Shaw.....	344	34 40
F. C. Yeomans.....	374	37 40
M. M. Godman.....	822	82 20
E. Brock.....	204	20 40
P. E. Berry.....	1,206	120 60
C. H. Flummerfelt.....	616	61 60
James Palmer.....	844	84 40
G. W. Morse.....	278	27 80
A. A. Plummer.....	236	23 60
A. Wasson.....	236	23 60
M. I. Parcell.....	221	22 10
G. B. Walker.....	168	16 80
A. I. Adams.....	154	15 40
C. W. Lawton.....	154	15 40
L. B. Andrews.....	154	15 40
G. W. Yancy.....	154	15 40
E. S. Meany.....	154	15 40
Chas. Reitze.....	154	15 40
G. E. De Steiguer.....	154	15 40
J. S. Sallee.....	176	17 60
J. McKnight.....	194	19 40
Geo. Bothell.....	198	19 80
J. C. Thalman.....	154	15 40
A. H. Chambers.....	2	20
I. C. Rockwell.....	232	23 20
J. M. Ready.....	362	36 20
John Davis.....	362	36 20
J. Hunsaker.....	424	42 40
Geo. Dysart.....	64	6 40
E. P. McClure.....	100	10 00
I. N. Cushman.....	1,030	103 00
R. A. Hutchinson.....	970	97 00
A. H. Anderson.....	80	8 00
H. F. Smith.....	1,100	110 00
F. L. Putney.....	572	57 20

MILEAGE OF MEMBERS—CONCLUDED.

<i>Name.</i>	<i>Miles.</i>	<i>Amount.</i>
F. R. Spinning.....	92	\$9 20
J. C. Taylor.....	114	11 40
W. D. Tillotson.....	74	7 40
J. L. Murray.....	114	11 40
J. D. Caughran.....	74	7 40
L. J. Pearson.....	74	7 40
W. D. Tyler.....	74	7 40
Byron Barlow.....	74	7 40
A. H. Garretson.....	74	7 40
S. J. Smyth.....	74	7 40
G. M. Johnson.....	400	40 00
W. F. McKay.....	352	35 20
W. E. Schricker.....	352	35 20
James Nevin.....	432	43 20
J. W. Frame.....	230	23 00
A. W. Frater.....	230	23 00
J. L. Sharpstein.....	754	75 40
J. C. Painter.....	754	75 40
D. Lehman.....	944	94 40
E. L. Powell.....	920	92 00
A. V. Ragsdale.....	920	92 00
J. E. Gandy.....	920	92 00
A. G. Hanson.....	920	92 00
L. Reinhardt.....	920	92 00
George Fellows.....	960	96 00
L. Walter.....	888	88 80
J. L. Metcalfe.....	1,000	100 00
U. L. Collins.....	40	4 00
J. G. Megler.....	402	40 20
M. Anderson.....	436	43 60
A. W. Tiffany.....	436	43 60
J. M. Miller.....	436	43 60
Samuel Bass.....	436	43 60
D. M. Holt.....	1,112	111 20
O. E. Young.....	1,112	111 20
J. T. Arrasmith.....	1,096	109 60
F. L. Moore.....	1,096	109 60
H. J. Snively.....	426	42 60

W. K. KENNEDY, Chairman,
A. I. ADAMS,
H. F. SMITH.

On motion of Mr. Putney, the report was adopted.

On motion of Mr. Kennedy, certificates were ordered issued in payment of amount due each member for mileage.

The speaker announced the appointment of Joseph L. Reed as private secretary on the 14th inst.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Collins introduced House bill No. 43, An act to provide for a judge for the superior courts of the counties of Thurston and Mason, and declaring an emergency, which was read first time by title, and referred to Committee on Judiciary.

Mr. Hutchinson introduced House bill No. 44, An act to provide for weekly payment of wages by employers, which was read first time by title, and referred to Committee on Labor and Labor Statistics.

Mr. De Steiguer introduced House bill No. 45, An act to cure defective titles to real estate, by providing for the collection of unpaid taxes and assessments and by securing record evidence in relation to real estate sold for taxes or assessments in the offices of county treasurers and auditors, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Troy introduced House bill No. 46, An act providing for a superior court judge for the county of Clallam, and declaring an emergency to exist, which was read first time by title, and referred to Committee on Judiciary.

Mr. Painter introduced House bill No. 47, An act relating to giving of bonds required by law, which was read first time by title, and referred to Committee on Judiciary.

Mr. Johnson introduced House bill No. 48, An act providing for the arrest and punishment of drunken and disorderly persons in towns, villages or precincts not incorporated, defining the duties of sheriff and constables in relation thereto, and providing for a penalty for neglect of duty in connection therewith, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Hunsaker introduced House bill No. 49, An act for the protection of brook and mountain trout, and declaring an emergency, which was read first time by title, and referred to the Committee on Fisheries.

Mr. Walter introduced House bill No. 50, An act to establish a bureau of statistics of labor, considered in all its relation to the growth and development of state industries, which was read first time by title, and ordered printed; referred to the Committee on Labor and Labor Statistics.

Mr. Garretson introduced House bill No. 51, An act to amend section 6 of an act entitled "An act to prescribe the duties and fix the compensation of the reporter of the supreme court," approved December 20, 1889, and declaring an emergency, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Snively introduced House bill No. 52, An act to provide for the appointment of court commissioners and defining their powers, duties and compensation, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Snively introduced House bill No. 53, An act providing for the appointment of official stenographers for the superior courts of

this state, and fixing their compensation and duties, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Meany introduced House bill No. 54, An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893, and to provide for the levy and collection of a tax and to create a fund therefor; to provide for the expenditure of such fund, and declaring an emergency, which was read first time by title, and referred to the Joint World's Fair Committee.

Mr. Gandy introduced House bill No. 55, An act increasing the number of county commissioners in counties of 25,000 inhabitants or over, which was read first time by title, and referred to the Committee on Counties and County Lines.

Senate bill No. 4, An act providing that nine jurors may make a verdict in all civil cases tried by a jury of twelve; declaring the duty of the jury when the verdict is agreed upon, also when the jury may be discharged, and repealing all laws in conflict, was read first time by title, and referred to the Committee on Judiciary.

On motion of Mr. Barlow, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TENTH DAY.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Friday, January 16, 1891, }
 10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Davis and Yancy; excused.

Prayer was offered by Rev. J. R. Thompson.

The journal of yesterday was read, and approved as read.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 7, entitled "An act extending the time for payment of taxes, remitting penalties and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 7 in open session of the House.

Mr. Thalman presented House concurrent resolution No. 6, Relative to an amendment to section 12 of article II of the state constitution, which was read, and referred to the Committee on Constitution and Revision.

Mr. Bothell presented House memorial No. 1, Relative to a naval station at Point Turner, which was read, and referred to the Committee on Federal Relations and Immigration.

Mr. Dysart presented a petition from the members of the Lewis county bar, praying for the re-organization of the judicial district to which Lewis county belongs. The petition was referred to the Committee on Judiciary.

REPORT OF COMMITTEE ON RULES AND ORDERS.

The Committee on Rules and Orders submitted the following report:

MR. SPEAKER:

Your Committee on Rules and Orders begs leave to report that it has conferred with the Committee on Rules and Joint Rules of the Senate, and that your committee and the Committee on Rules and Joint Rules on the part of the Senate have agreed upon the following joint rules for the Senate and House of Representatives:

COMMITTEES OF CONFERENCE AND FREE CONFERENCE.

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 amendments 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 report-

ing committees as to the difference 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.

MESSAGES.

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 door-keeper, enter within the bar, announce and deliver his message.

BILLS.

RULE 3. Each house shall communicate its final action on any bill, or resolution, or matter in which the other may be interested, 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 such 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 shall be founded.

PRINTING.

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.

RESOLUTIONS

RULE 8. Joint resolutions 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 treated in all respects as bills.

VETOES.

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 disapproved 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 the 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.

And we respectfully recommend that these rules be adopted.

H. J. SNIVELY,

Chairman Committee on Rules and Orders.

On motion of Mr. Dysart, the joint rules reported by the committee were adopted.

REPORT OF THE COMMITTEE ON APPROPRIATIONS.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to which was referred House bill No. 10, entitled "An act making appropriations for the expenses of the second legislature of the State of Washington," respectfully reports the bill back to the House with the recommendation that it be amended by striking out the word "sixty," in third line of section 1, and placing the word "seventy" in its place; and when thus amended the bill do pass.

J. G. MEGLER, Chairman.

On motion of Mr. Flummerfelt, the report was adopted.

The following communication was read:

MR. SPEAKER:

The following committees respectfully represent that they need the services of a clerk at once, to wit:

Committee on Manufactures, L. J. Pearson, chairman.

Committee on Corporations other than Municipal and Railroads, W. D. Tyler, chairman.

Committee on Commerce, Ira C. Rockwell, chairman.

Committee on Printing and Supplies, Forrest L. Putney, chairman.

On motion of Mr. Gandy, the committees above named were authorized to employ a clerk.

The following committees, to wit: Committee on Railroads, Committee on Agricultural College and State Normal Schools, Committee on Forestry, and Committee on Counties and County Lines, reported that they were in need of a clerk, and on motion of Mr. Smyth they were authorized to employ a clerk for the service of the committees jointly.

REPORT OF SPECIAL COMMITTEE ON COMMITTEE ROOMS.

The following report was read:

To the Speaker and House of Representatives:

Your special committee on committee rooms beg leave to report as follows: We recommend that the sergeant-at-arms of the House be instructed to procure one room at the Olympia Hotel at once, for the use of such committees as have business at the present time.

We further recommend that the matter of securing other rooms be deferred until after the election of United States senator, when in the opinion of the committee, rooms will be plenty, and can be secured at less rental than at the present time, and in more convenient locations.

A. W. FRATER, Chairman.

On motion on Mr. Sallee, the report was adopted.

The Committee on Judiciary asked for and was granted authority to employ a clerk.

Mr. Chambers moved that a special committee of three be appointed to take up the reports of the state officers (other than the governor's message) and examine them and recommend what committees they be referred to.

The motion was adopted, and Messrs. Chambers, Godman and Megler were appointed as such committee.

On motion of Mr. Sharpstein, the rules were suspended and rule 41 was amended by striking out the words "upon the first reading of a bill it may be ordered printed by a majority vote of the House," and inserting the words "all bills referred to a committee shall be ordered printed unless otherwise ordered by the House."

INTRODUCTION OF BILLS.

Mr. Adams introduced House bill No. 56, An act providing for the election and term of office of county commissioners, which was read first time by title, and ordered printed; referred to the Committee on Counties and County Lines.

Mr. Bothell introduced House bill No. 57, An act to amend section 842 of the code of Washington, relating to malicious trespass, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Tillotson introduced House bill No. 58, An act confirming sheriffs' deeds made by the successor in office of sheriffs who have sold land in pursuance of law but have neglected to make deeds therefor, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Sharpstein introduced House bill No. 59, An act providing for the payment of bailiffs of the superior courts, and declaring an emergency, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Sharpstein introduced House bill No. 60, An act to amend sections 6 and 33 of an act entitled "An act relating to building, loan and saving associations doing a general business," and declaring an emergency, which was read first time by title, and ordered printed; referred to the Committee on Corporations other than Municipal and Railroads.

Mr. Barlow introduced House bill No. 61, An act authorizing associations, corporations and unions of workmen to adopt and use labels and trade-marks, and to punish the unauthorized manufacture, use or sale of such labels and trade-marks, and to punish the counterfeiting and fraudulent use, manufacture or sale of the same, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Spinning introduced House bill No. 62, An act granting certain powers and authority to cities of the third class, relating to assessment, levy and collection of taxes, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Schricker introduced House bill No. 63, An act requiring corporations owning lands in this state to file a certified copy of articles of incorporation with county auditor, which was read first time by title, and ordered printed; referred to the Committee on Corporations other than Municipal and Railroads.

Mr. Jones introduced House bill No. 64, An act to provide for a judge of the superior court of the county of Chehalis, and declaring an emergency, which was read first time by title, and referred to the Committee on Judiciary.

Mr. Cushman introduced House bill No. 65, An act to create and organize the county of Big Bend, and declaring an emergency, which was read first time by title, and ordered printed; referred to the Committee on Counties and County Lines.

Mr. Plummer introduced House bill No. 66, An act creating the office of public administrator and defining the duties thereof, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Plummer introduced House bill No. 67, An act to establish a bureau of statistics, agricultural and immigration; to provide for the appointment of a commissioner of said bureau, prescribing his duties and compensation; making an appropriation for the same, and declaring an emergency, which was read first time by title, and ordered printed; referred to the Committee on Federal Relations and Immigration.

The following communication was read:

MR. SPEAKER:

Your Committees on Harbors and Navigable Waters, Tide Lands, School Lands, and Mileage and Contingent Expenses, have immediate need of the services of a clerk, and respectfully ask authority to employ a clerk at once.

A. WASSON,

Chairman Com. on Harbors and Nav. Waters.

B. BARLOW,

Chairman Committee on Tide Lands.

A. H. ANDERSON,

Chairman Committee on School Lands.

RICHARD A. HUTCHINSON,

Chairman Committee on Mileage and Expenses.

On motion of Mr. Plummer, the committees were authorized to employ a clerk as asked for.

Mr. Plummer moved that committees having bills in charge be instructed to report back to the House such bills as they desire to have printed.

The report was adopted by a divisional vote of 38 yeas to 16 nays.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 15, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 22, entitled "An act providing for the distribution to the members of the legislature the code of 1881 and the journals and session laws of 1889 and 1890.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

Senate bill No. 22, An act providing for the distribution to the members of the legislature, the code of 1881 and the journals and session laws of 1889-90, was read first time by title, and referred to the Committee on Judiciary.

House bill No. 10, An act making appropriations for the expenses of the second legislature of the State of Washington, was read second time, and on motion of Mr. Megler the rules were suspended and the bill was considered engrossed and read third time by section, and passed by the following vote, to wit: Yeas 72, nays none, absent and not voting 6.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Davis, McKnight, Plummer, Smith, and Yancy.

The title of the bill was agreed to.

On motion of Mr. Megler, the rules were suspended, and the clerk was instructed to report the passage of the bill to the Senate today.

The following communication was read:

MR. SPEAKER:

Your committees on Compensation and Fees of State and County Officers, Public Revenue and Taxation, Constitution and Revision, Labor and Statistics, and Insurance, respectfully petition the House for authority to employ a clerk.

A. I. ADAMS,
A. H. GARRETSON,
A. A. PLUMMER,
A. V. RAGSDALE.

On motion of Mr. Gandy, the committees were authorized to employ a clerk, as asked for in the communication.

Messrs. Anderson of Mason, De Steiguer, Dysart, Schricker, Taylor, and Tillotson were excused until Monday.

On motion of Mr. Parcell, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

ELEVENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday, January 17, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Caughran, Davis, Dysart, Reitze, Schricker, Taylor, Tillotson, Wyman, and Yaney; excused.

The journal of yesterday was read, and approved as read.

Mr. Cushman presented a petition from citizens of Lincoln county, asking for the division of said county. The petition was referred to the Committee on Counties and County Lines.

Mr. Hutchinson presented a resolution from the Reardon farmers' alliance No. 117, of Lincoln county; also, resolutions from Pleasant Valley farmers' alliance No. 152, of Lincoln county; also, a petition from the county farmers' alliance of Lincoln county; also, petition from members of the farmers' alliance and other citizens of the state, praying for the passage of a bill regulating freights and fares on railroads, which were read and referred to the Committee on Railroads.

Mr. Hutchinson presented resolutions from the Lincoln county farmers' alliance favoring the appropriation of not more than \$100,000 for the World's Fair; also, a petition from the same body asking for the funds allowed for such purpose to be expended by a committee representing the resources of the state, and that at least one farmer be placed on such committee; the petition and resolutions were referred to the Joint Committee on World's Fair.

The following communications were read:

MR. SPEAKER:

The Committees on Public Revenues and Taxation, Labor and Labor Statistics, Compensation and Fees of State and County Officers, and Constitution and Revision, have selected Mr. E. L. Suter as clerk. Mr. Suter entered upon the discharge of his duties January 16, 1891.

(For the several committees) A. A. PLUMMER,
Acting chairman.

OLYMPIA, WASH., January 17, 1891.

To the Honorable Speaker and Members of the House of Representatives:

GENTLEMEN — As chairman of the Committee on Harbors and Navigable Waters, which is grouped with the Committees on School Lands, Tide Lands, and Mileage and Contingent Expenses, I would respectfully report that we have selected Mr. J. W. Lysons as clerk of said group. He will begin his labors at once.

Respectfully,
A. WASSON.

OLYMPIA, WASH., January 17, 1891.

The Committees on Railroads, Counties and County Lines, Agricultural College and School of Science, and Forestry, have selected D. C. Conover as their clerk.

G. W. MORSE,
J. M. READY,
GEORGE BOTHELL,
A. W. TIFFANY.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., January 17, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 13, entitled "An act to amend section 5 of an act entitled 'An act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such cases, approved March 22, 1890.'"

Also, passed Senate bill No. 12, An act in relation to costs in convictions for felony in the superior courts of the state, providing the manner of paying the same, and declaring an emergency, and also passed the emergency clause.

Also, passed Senate bill No. 1, Fixing the salaries of the justices of the peace and constables in incorporated cities and towns having more than 5,000 inhabitants, providing for the payment thereof, and providing for clerks, office quarters, books, blanks and stationery for said officers, and declaring an emergency, and also passed the emergency clause.

Also, passed House bill No. 10, An act making appropriations for the expenses of the second legislature of the State of Washington.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

MESSAGE FROM THE SENATE.

The following message was also received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 17, 1891.

MR. SPEAKER:

The president has signed House bill No. 7, entitled "An act extending the time for payment of taxes," etc., the same having been enrolled, and signed by the speaker.

The president has also signed Senate concurrent resolutions Nos. 1, 2 and 3, which have passed both houses and been duly enrolled, and are herewith transmitted for the signature of the speaker.

C. M. BARTON, Secretary.

REPORTS OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 47, entitled "An act relating to giving of bonds required by law," respectfully reports the bill back to the House with the recommendation that the same do not pass.

A. W. FRATER, Chairman.

Mr. Gandy moved to lay the report on the table.

The House refused to lay on the table.

On motion of Mr. Snively, the report was adopted, and the bill was indefinitely postponed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 13, entitled "An act in relation to civil actions against the state," respectfully reports the bill back to the House with the recommendation that said bill be amended by striking out all of section three (3), and that the bill do pass as amended.

A. W. FRATER, Chairman.

On motion of Mr. Gandy, the amendment reported was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled bills respectfully reports that the enrolled copy of House bill No. 10, entitled "An act making appropriations for the expenses of the second legislature of the State of Washington," has been carefully compared with the engrossed copy thereof, and found correctly enrolled. Respectfully submitted,

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 10 in open session of the House.

A communication from the charter committee of Spokane Falls, asking for the enactment of a law establishing municipal courts, was read, and referred to the Committee on Municipal Corporations.

A communication from Mr. E. W. Barnes, a member of the House of Representatives of the Oregon legislature, in regard to building of a wagon road from Anatone, in the State of Washington, to the Oregon line, was read and referred to the Committee on Roads and Highways.

The speaker signed Senate concurrent resolutions Nos. 1, 2 and 3 in open session of the House.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Spinning introduced House memorial No. 2, Relative to the election of United States senators by popular vote, which was read first time, and referred to the Committee on Federal Relations and Immigration.

Mr. Ready introduced House bill No. 68, An act to provide for the payment of certain expenses of judges of the supreme court and of the judges of the superior courts, and to declare an emergency, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Ready introduced House bill No. 69, An act to prevent the spread of Chinese, Canada or bull thistles, and providing penalties for the violation thereof, which was read first time by title, and ordered printed; referred to the Committee on Agriculture.

Mr. Hutchinson introduced House bill No. 70, An act to provide for the suppression of gaming, which was read first time by title, and ordered printed; referred to the Committee on Mileage and Contingent Expenses.

Mr. Yeomans introduced House bill No. 71, An act providing for completion of Washington school for defective youth, which was read first time by title, and ordered printed; referred to the Committee on Reform School and School for Defective Youth.

Mr. Miller introduced House bill No. 72, An act concerning betting or wagering by members of the legislature, and declaring an emergency, which was read first time by title, and ordered printed; referred to the Committee on Mines and Mining.

Senate bill No. 1, An act fixing the salaries of justices of the peace and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof,

and providing for clerks, office quarters, books, blanks and stationery for said officers, and declaring an emergency, was read first time by title, and referred to the Committee on Municipal Corporations.

Senate bill No. 12, An act in relation to costs in convictions for felony before the superior courts of the state, providing the manner of payment of the same, and declaring an emergency, was read first time by title, and referred to the Committee on Judiciary.

Senate bill No. 13, An act to amend section 5 of an act entitled "An act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such cases," approved March 22, 1890, was read first time by title, and referred to the Committee on Judiciary.

House bill No. 53, An act providing for the appointment of official stenographers for the superior courts of this state, and fixing their compensation and duties, was ordered printed.

The report of the Judiciary Committee on House bill No. 53 was laid on the table, to be taken up with the bill.

The Committee on Corporations other than Municipal and Railroads reported House bill No. 17, An act relating to building, loan and saving institutions doing a local business, back to the house, and asked that the bill be printed. The bill was ordered printed.

Mr. Gandy moved that when the House adjourn to-day it be to meet at 2 o'clock P. M. on Monday.

The motion was adopted.

On motion of Mr. Smyth, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTEENTH DAY.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Monday, January 19, 1891. }
 2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members were present except Messrs. Andrews and Davis.

The journal of yesterday was read, and approved as read.

On motion of Mr. Gandy, the following resolution was adopted, to wit:

Resolved, That it is the sense of this House that in view of the cramped condition of the House chamber, that tickets of admission to the balloting for United States senator, on the 20th of January, 1891, at 12 o'clock noon, be issued by the chief clerk of the House; three to each member of the House any state officers, and one to all ex-members of the state and territorial legislature.

Mr. Snively moved that a committee of three be appointed to prepare a bill amending the election law, and that such committee be required to report a bill to this House to-morrow.

The motion was adopted, and Messrs. Snively, Frater and Tyler were appointed as such committee.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
 OLYMPIA, WASH., January 19, 1891.

MR. SPEAKER:

The president has signed House bill No. 10, entitled "An act making appropriations for the expenses of the second legislature of the State of Washington," which has passed both houses, and which has been duly enrolled and signed by the speaker, and the same is herewith returned to the House.

C. M. BARTON, Secretary.

REPORT OF THE COMMITTEE ON LABOR AND LABOR STATISTICS.

The Committee on Labor and Labor Statistics made the following report:

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to whom was referred

House bill No. 24, An act for the relief and protection of workmen in the purchase of store goods and supplies, and House bill No. 44, An act to provide for the weekly payment of wages by employers, respectfully reports the bill back to the House and ask that they be printed.

A. I. ADAMS, Chairman.

On motion of Mr. Lawton, the bills were ordered printed.

Mr. Ready, of Kittitas county, announced the death of Hon. John W. Davis, member of the House from Kittitas county, and presented the following resolutions:

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. John W. Davis, late representative for the county of Kittitas.

Resolved, That a committee of three members be appointed to attend the funeral of the deceased.

Resolved, That the Senate and his excellency the governor be informed of the death of Hon. John W. Davis, and that a copy of these resolutions be immediately transmitted to the Senate.

Resolved, That the House do now adjourn.

On motion of Mr. Snively, the resolutions were adopted, and Messrs. Sallee, Murray and Holt were appointed as a committee to attend the funeral of the deceased, and the House then adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FOURTEENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Tuesday, January 20, 1891. }
 10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Mr. Andrews.

The journal of yesterday was read, and approved as read.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, January 20, 1891.

To the Honorable the House of Representatives of the State of Washington:

I have this day signed and approved House bill No. 10, entitled "An act making appropriations for the expenses of the second legislature of the State of Washington." I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

On motion of Mr. Plummer, the following resolution was adopted:

Resolved, That the Committee on Labor and Labor Statistics, Committee on Insurance, and the Committee on Constitution and Revision, be allowed a clerk at a salary of \$4 per day.

Mr. Yeomans presented a notice of a motion to be made tomorrow, to amend rule 38, by adding the words "and neither of them shall be debatable."

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 20, 1891.

MR. SPEAKER:

The Senate has passed Senate memorial No. 2, Relative to public land grants for the state of Washington, and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

INTRODUCTION OF BILLS.

Mr. Plummer introduced House bill No. 73, An act providing for the assessment and taxation of agricultural lands in the State of Washington, which was read first time by title, and ordered printed; referred to the Committee on Public Revenue and Taxation.

Mr. Anderson, of Mason, introduced House bill No. 74, An act to provide for one judge for the superior courts of the counties of Chehalis and Mason, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Schricker introduced House bill No. 75, An act to provide for the organization, general powers, management, control and liquidation of banking associations, defining the liabilities of

shareholders therein, and providing penalties for the violation of this act, which was read first time by title, and ordered printed; referred to the Committee on Corporations other than Municipal and Railroads.

Mr. Tiffany introduced House bill No. 76, An act to amend an act providing for dividing the counties of this state into commissioner districts, by making said commissioners to be elected by the qualified electors of the districts in which they reside, which was read first time by title, and ordered printed; referred to the Committee on Counties and County Lines.

Mr. Flumerfelt introduced House bill No. 77, An act making appropriations for the per diem and expenses of boards of county commissioners in selecting and appraising school lands, which was read first time, and referred to the Committee on Appropriations.

Mr. Arrasmith introduced House bill No. 78, An act providing for the establishment of an agricultural college in the State of Washington, and county of Whitman, and for a commission to locate the same, which was read first time by title, and ordered printed; referred to the Committee on Agricultural College and School of Science.

Mr. Ready introduced House bill No. 79, An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof, which was read first time by title, and ordered printed; referred to the Committee on Railroads.

Mr. Berry introduced House bill No. 80, An act in relation to security for costs in civil actions in superior courts, and declaring an emergency, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Sharpstein introduced House bill No. 81, An act for the incorporation of bar associations, which was read first time by title, and ordered printed; referred to the Committee on Judiciary.

Mr. Sharpstein introduced House bill No. 82, An act to prevent unjust and unreasonable charges, and to fix the maximum charges for the transportation of passengers on railroads in this state, which was read first time by title, and ordered printed; referred to the Committee on Railroads.

Mr. Ready introduced House bill No. 83, An act concerning the screening and weighing of coal, which was read first time by title, and ordered printed; referred to the Committee on Mines and Mining.

Mr. Ready introduced House bill No. 84, An act concerning passenger rates and fares on railroads, which was read first time by title, and ordered printed; referred to the Committee on Railroads.

Mr. Painter introduced House bill No. 85, An act to appropriate money to cover the deficiency for maintaining the state penitentiary to January first, eighteen hundred and ninety-one, which was read first time by title, and ordered printed; referred to the Committee on Appropriations.

Mr. Parcell introduced House bill No. 86, An act to secure to workmen the payment of wages in lawful money, which was read first time by title, and ordered printed; referred to the Committee on Labor and Labor Statistics.

Senate memorial No. 2, Relative to public land donations, was read first time by title, and referred to the Committee on State Lands.

Mr. Snively moved that at the hour of 2:30 P. M. to-day, the House proceed to ballot for United States senator.

The speaker ruled the motion out of order.

Mr. Snively appealed from the decision of the chair.

The House sustained the chair by a divisional vote of 35 yeas to 28 nays.

On motion of Mr. Snively, the House reconsidered the vote by which it adopted that portion of the resolution offered by Mr. Gandy yesterday fixing the hour for taking a ballot for United States senator.

That portion of the resolution pertaining to the hour for balloting for United States senator being before the House on reconsideration, Mr. Megler moved to amend the resolution so as to make the hour for taking the ballot 2 o'clock P. M.

Mr. Schricker moved to amend the amendment to read 2:30 P. M.

The House rejected Mr. Schricker's amendment by a divisional vote of 39 yeas to 32 yeas.

Mr. Megler's amendment was adopted.

The resolution as amended was adopted.

Mr. Yancy moved that persons admitted to the House during the ballot for United States senator to-day, be permitted to retain their tickets, and that they be allowed to enter on them to-morrow.

The House rejected the motion.

Mr. Gandy moved that a committee of three members be ap-

pointed on the part of the House, to act with a like committee on the part of the Senate, to arrange for the printing and distribution of tickets for the joint session to-morrow.

The motion was adopted, and Messrs. Gandy, Frater and Yancy were appointed as such committee on the part of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 20, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 2, Relative to the appointment of a joint committee to inquire into the management of the several state officers, etc. Messrs. Van Houten and Luce have been appointed on the part of the Senate. C. M. BARTON, Secretary.

On motion of Mr. Powell, the House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, January 20, 1891, }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Mr. Andrews.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER,

OLYMPIA, WASH., January 20, 1891.

MR. SPEAKER:

The Senate has appointed Messrs. Rutter and Claypool to cooperate with the committee on behalf of the House relative to the printing and distributing of tickets of admission to the joint session to-morrow.

C. M. BARTON, Secretary.

Mr. Snively moved to reconsider the vote by which the House fixed the hour for taking a ballot for United States senator.

The yeas and nays were demanded.

The roll was called on the adoption of the motion to reconsider,

and the House refused to adopt the motion, by the following vote, to wit: Yeas 31, nays 45, absent and not voting 1.

Those who voted yea were: Messrs. Anderson of Mason, Barlow, Bass, Caughran, Chambers, Dysart, Flummerfelt, Garretson, Godman, Holt, Hutchinson, Johnson, Miller, Moore, Murray, Nevin, Palmer, Pearson, Rockwell, Sharpstein, Smith, Smyth, Snively, Spinning, Schricker, Taylor, Tiffany, Tillotson, Troy, Tyler, and Walter.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Collins, Cushman, De Steiguer, Farrish, Fellows, Frame, Frater, Gandy, Hanson, Hunsaker, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Morse, Painter, Parcell, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Sallee, Thalman, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Andrews was absent.

Mr. Metcalfe rose to a question of privilege and said: "Mr. Speaker—I hold in my hand a package containing five hundred dollars in money, which was paid to me by Mr. Harry Clarke, of Spokane Falls, with the understanding that I was to cast my vote for William H. Calkins for U. S. senator. I send the money to the speaker's desk to be disposed of as the House shall direct."

Mr. Kennedy moved that a committee of five (three republicans and two democrats) be appointed to investigate the matter of attempted bribery and that such committee have power to summon witnesses and take testimony.

The House adopted the motion, and Messrs. Kennedy, Meany, Holt, Godman and Barlow were appointed as such committee.

Mr. Tiffany moved that the committee of investigation be instructed to investigate the matter referred to it, and to report its findings to the House at 8 o'clock this evening, and that the House now adjourn until that hour, and that after reassembling this evening and hearing the report of the committee, the House then proceed to ballot for U. S. senator.

The motion was adopted, and the House adjourned until 8 o'clock p. m.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Tuesday, January 20, 1891. }
 8 o'clock P. M.

The House was called to order at 8 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Mr. Andrews.

Mr. Kennedy, chairman of the special committee appointed at the afternoon session to-day to investigate the charges of bribery made by Mr. Metcalfe, reported that the committee had been unable to complete the investigation and make a report in the time allowed it, and asked that the committee be granted further time in which to investigate and report.

Mr. Tillotson moved that the special order for the hour, to wit, balloting for United States senator, be suspended for thirty minutes.

The House refused to suspend the special order.

Mr. Garretson moved that the House take a recess until 10 o'clock A. M. to-morrow.

The chair ruled the motion out of order.

Mr. Garretson appealed to the House.

The House sustained the decision of the chair.

Nominations for United States senator were declared in order.

Mr. Tyler, of Pierce county, nominated Mr. W. H. Calkins, of Pierce county; Mr. Tiffany, of Whatcom county, and Mr. McClure, of Lewis county, seconded the nomination of Mr. Calkins.

Mr. De Steiguer, of King county, nominated Watson C. Squire, of King county; Mr. Walker, of King county, and Mr. Collins, of Thurston county, seconded the nomination of Mr. Squire.

Mr. Godman, of Columbia county, nominated Mr. Thomas Carroll, of Pierce county; Mr. Anderson, of Mason county, and Mr. Sharpstein, of Walla Walla county, seconded the nomination of Mr. Carroll.

There being no other nominations, the roll was called.

Forty-three members voted for Mr. Squire, to wit: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Collins, Cushman, De Steiguer, Farrish, Fellows, Frater, Gandy,

Hanson, Hunsaker, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McKay, McKnight, Morse, Painter, Parcell, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Sallee, Thalman, Wasson, Walker, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Seventeen members voted for Mr. Carroll, to wit: Messrs. Anderson of Mason, Bass, Chambers, Flummerfelt, Frame, Godman, Holt, Hutchinson, Moore, Nevin, Rockwell, Schricker, Sharpstein, Smith, Snively, Troy, and Walter.

Fifteen members voted for Mr. Calkins, to wit: Messrs. Barlow, Caughran, Dysart, Garretson, Johnson, McClure, Murray, Palmer, Pearson, Smyth, Spinning, Taylor, Tiffany, Tillotson, and Tyler.

Mr. Miller voted for Edward Eldridge

Mr. Squire received the votes of a majority of all members of the House.

On motion of Mr. Megler, the House adjourned until 11:30 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTEENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Wednesday, January 21, 1891. }
 11:30 o'clock A. M.

The House was called to order at 11:30 o'clock A. M.; the speaker in the chair.

The roll was called. All the members were present except Mr. Andrews.

The journal of yesterday was read, and approved as read.

REPORT OF SPECIAL COMMITTEE.

The special committee appointed to draft a bill amending the election law submitted the following report:

To the Honorable House of Representatives:

Your special committee, appointed to draft a bill providing for filling of vacancies in the legislature of the State of Washington, respectfully report:

That they have agreed upon, and that they recommend the passage of the bill hereto attached; and they recommend, owing to the emergency for a statute upon this subject, that the rules be suspended, and that this bill be read first and second time to-day.

Respectfully submitted.

H. J. SNIVELY, Chairman.

On motion of Mr. Snively, the rules were suspended, and House bill No. 87, A bill for an act to be entitled "An act relating to the filling of vacancies in the legislature of the State of Washington," was introduced, and read first and second time by title.

REPORT OF SPECIAL COMMITTEE.

The special committee appointed to investigate the charges of bribery, submitted the following report:

MR. SPEAKER:

The committee appointed to investigate the charges of bribery, made in this House yesterday, met this morning, and it was determined by the committee, after consultation, that it would be impossible to reach a conclusion at this time upon the matter submitted to it, and under the circumstances it was deemed advisable by the committee to adjourn to a future time to complete its investigation.

OLYMPIA, WASH., January 21, 1891.

W. K. KENNEDY,
D. M. HOLT,
E. S. MEANY,
B. BARLOW,
M. M. GODMAN,
Committee.

On motion of Mr. McKnight, as amended by Mr. De Steiguer, the report of the committee was adopted, and it was given further time in which to complete the investigation.

JOINT SESSION.

At the hour of 12 o'clock noon, the State Senate appeared at the bar of the House, and was announced by the sergeant-at-arms.

The Senators were provided with seats within the bar of the House, and at the request of the speaker of the House the president of the Senate took the chair.

The secretary of the Senate called the roll of the Senate, and all the senators answered to their names.

The chief clerk of the House called the roll of the House, and all

the members answered to their names except Mr. Andrews, of King county.

The secretary of the Senate read that portion of the Senate journal of yesterday relating to the ballot for United States senator.

The chief clerk of the House read that portion of the House journal of yesterday relating to the ballot for United States senator.

It appeared from the reading of the journals of each House that no person had received a majority of all the votes cast in each house, and that therefore there was no election.

The roll of the Senate was called by its secretary, and the roll of the House was called by the chief clerk, and sixteen senators and forty-two representatives voted for Watson C. Squire, to wit: Senators Clough, Dyer, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, O'Neill, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Watt; and Representatives Adams, Anderson (M.), Arrasmith, Berry, Bothell, Brock, Collins, Cushman, De Steiguer, Farrish, Fellows, Frater, Gandy, Hanson, Hunsaker, Jones, Kennedy, Lawton, Meany, Megler, Metcalfe, McKay, McKnight, Morse, Painter, Parcell, Plummer, Powell, Putney, Preston, Ragsdale, Reinhardt, Ready, Reitze, Sallee, Thalmann, Wasson, Walker, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—Total 58.

Thirteen senators and seventeen representatives voted for W. H. Calkins, to wit: Senators Austin, Baker, Claypool, Cooper, Easterday, Edens, Kneeland, Long, Luce, Owings, Smith, Thompson (L. F.), and Wilson; and Representatives Barlow, Caughran, Dysart, Garretson, Johnson, Lehman, McClure, Miller, Murray, Palmer, Pearson, Smyth, Spinning, Taylor, Tiffany, Tillotson, and Tyler—Total 30.

Four senators and seventeen representatives voted for Thomas Carroll, to wit: Senators Drum, Eshelman, McCarty, and McCroskey; and Representatives Anderson (A. H.), Bass, Chambers, Flummerfelt, Frame, Godman, Holt, Hutchinson, Moore, Nevin, Rockwell, Schricker, Sharpstein, Smith, Snively, Troy, and Walter—Total 21.

Senator Parkinson voted for Chas. E. Laughton.

Watson C. Squire having received the votes of a majority of the members of both houses of the legislature, was declared elected

United States senator for the term beginning March 4, 1891, and continuing for six years from that date.

On motion of Mr. Gandy, the joint assembly dissolved, and the Senate retired.

The speaker resumed the chair.

On motion of Mr. Megler, the rules were suspended, and House bill No. 87, A bill for an act to be entitled "An act relating to the filling of vacancies in the legislature of the State of Washington," was read third time by section.

On motion of Mr. De Steiguer, the bill was referred back to the special committee by which it was introduced.

On motion of Mr. Gandy, the house adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

SIXTEENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, January 22, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, McClure, and Wasson; excused.

The journal of yesterday was read, and approved as read.

PRESENTATION OF PETITIONS, ETC.

The speaker presented a memorial from John L. Reno Post, No. 47, G. A. R., of Spokane Falls, praying for the enactment of a law requiring all state and county officers to administer oaths to pensioners free of charge; read and referred to Committee on Military Affairs.

Mr. Gandy presented a petition from W. W. Waltman, asking that his claim for per diem and mileage as a member of the consti-

tutional convention of this state be paid; referred to Committee on Ways, Means and Claims.

Mr. Palmer presented resolutions from Ping farmers' alliance No. 100, and Philomathian farmers' alliance No. 123, of Garfield county; also petitions from members of the farmers' alliance, et al., asking for the passage of laws regulating freights and fares on railroads in this state; referred to Committee on Railroads.

Mr. Hutchinson presented resolutions from Sassin farmers' alliance No. 140, of Lincoln county; also petitions from members of the farmers' alliance, et al., asking for the passage of laws regulating freights and fares on railroads; referred to Committee on Railroads.

Mr. Sharpstein presented a petition from the Walla Walla county farmers' alliance, praying for an appropriation to provide a plant for the manufacture of jute bags at the Walla Walla penitentiary; referred to Committee on Penitentiary.

Mr. Sharpstein presented resolutions from the Walla Walla farmers' alliance; also a petition from members of the farmers' alliance, et al., asking for the passage of laws regulating freights and fares on railroads, etc.; referred to Committee on Railroads.

Senate concurrent resolution No. 4, Relative to the appointment of a joint special committee to inquire into the management of the several state offices, was read, and on motion of Mr. Megler the House concurred in the resolution. Messrs. Garretson, Anderson of Mason, and Walker were appointed as such committee on the part of the House.

Mr. Megler presented House concurrent resolution No. 7, Relative to the appointment of a joint committee to confer with a similar committee of the Oregon legislature in regard to legislation relative to the fishing industry on the Columbia river.

On motion of Mr. Megler, the House adopted the resolution, and Messrs. Megler, Jones and Putney were appointed as such committee on the part of the House.

The Committees on Mines and Mining, Water, Water Rights and Irrigation, Agriculture, State University and Normal School, and Federal Relations and Immigration, were authorized to employ Mr. E. B. Oliphant as clerk.

Mr. Ready presented the following resolution:

Resolved, That the Committee on Railroads be allowed a clerk for its exclusive use.

Mr. Schricker moved the adoption of the resolution.

The yeas and nays were demanded.

The roll was called, and the House refused to adopt the resolution by the following vote, to wit: Yeas 27, nays 44, absent and not voting 6.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Bass, Berry, Bothell, Collins, Cushman, De Steiguer, Fellows, Frame, Frater, Kennedy, McKay, Meany, Megler, Miller, Morse, Painter, Palmer, Putney, Ready, Reitze, Sallee, Thalman, Tyler, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Arrasmith, Brock, Caughran, Chambers, Dysart, Farrish, Flummerfelt, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKnight, Metcalfe, Moore, Murray, Nevin, Parcell, Pearson, Powell, Reinhardt, Rockwell, Sharpstein, Smith, Smyth, Snively, Spinning, Schricker, Taylor, Tiffany, Tillotson, Troy, Walker, Walter, Wyman, Yancy, and Yeomans.

Those absent and not voting were: Messrs. Andrews, Barlow, McClure, Plummer, Ragsdale, and Wasson.

The Committee on Railroads reported House bill No. 20, An act regulating freights and fares on railroads, and declaring an emergency, and House bill No. 40, An act creating a railroad and transportation commission; and defining its powers and duties, and declaring an emergency, back to the House, and asked that they be printed.

The bills were ordered printed.

The special committee to whom was referred House bill No. 87, A bill for an act to be entitled "An act relating to the filling of vacancies in the legislature of the State of Washington," reported the bill back to the House with the recommendation that it be amended by adding to section five the following words, to wit:

Provided, That any voter not registered, who has become entitled to vote since the last registration, shall be entitled to vote upon proving to the satisfaction of the judges and inspector of the said election that such voter is entitled to vote, and that such voter has become entitled to vote since the last registration was closed."

On motion of Mr. Gandy, the amendment recommended by the committee was adopted.

On motion of Mr. Gandy, the rules were suspended, the bill was considered engrossed and was read third time, and was passed by the following vote, to wit: Yeas 62, nays 6, absent and not voting 9.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Metcalfe, McKay, McKnight, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Tiffany, Tillotson, Tyler, Troy, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Berry, Brock, Hanson, Miller, Powell, and Thalman.

Those absent and not voting were: Messrs. Andrews, Barlow, McClure, Megler, Moore, Plummer, Reinhardt, Sharpstein, and Wasson.

The emergency clause was passed by the following vote, to wit: Yeas 67, nays 1, absent and not voting 9.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Meany, Megler, Metcalfe, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Hanson voted nay.

Those absent and not voting were: Messrs. Andrews, Barlow, Lehman, McClure, Moore, Pearson, Reinhardt, Sharpstein, and Wasson.

The title was agreed to.

On motion of Mr. Ready, the clerk was instructed to transmit the bill to the Senate to-day.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, January 20, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 7,

entitled "An act extending the time for payment of taxes, remitting penalties, and declaring an emergency."

I have also forwarded to the sergeant-at-arms, for proper distribution in the House and Senate, three hundred copies of the report of the harbor line commission, and one hundred and fifty copies of the reports (embraced in one pamphlet) of the coal mine inspectors for the first and second districts.

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieut. Governor and Acting Governor.

The following report was read:

MR. SPEAKER:

Your special committee, to which was referred the reports of all state officers, except the governor's report, respectfully recommend that they be referred to the following committees, viz.:

The report of the attorney general to the governor of the State of Washington be referred to the Judiciary Committee.

The report of the state board of health be referred to the Committee on Medicine, Surgery and Pharmacy.

The report of the board of trustees of the Washington soldiers' home be referred to the Committee on Military Affairs.

The report of the commissioner of insurance be referred to the Committee on Insurance.

The reports of the boards of trustees of the Western Washington and Eastern Washington hospitals for the insane, be referred to the Committee on Hospitals for Insane.

The reports of the boards of trustees of the Washington state reform school and school for defective youth be referred to the Committee on Reform School and School for Defective Youth.

The report of pilot commissioners be referred to the Committee on Harbors and Navigable Waters.

The report of the penitentiary commissioners be referred to the Committee on Penitentiary.

The report of the commissioner of public lands be referred to the Committee on State Lands.

The report of the state librarian be referred to the Committee on State Library, Buildings and Public Grounds.

The report of the state fish commissioner be referred to the Committee on Fisheries.

The report of the state agricultural college be referred to the Committee on State Agricultural College and School of Science.

The report of the state normal school be referred to the Committee on State University and Normal Schools.

The report of the state board of dental examiners be referred to the Medicine, Surgery and Pharmacy Committee.

The report of the state treasurer be referred to the Ways, Means and Claims Committee.

The report of the secretary of state be referred to the State Library, Buildings and Public Grounds Committee.

The report of the state auditor be referred to the Ways, Means and Claims Committee.

The report of the superintendent of public instruction be referred to the Committee on Education.

A. H. CHAMBERS, Chairman Committee.

On motion of Mr. Gandy, the report was adopted.

Mr. Miller moved that the Committee on Agriculture be increased to nine members. The House adopted the motion.

Mr. Godman moved that Mr. Snively be appointed as an additional member of the Judiciary Committee.

Mr. Gandy moved to amend by increasing the Judiciary Committee to eleven members. The House adopted the amendment. The motion as amended was adopted.

On motion of Mr. Yeomans, rule 38 was amended by adding the words "and neither of them shall be 'debatable,'" notice of such motion having been given on the 20th inst.

INTRODUCTION OF BILLS.

Mr. Dysart introduced House bill No. 88, An act to amend section one hundred and fourteen of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," by providing for giving the casting vote in case of a tie, and to declare an emergency, which was read first time, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Dysart introduced House bill No. 89, An act to amend section 118 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," by providing for giving to mayors of cities of the third class the veto power, and for the passage of ordinances notwithstanding the veto thereof, and to declare an emergency, which was read first time by title, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Morse introduced House bill No. 90, An act to establish and maintain a state normal school at the town of San de Fuca, in Island county, to appropriate lands and money therefor, and to declare an emergency, which was read first time by title, and ordered printed; referred to Committee on State University and Normal Schools.

Mr. Anderson, of Whatcom, introduced House bill No. 91, An act creating an office to be known as the office of register of deeds, which was read first time by title, and ordered printed; referred to Committee on Counties and County Lines.

Mr. Sharpstein introduced House bill No. 92, An act to amend an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the state of Washington," and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Tide Lands.

Mr. Sharpstein introduced House bill No. 93, An act to provide for the disposal of money in certain cases, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Education.

Mr. Berry introduced House bill No. 94, An act making it unlawful for any judge or county officer to charge soldiers or seamen, or the widows, orphans or legal representatives thereof, any fee for services in matters pertaining to pensions or pension dues, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Military Affairs.

Mr. Gandy introduced House bill No. 95, An act providing for an additional superior court judge for Spokane and Stevens counties, and declaring an emergency to exist, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Gandy introduced House bill No. 96, An act fixing the salaries of justice of the peace and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof, and providing clerks, office quarters, books and blanks and stationery for said offices, and declaring an emergency, which was read first time by title, and referred to Committee on Municipal Corporations.

SECOND READING OF BILLS.

House bill No. 13, An act in relation to civil actions against the state, was read for information, and ordered engrossed.

Messrs. Bothell and Sallee were excused for the remainder of the week.

The Committees on Roads and Highways, Military Affairs, State Lands, Indian Affairs, and Fisheries, reported that Mr. E. C. McDonald had been selected as clerk of those committees.

On motion of Mr. Gandy, the House adjourned until 10 o'clock
A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

SEVENTEENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, January 23, 1891, }
10 o'clock A. M.

The House met pursuant to adjournment; the speaker in the
chair.

The roll was called. All the members present except Messrs.
Andrews, Bothell, Cushman, Farrish, McClure, Ragsdale, and
Sallee; excused.

The journal of yesterday was read, and approved as read.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

The Committee on Engrossed Bills made the following report.

MR. SPEAKER:

Your Committee on Engrossed Bills respectfully reports that the en-
grossed copy of House bill No. 13, entitled "An act in relation to civil
actions against the state," has been carefully compared with the original
copy thereof, and found correctly engrossed.

Respectfully submitted,

O. E. YOUNG, Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled
copy of House concurrent resolution No. 1, Relative to notifying the gov-
ernor of the organization of the legislature, and the enrolled copy of
House concurrent resolution No. 3, Relative to joint committee on
World's Columbian Exposition, have been carefully compared with the
original copies thereof, and found correctly enrolled.

Respectfully submitted,

W. K. KENNEDY, Chairman.

The Speaker signed House concurrent resolutions Nos. 1 and 3 in open session of the House.

The speaker announced the appointment of Messrs. Snively and Tillotson as additional members of the Judiciary Committee; also, the appointment of Messrs. Tiffany and Young as additional members of the Committee on Agriculture.

PRESENTATION OF PETITIONS, ETC.

Mr. Hutchinson presented resolutions from Union farmers' alliance No. 92, and Creston farmers' alliance No. 155, of Lincoln county; also a petition from members of the farmers' alliance, et al., asking for the passage of a law regulating freights and fares, referred to Committee on Railroads.

Mr. Godman presented resolutions from Baldwin farmers' alliance No. 160, also a petition from members of the farmers' alliance and others, praying for the passage of a law regulating freights and fares, which was referred to the Committee on Railroads.

Mr. Schricker presented a petition from the Skagit county bar association, asking for an amendment to the code relative to the manner of commencing civil actions, which was referred to the Committee on Judiciary.

Mr. Frater presented a communication from B. H. Dixon, superintendent of schools for Snohomish county, relative to an amendment to the school law, which was referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES.

The Committee on Federal Relations and Immigration made the following report:

MR. SPEAKER:

Your Committee on Federal Relations and Immigration, to whom was referred House memorial No. 1, Relative to naval station at Point Turner, respectfully report the memorial back to the House with the recommendation that it do pass.

E. L. POWELL, Chairman.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education, to whom was referred House bill No. 5, entitled "An act to compel the teaching in the public schools of the State of Washington of physiology and hygiene, with special reference to the effects of stimulants and narcotics upon the human system," respectfully report the bill back to the House with the recommendation that the same do not pass, and that it be indefinitely postponed, for the reason

that the object sought to be attained by the bill is fully provided for in sections Nos. 45 and 90 of the session laws of 1889 and 1890.

S. J. SMYTH, Chairman.

On motion of Mr. Gandy, the report was adopted, and the bill was indefinitely postponed.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred House bill No. 37, entitled "An act to create a state board of horticulture, and appropriate money therefor," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

JOSEPH ARRASMITH, Chairman.

On motion of Mr. Lawton, the report was adopted, and the bill was indefinitely postponed.

The Committee on Municipal Corporations made the following reports:

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred House bill No. 96, entitled "An act fixing the salaries of justices of the peace, and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof, and providing clerks, office quarters, books and blanks and stationery for said officers, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

J. M. MILLER, Chairman.

On motion of Mr. Gandy, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred House bill No. 18, entitled "An act fixing the salaries of justices of the peace and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof, and providing for clerks, office quarters, books, blanks and stationery for said officers, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

J. M. MILLER, Chairman.

On motion of Mr. Gandy, the report was adopted, and the bill was indefinitely postponed.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 2, entitled "An act prescribing the duties of county attorneys, and declaring an emergency," respectfully reports the bill back to the House with the

recommendation that the bill be indefinitely postponed, and report a substitute in lieu thereof, with the recommendation that the substitute do pass.

A. W. FRATER, Chairman.

On motion of Mr. Powell, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 22, entitled "An act providing for the distribution to the members of the legislature the code of 1881, and the journals and session laws of 1889-90, respectfully reports the same back to the House with the recommendation that the bill do pass.

A. W. FRATER, Chairman.

Senate bill No. 22, An act providing for the distribution to the members of the legislature the code of 1881, and the journals and session laws of 1889-90, was read second time by section.

The Committee on Corporations other than Municipal and Railroad, made the following report:

MR. SPEAKER:

Your Committee on Corporations other than Municipal and Railroad, to whom was referred House bill No. 63, entitled "An act requiring corporations owning lands in this state to file certified copy of articles of incorporation with county auditor," respectfully reports the bill back to the House with a substitute, and recommend that said substitute do pass.

W. D. TYLER, Chairman.

House bill No. 21, An act to create a state board of horticulture, and appropriate money therefor, was reported back to the House by the Committee on Agriculture, with amendments. The bill was ordered printed, and on motion of Mr. Megler was made a special order for Wednesday, January 28, at 2 o'clock P. M.

Mr. E. C. MacDonald was sworn as clerk of Committees on Roads and Highways, Military Affairs, Indian Affairs, State Lands, and Fisheries.

The following report was read:

To the Speaker and Members of the House of Representatives:

We, your committee, appointed to investigate the charges made by Representative John L. Metcalfe, of Spokane county, represent to your honorable body that we have examined twenty-four witnesses in this case on the said charge; that the respective parties to the said matter represent to the committee through their attorneys that they have living in Spokane and Stevens counties important witnesses, to the number of twenty-five, and ask the committee to have said witnesses brought before them to testify.

We, your committee, further represent that to bring said witnesses to the city of Olympia would entail upon the state an expense of from \$2,000

to \$3,000; that your committee further represents that the committee could go to Spokane Falls and examine said witnesses at an expense of from \$500 to \$600.

In view of the foregoing statement, we ask you to direct us in the premises.

W. K. KENNEDY, Chairman.

Mr. Dysart moved that the committee be authorized to proceed to Spokane Falls at its earliest convenience, and take testimony in the matter before it for consideration.

The yeas and nays were called for on Mr. Dysart's motion.

The House adopted the motion by the following vote, to wit: Yeas 61, nays 2, absent and not voting 14.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Hanson, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Reinhardt, Ready, Reitze, Rockwell, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Putney and Sharpstein.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Cushman, Farrish, Godman, Holt, Kennedy, McClure, McKnight, Meany, Metcalfe, Ragsdale, and Sallee.

At the request of the speaker, Mr. Plummer took the chair.

On motion of Mr. Gandy, Mr. Shaw, the speaker of the House, was excused until Monday.

On motion of Mr. Megler, Mr. Plummer was elected as speaker pro tem. during the absence of the speaker.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 23, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 6, Relative to matters affecting the state university.

The Senate has passed House concurrent resolution No. 7, Relative to Joint Committees on Fisheries conferring with joint committees of the

Oregon legislature on the same subject, and appointed Messrs. Luce and Clough on behalf of the Senate.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

Messrs. Anderson of Mason, Adams, Barlow, Caughran, Dy-sart, Farrish, Frame, McKnight, Parcell, Pearson, Tillottson, and Tyler, were excused until Monday.

The following communication was read:

MR. SPEAKER:

Your Committees on Insurance, Constitution and Revision, and Labor and Statistics, beg leave to report that they have selected Mr. J. M. Davis for their clerk.

A. I. ADAMS,

Chairman Labor and Labor Statistics.

A. H. GARRETSON,

Chairman Committee on Constitution and Revision.

Senate concurrent resolution No. 6, Relative to certain matters affecting the state penitentiary, was read.

On motion of Mr. Gandy, the resolution was amended by substituting the House Committee on "State University and Normal School" for the House Committee on "State lands."

On Motion of Mr. Gandy, the House concurred in the resolution as amended.

On motion of Mr. Megler, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, January 23, 1891, }
2 o'clock P. M.

The House met pursuant to adjournment; Mr. Plummer in the chair.

The roll was called. All the members present except Messrs. Adams, Andrews, Barlow, Bothell, Caughran, Cushman, Farrish, Frame, McClure, McKnight, Parcell, Pearson, Rockwell, Sallee, Spinning, Tillottson, Tyler, and Mr. Speaker; excused.

On motion of Mr. Megler, the clerk was instructed to prepare a calendar for each day and have the same printed.

Mr. Hanson presented the following resolutions, to wit:

1st. *Resolved*, That the committee to investigate the charge of bribery is instructed to inquire as to the faults of the persons implicated, and that each witness shall be questioned as to his knowledge of the character of all the parties, in order that this House may be fully enlightened as to the vices as well as the virtues of those citizens now on trial before this body.

2d. *Resolved*, That the sergent-at-arms shall attend the committee during its travels, and whenever his services may be needed, to the end that the most thorough investigation may be made of the grave charge of bribery, which, unless disproved, will reflect discredit upon citizens of this state whom the people have hitherto held in high esteem.

The first paragraph of the resolution was amended by striking out the word "shall" and inserting the word "may" in line 1.

On motion of Mr. Kennedy the first paragraph was stricken out by a divisional vote of 26 yeas to 5 nays.

The resolution as amended was adopted.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Wasson introduced House bill No. 97, An act to establish pilots and pilot regulations for the Straits of Juan de Fuca, Puget Sound, and all American waters pertaining thereto, which was read first time by title, and ordered printed; referred to Committee on Harbors and Navigable Waters.

The Committee on Corporations other than Municipal and Railroads, introduced House bill No. 98 (substitute for House bill No. 63), An act requiring corporations owning lands in this state to file a certified copy of articles of incorporation with county auditors, which was read first time by title, and ordered printed.

The Committee on Judiciary introduced House bill No. 99 (substitute for House bill No. 21), An act in relation to prosecuting attorneys, and declaring an emergency, which was read first time by title; rules suspended, and read second time; rules further suspended, and the bill read third time by section.

Mr. Sharpstein moved that the bill be considered engrossed and placed on final passage.

The yeas and nays were called for on the motion to consider the bill engrossed and placed on final passage.

The motion was adopted by the following vote, to wit: Yeas 57, nays none, absent and not voting 20.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, De

Steiguer, Dysart, Fellows, Flummerfelt, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, and Young.

Those absent and not voting were: Messrs. Adams, Andrews, Barlow, Bothell, Caughran, Collins, Cushman, Farrish, Frame, McClure, McKnight, Meany, Parcell, Pearson, Rockwell, Sallee, Spinning, Tillotson, Tyler, and Mr. Speaker.

The bill was passed by the following vote, to wit: Yeas 57, nays none, absent and not voting 20.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, De Steiguer, Dysart, Fellows, Flummerfelt, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, and Yeomans.

Those absent and not voting were: Messrs. Adams, Andrews, Barlow, Bothell, Caughran, Collins, Chambers, Farrish, Frame, McClure, McKnight, Parcell, Pearson, Rockwell, Sallee, Spinning, Tillotson, Tyler, Young, and Mr. Speaker.

The emergency clause was passed by the following vote, to wit: Yeas 57, nays none, absent and not voting 20.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, De Steiguer, Dysart, Fellows, Flummerfelt, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, and Yeomans.

Those absent and not voting were: Messrs. Adams, Andrews, Barlow, Bothell, Caughran, Collins, Cushman, Farrish, Frame, Mc-

Clure, McKnight, Parcell, Pearson, Rockwell, Sallee, Spinning, Tillotson, Tyler, Young, and Mr. Speaker.

The title of the bill was agreed to.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Anderson, of Whatcom, introduced House bill No. 100, An act to amend section 342 of chapter 32 of the code of Washington, relating to property exempt from levy and sale under attachment and execution, which was read first time by title, and ordered printed; referred to the Committee on Labor and Labor Statistics.

Mr. Painter introduced House bill No. 101, An act to amend sections 1 and 4 of an act entitled "An act to create a school of technical instruction, and to establish a state agricultural college and school of science, and to declare an emergency," approved March 28, 1890, which was read first time by title, and ordered printed; referred to Committee on Agricultural College and School of Science.

Mr. Hanson introduced House bill No. 102, An act providing for an additional judge of the superior court in Spokane county, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 23, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 87, entitled "An act relating to the filling of vacancies in the legislature of the State of Washington," with amendments, and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 87, An act relating to the filling of vacancies in the legislature of the State of Washington, received back from the Senate with amendments, was read for information.

Mr. Snively moved that the House concur in the Senate amendments.

The house concurred in the Senate amendments by the following vote, to wit: Yeas 55, nays none, absent and not voting 22.

Those who voted yea were Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Collins, De Steiguer, Dysart, Fellows, Flummerfelt, Frater, Gandy, Gar-

retson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Schricker, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, and Young.

Those absent and not voting were: Messrs. Adams, Andrews, Barlow, Bass, Bothell, Caughran, Cushman, Farrish, Frame, Meany, McClure, McKnight, Parcell, Pearson, Reinhardt, Rockwell, Sallee, Sharpstein, Spinning, Tillotson, Tyler, and Mr. Speaker.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 23, 1891.

MR. SPEAKER:

The president has signed Senate concurrent resolution No. 4, Relative to examining into the state offices.

Also, signed House concurrent resolutions Nos. 1 and 3, Relative to waiting on the governor and the world's fair committee, respectively, all of which have been duly enrolled.

The same are herewith transmitted to the House; Senate concurrent resolution No. 4 for the speaker's signature.

The Senate has passed Senate concurrent resolution No. 8, Relative to the public buildings and grounds owned by the state in Olympia, as a substitute for House concurrent resolution No. 5.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 87, entitled "An act relating to the filling of vacancies in the legislature of the State of Washington." has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker pro tem. signed House bill No. 87 in open session of the House.

On motion of Mr. Kennedy, the clerk was instructed to transmit the bill to the Senate immediately.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 23, 1891.

MR. SPEAKER:

The president has signed enrolled House bill No. 87, which has been signed by the speaker.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred Senate bill No. 1, entitled "An act fixing the salaries of justices of the peace and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof, and providing for clerks, office quarters, books, blanks and stationery for said officers, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that there be added to section 3 the following words, "collected for violations of any state law."

That section 5 be amended by striking out the words in the first and second lines "and chargeable for the county," and inserting in second line the words "for violation of any state law."

That the words "and fines," in the first line of section 6, be stricken out.

That the words "provided for in this act," occurring in second line of section 8, be stricken out, and insert in lieu thereof the words "in cities of the first and second class."

That the word "certain" in the second line, and the word "and" in the third line in section 13 be stricken out, and that there be inserted in lieu thereof the words "or towns having more than five thousand inhabitants."

And that the bill, when so amended, do pass.

J. M. MILLER, Chairman.

The amendments recommended by the committee were adopted.

On motion of Mr. Godman, section 5 was amended by inserting the words "from any source" after the word "collected," in line 2.

Mr. Garretson moved to amend section 5 by adding at the end of last line the words:

"That there be no fees collected in advance unless deemed necessary by the justice, but that such fees be taxed up and follow the cause, to be paid in as provided by law."

The House refused to adopt the amendment.

Mr. Godman moved to strike out the words "two thousand" and insert the words "eighteen hundred," in line 3 of section 1.

The House refused to strike out.

Mr. Sharpstein moved to amend section 1 by striking out the word "twelve" and inserting the word "six."

The House refused to adopt the amendment.

Mr. De Steiguer moved to amend by striking out section 12 and inserting in lieu thereof the following:

"This act shall not affect the present incumbents of said offices during their present terms of office."

The House refused to adopt the amendment.

Mr. De Steiguer moved to strike out all of section 13.

The House refused to strike out.

Mr. Walker moved that the House adjourn until 10 o'clock A. M. to-morrow.

Mr. Garretson moved to amend by making the hour to which the House adjourn 2 o'clock P. M. Monday.

The House refused to adopt the amendment.

The House adopted Mr. Walker's motion, and at 4:30 P. M. adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

EIGHTEENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday, January 24, 1891. }
10 o'clock A. M. }

The House met pursuant to adjournment; Mr. Plummer, speaker pro tem., in the chair.

The roll was called. All the members present except Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bothell, Caughran, Cushman, De Steiguer, Dysart, Farrish, Frame, McClure, McKnight, Meany, Parcell, Pearson, Reitze, Rockwell, Sallee, Snively, Spinning, Tillotson, and Mr. Speaker; excused.

The journal of yesterday was read, and approved as read.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that House concurrent resolution No. 7, Relative to the fishing industries on the Columbia river, has been carefully compared with the original copy thereof, and found correctly enrolled:

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker pro tem. signed House concurrent resolution No. 7 in open session of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 24, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 7, Relative to a joint committee visiting and examining into the affairs of the state university at Seattle, and has indefinitely postponed Senate concurrent resolution No. 6, to which there was a House amendment on the same subject.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hutchinson presented resolutions from Egypt Farmers' Alliance No. 118, of Lincoln county; also, petition from the farmers' alliance et al., asking for the passage of a law regulating freights and fares on railroads. Referred to Committee on Railroads.

Mr. Nevin presented resolutions from Prosperity Farmers' Alliance No. 151, of Klickitat county; also, petition from members of the farmers' alliance et al., asking for the passage of a law regulating freights and fares on railroads. Referred to Committee on Railroads.

Mr. Young presented resolutions from the Moys Farmers' Alliance No. 37, of Whitman county; also, petition from members of farmers' alliance et al., asking for the passage of a law regulating freights and fares on railroads, etc. Referred to Committee on Railroads.

Mr. Painter presented resolutions from the Dixie Farmers' Alliance, of Walla Walla county, protesting against an appropriation

being made for the World's Fair. Referred to Committee on Appropriations.

Mr. Sharpstein presented a similar resolution to that presented by Mr. Painter. Referred to Committee on Appropriations.

A petition from citizens of Klickitat county, asking for an amendment to the road law, was read, and referred to the Committee on Public Revenue and Taxation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, January 24, 1891.

To the honorable the House of Representatives of the State of Washington:

GENTLEMEN— I have this day approved and signed House bill No. 87, entitled "An act relating to the filling of vacancies in the legislature of the State of Washington."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieut. Governor and Acting Governor.

INTRODUCTION OF BILLS.

Mr. Plummer introduced House bill No. 103, An act to provide for the assessment and collection of taxes in the State of Washington, which was read first time by title, and ordered printed; referred to Committee on Public Revenue and Taxation.

Mr. Painter introduced House bill No. 104, An act providing employment for the convicts in the state penitentiary and making an appropriation therefor, which was read first time by title, and ordered printed; referred to the Committee on Penitentiary.

On motion of Mr. Sharpstein, the House resumed consideration of Senate bill No. 1, An act fixing the salaries of justices of the peace and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof, and providing for clerks, office quarters, books, blanks and stationery for said officers, and declaring an emergency.

Mr. Sharpstein moved to amend the bill by inserting a new section as follows:

"SEC. —. That the number of inhabitants of any city for the purposes of this act shall be ascertained by the last official state or national census."

The House refused to adopt the amendment.

The bill was placed on the calendar for third reading.

House memorial No. 1, Relative to naval station at Point Turner, was read second time by title, and placed on calendar for third reading.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 53, entitled "An act providing for the appointment of official stenographers for the superior courts of this state and fixing their compensation and duties," respectfully reports the bill back to the House with the recommendation that the bill be amended by striking out the word "fifteen" where it occurs near the end of section 5, and insert instead thereof the word "five," and by striking out all of section 6 of said bill. And that the bill as amended do pass. A. W. FRATER, Chairman.

The House adopted the amendment to House bill No. 53, recommended by judiciary committee.

On motion of Mr. Gandy, the bill was considered engrossed and placed on calendar for third reading.

REPORT OF COMMITTEE ON APPROPRIATIONS.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to which was referred House bill No. 77, entitled "An act making an appropriation for the per diem and expenses of boards of county commissioners in selecting and appraising school lands," respectfully reports the bill back to the House with the recommendation that it be amended in line 6 by inserting after the words "school lands" the words "and other expenses," and when thus amended it do pass. J. G. MEGLER, Chairman.

The House adopted the amendment to House bill No. 77, recommended by the Committee on Appropriations.

On motion of Mr. Flummerfelt, the bill was considered engrossed, the rules were suspended, and the bill was read third time and passed by the following vote, to wit: Yeas 55, nays none, absent and not voting 22.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, Collins, De Steiguer, Fellows, Flummerfelt, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McKay, Miller, Moore,

Morse, Murray, Painter, Palmer, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Schricke, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, and Young.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bothell, Caughran, Cushman, Dysart, Farrish, Frame, McClure, McKnight, Nevin, Parcell, Pearson, Reitze, Rockwell, Sallee, Spinning, Tillotson, Tyler, and Mr. Speaker.

The title of the bill was agreed to.

REPORTS OF COMMITTEE ON CONSTITUTION AND REVISION.

The Committee on Constitution and Revision made the following report:

MR. SPEAKER:

Your Committee on Constitution and Revision, to which was referred House concurrent resolution No. 6, Amending constitution with reference to the legislative session, respectfully reports the resolution back to the House with the recommendation that it be adopted.

A. H. GARRETSON, Chairman.

MINORITY REPORT.

MR. SPEAKER:

I, the undersigned, a member of the Committee on Constitution and Revision, to which was referred House concurrent resolution No. 6, Amending constitution with reference to the legislative session, do not concur in the report made by the majority of the committee, and respectfully recommend that said resolution be not adopted.

M. M. GODMAN.

On motion of Mr. Gandy, the House adopted the minority report of the committee, and refused to adopt the resolution.

The Committee on Constitution and Revision made the following report:

MR. SPEAKER:

Your Committee on Constitution and Revision, to which was referred House concurrent resolution No. 1, Relative to an amendment to section 1 of article VIII of the state constitution, respectfully reports the resolution back to the House with the recommendation that it be adopted.

A. H. GARRETSON, Chairman.

MINORITY REPORT.

MR. SPEAKER:

I, the undersigned, a member of the Committee on Constitution and Revision, to which was referred House concurrent resolution No. 1, Relative to an amendment to section 1 of article VIII of the state constitution,

do not concur in the report made by the majority of the committee, and respectfully recommend that said resolution be not adopted.

M. M. GODMAN.

Mr. Gandy moved to adopt the majority report of the committee.

On motion of Mr. Garretson, the resolution was made a special order for Tuesday, January 27, at 11 o'clock A. M.

Senate concurrent resolution No. 7, Relative to special committee to visit the state university, was read.

On motion of Mr. Gandy, the House concurred in the resolution.

Senate concurrent resolution No. 8, substitute for House concurrent resolution No. 5, Relative to public buildings and grounds, was read.

On motion of Mr. Garretson, the House adopted the substitute.

Engrossed House bill No. 13, An act in relation to civil actions against the state, was read third time, and passed by the following vote, to wit: Yeas 54, nays none, absent and not voting 23.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, Collins, De Steiguer, Fellows, Flummerfelt, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Plummer, Powell, Putney, Ragsdale, Ready, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Wyman, Yancy, Yeomans, and Young.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bothell, Caughran, Cushman, Dyrart, Farrish, Frame, McClure, McKnight, Parcell, Pearson, Reinhardt, Reitze, Rockwell, Sallee, Spinning, Tillotson, Tyler, Walter, and Mr. Speaker.

The title of the bill was agreed to.

Senate bill No. 22, An act providing for the distribution to the members of the legislature the code of 1881, and the journals and session laws of 1889-90, was read third time, and passed by the following vote, to wit: Yeas 46, nays 7, absent and not voting 24.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Fellows, Flummerfelt, Frater, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, Miller, Morse, Plummer, Powell, Putney, Ragsdale, Ready, Sharpstein, Smith, Smyth, Snively, Taylor,

Thalman, Tiffany, Troy, Wasson, Walker, Wyman, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Godman, McKay, Moore, Nevin, Painter, Palmer, and Schrieker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bothell, Caughran, Dysart, Farrish, Frame, McClure, McKnight, Meany, Murray, Parcell, Pearson, Reitze, Reinhardt, Rockwell, Sallee, Spinning, Tillotson, Tyler, Walter, and Mr. Speaker.

The title of the bill was amended by inserting the word "of" after the word "legislature" in first line of title.

The title as amended was agreed to.

Mr. Gandy moved to instruct the secretary of state to print the names of members on letter heads and envelopes.

The motion was adopted by a divisional vote of 29 yeas, to 12 nays.

Mr. Lawton moved that the House adjourn until Monday at 2 o'clock P. M.

The House refused to adjourn to that day and hour by a divisional vote of 25 nays to 20 yeas.

On motion of Mr. Wyman, the House adjourned at 12 o'clock noon, until Monday at 10:30 A. M.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TWENTIETH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Monday, January 26, 1891. }
 10:30 o'clock A. M.

The House met pursuant to adjournment on Saturday; the speaker in the chair.

The roll was called; all the members present except Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Caughran, Frame, Gandy, Garretson, Holt, Jones, Kennedy, McClure, Mc-

Knight, Meany, Metcalfe, Parcell, Putney, Reitze, Rockwell, Sal-lee, Smyth, Taylor, Tillotson, and Tyler; excused.

The journal of Saturday was read and approved.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, January 26, 1891.

To the Honorable the Speaker and the House of Representatives of the State of Washington:

GENTLEMEN—I have this day forwarded to the honorable the Senate supplemental reports received from the commissioners of the penitentiary at Walla Walla.

First: Consisting of the commissioners' report in reference to the cost of a plant and operating a jute bag factory.

Second: Showing the cost of maintaining the prison during the year 1890.

Third: Report of special committee appointed to investigate into the manufacture of jute bags and all matters pertaining thereto.

Fourth: Statement of Hon. John McComb, warden of the state prison at San Quentin, California, relative to the jute mill and state prison bag factory now in operation at that place.

In my message to your honorable body I had the honor to call your attention to the immediate necessity of providing legitimate and constant employment for the convicts maintained by the state, and I earnestly ask that you direct further attention to the supplemental reports herein referred to.

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Walter presented resolutions from Clear Lake Farmers' Alliance No. 31, asking for the passage of a law regulating freights and fares on railroads. Referred to the Committee on Railroads.

Mr. Cushman presented petitions from citizens of Lincoln county, asking for the division of said county. Referred to Committee on Counties and County Lines.

Mr. Young presented the following resolution:

WHEREAS, By a recent decision rendered by the superior court of Whitman county, the legality of the act creating roads and highways has been questioned; therefore, be it

Resolved, That the Committee on Judiciary be requested to formulate a general law confirming the validity of all roads and highways which may be or have been ordered opened by boards of county commissioners.

On motion of Mr. Young, the resolution was adopted.

On motion of Mr. Tiffany, House bill No. 25, A bill for an act to establish a normal school for the State of Washington, at the town of Lynden, in Whatcom county, and for the government and control of the same, was ordered printed.

Mr. Miller moved that two more members be added to the Committee on Municipal Corporations.

The House adopted the motion, and Messrs. Caughran and Yancy were appointed as members of such committee.

INTRODUCTION OF BILLS.

Mr. Megler introduced House bill No. 105, An act to establish a state normal school at Cathlamet, Wahkiakum county, which was read first time by title, and ordered printed; referred to Committee on State University and Normal Schools.

Mr. Hanson introduced House bill No. 106, An act to create a commission of technical instruction, and to establish a state school of science at or near Spokane Falls, Spokane county, State of Washington, which was read first time by title, and ordered printed; referred to Committee on Agricultural College and School of Science.

Mr. Nevins introduced House bill No. 102, An act to provide for keeping highways in repair, and for levy and collection of road poll and road property taxes, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Roads and Highways.

Mr. Megler introduced (by request) House bill No. 108, A bill for the protection of sea gulls; read first time by title; ordered printed; referred to Committee on Commerce.

Mr. Megler was called to the chair.

House memorial No. 1, Relative to a naval station at Point Turner, was read third time, and passed by the following vote, to wit: Yeas 50, nays none, absent and not voting, 27.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frater, Godman, Hanson, Hunsaker, Hutchinson, Johnson, Lawton, Lehman, Megler, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Pearson, Plummer, Powell, Ragsdale, Ready, Schricker, Sharpstein, Smith, Snively, Spinning, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy Yeomans, and Young.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Caughran, Frame, Gandy, Garretson, Holt, Jones, Kennedy, McClure, McKnight, Meany, Metcalfe, Parcell, Putney, Reitze, Reinhardt, Rockwell, Sallee, Smyth, Taylor, Tillotson, Tyler, and Mr. Speaker.

On motion of Mr. Sharpstein, House bill No. 63, An act providing for the appointment of official stenographers for the superior courts of this state, and fixing their compensation and duties, was made a special order for Wednesday, January 28, at 11 o'clock A. M.

On motion of Mr. Snively, Senate bill No. 1, An act fixing the salaries of justices of the peace and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof and providing for clerks, office quarters, books, blanks and stationery for said officers, and declaring an emergency, was made a special order for Wednesday at 11:30 A. M.

On motion of Mr. Frater, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TWENTY-FIRST DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, January 27, 1891, }
10 o'clock A. M.

The House met pursuant to adjournment yesterday; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Godman, McClure, McKnight, Metcalfe, Parcell, and Reitze; excused.

The journal of yesterday was read, and approved as read.

The following report was read:

MR. SPEAKER:

The group of standing committees consisting of the Committee on Ways, Means and Claims, and Medicine, Surgery and Pharmacy ask the

appointment of a clerk of their committees. They have selected Mrs. R. Leavitt, and ask that she may be sworn in.

J. E. GANDY,
Chairman Committee on Ways, Means and Claims.

A. H. CHAMBERS,
Chairman Committee on Medicine, Surgery and Pharmacy.

On motion of Mr. Gandy, the report was adopted, and Mrs. Leavitt was sworn as a committee clerk.

Mr. Gandy presented the following resolution, and moved its adoption:

WHEREAS, In view of the fact that the special investigating committee will visit Spokane Falls this week, that there be appointed one each from the standing committees of hospitals for insane and state university and normal schools (as one each of these institutions are located in the vicinity of Spokane Falls), it will save much time and expense to the state to have the investigating committee make investigation of said institutions at the same time they are in that part of the state; therefore,

Be it Resolved, That they be empowered, together with the two appointed by the speaker from the above standing committees, to make the inspection of said institutions and report; and the House further request that the Senate be requested to appoint one each from their corresponding committees to accompany the House committee.

The House refused to adopt the resolution by the following vote, to wit: Yeas 8, nays 60.

Those who voted yea were: Messrs. Fellows, Gandy, Meany, Megler, Spinning, Tiffany, Walker, and Young.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Flummerfelt, Frame, Frater, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Thalman, Tillotson, Tyler, Troy, Wasson, Walter, Wyman, Yancy, Yeomans, and Mr. Speaker.

Those who were absent and not voting were: Messrs. Anderson of Mason, Andrews, Garretson, McClure, McKnight, Metcalfe, Parcell, Reitze, and Taylor.

REPORTS OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following reports: .

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 68, entitled "An act to provide for the payment of certain expenses of

judges of the supreme court, and of the judges of the superior courts, and to declare an emergency." respectfully reports the bill back to the House with the recommendation that said bill be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 28, entitled "An act concerning the verification of pleadings, and repealing existing laws in conflict with the provisions of this act, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 29, entitled "An act regulating the practice of jury trials in justice of the peace courts," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed, for the reason that the same subject is fully covered in chapter 4, title 16, of the Remedial Code.

A. W. FRATER, Chairman.

On motion of Mr. Smith, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred a communication from secretary of state in reference to certain books furnished to members of the legislature, respectfully reports the necessary legislation therein mentioned has been enacted, and the communication is herewith returned.

A. W. FRATER, Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 48, entitled "An act providing for the arrest and punishment of drunken and disorderly persons in towns, villages and precincts not incorporated; defining the duties of sheriffs and constables in relation thereto, and providing for a penalty for neglect of duty in connection therewith," respectfully reports the bill back to the House with the recommendation that said bill be indefinitely postponed, for the reason that the same is unconstitutional.

A. W. FRATER, Chairman.

The report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 62, entitled "An act granting certain powers and authority to cities of

the third class, relating to assessments, levy and collection of taxes," respectfully reports the same back to the House with the recommendation that the title of the said bill be amended by inserting the word "additional" after the word "certain," and that said bill do pass as amended.

A. W. FRATER, Chairman.

On motion of Mr. Painter, the amendment recommended by the Judiciary Committee was adopted.

On motion of Mr. Spinning, the rules were suspended, and the bill was read second time by title.

On motion of Mr. Spinning, the rules were further suspended, and the bill was read third time by section, and passed by the following vote, to wit: Yeas 64, nays none, absent and not voing 13.

Those who voted yea were: Messrs Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, McKay, Miler, Moore, Morse, Nevin, Painter, Palmer, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Chambers, Collins, Flummerfelt, Garretson, Metcalfe, McClure, McKnight, Murray, Parcell, Reitze, and Taylor.

The emergency clause was passed, by the following vote, to wit: Yeas 64, nays none, absent and not voting 13.

Those who voted aye were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, McKay, Miller, Moore, Morse, Nevin, Painter, Palmer, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Chambers, Collins, Flummerfelt, Garretson, Metcalfe, McClure, McKnight, Murray, Parcell, Reitze, and Taylor.

The title of the bill was agreed to.

On motion of Mr. Spinning, the clerk was instructed to transmit the bill to the Senate at once.

The following report was read:

To the Speaker and House of Representatives:

Your committee on committee rooms begs leave to report as follows: That four rooms can be secured at the Olympia Hotel at \$35 per month each, and in view of the fact that a majority of the Senate committees, and a part of the House committees, have rooms at the same place, and the location being central, we recommend that the sergeant-at-arms be instructed to secure said rooms for the use of House committees.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted, and the sergeant-at-arms was instructed to secure the rooms at once.

Mr. Megler moved that one room at the Olympia Hotel be assigned to the Committees on Appropriations, Municipal Corporations, Hospital for Insane, Reform School and School for Defective Youth, and Penitentiary.

The House refused to adopt the motion.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., January 27, 1891.

MR. SPEAKER:

The president pro tem. has signed House concurrent resolution No. 7, which has been enrolled and signed by the speaker. It is herewith returned.

The Senate has passed Senate concurrent resolution No. 5, providing for the removal of the Indian war records of 1855 and 1856 from the office of the secretary of state to the custody of the adjutant general, and it is herewith transmitted to the house.

The Senate has passed Senate bill No. 42, An act to amend section 324 of chapter 29 of the Code of Washington relating to the revival and continuance of judgments.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

Mr. Walker presented the following resolution:

Resolved, That all communications to this House (except from the Senate) shall be announced by the sergeant-at-arms or his deputy, then taken by the one who makes the announcement to the chief clerk's desk, who shall read the communication when through the order of business in which the House may be engaged at the receipt thereof.

Mr. Dysart moved the adoption of the resolution.

SIG. 8.—HOUSE.

The House refused to adopt the resolution by a divisional vote of 28 yeas to 32 nays.

The hour for consideration of special orders having arrived, House joint resolution No. 1, relative to an amendment to section 1 of article VIII of the state constitution, special order for 11 o'clock A. M. was taken up.

Mr. Powell moved to amend the resolution by striking out the words "two per cent." and inserting the words "one per cent."

Mr. Hunsaker moved to amend Mr. Powell's motion by striking out the words "one per cent." and inserting the words "one-half per cent."

On motion of Mr. Garretson, the resolution and proposed amendments were referred to the Committee on Judiciary.

REPORT OF COMMITTEE ON COUNTIES AND COUNTY LINES.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to which was referred House bill No. 56, entitled "An act providing for the election and terms of office of county commissioners," have had the same under consideration, and beg leave to report it back with a substitute, and recommend that the substitute do pass.

A. W. TIFFANY, Chairman.

Mr. Walker presented the following resolution:

Resolved, That the compensation of the chief clerk of this House be \$8 per day, and that the compensation of the assistant clerk shall be \$7 per day for the session dating from January 7, 1891.

Mr. Walker moved the adoption of the resolution.

The House refused to adopt the resolution by the following vote, to wit: Yeas 34, nays 37.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Collins, Cushman, De Steiguer, Dysart, Fellows, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Miller, Morse, Rockwell, Sallee, Smyth, Spinning, Thalman, Tillotson, Walker, Walter, Wasson, Wyman, Yancy, and Yeomans.

Those who voted nay were: Messrs. Anderson of Mason, Bothell, Caughran, Chambers, Farrish, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Megler, Moore, Murray, Nevin, Painter, Palmer, Pearson, Plummer, Powell, Put-

ney, Ragsdale, Ready, Reinhardt, Sharpstein, Smith, Snively, Schricker, Taylor, Tiffany, Troy, Tyler, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Kennedy, McClure, Metcalfe, Parcell, and Reitze.

On motion of Mr. Sharpstein, the clerk was instructed to issue a certificate in favor of the speaker for \$2.50 to pay charges of a telegram sent to Governor Ferry by order of the House.

Mr. Kennedy presented the following resolution:

Resolved, That the committee appointed to investigate the charges made by John B. Metcalfe, is hereby authorized and empowered to appoint all officers whose services shall be found necessary to carry out such investigation.

On motion of Mr. Tiffany, the resolution was adopted.

INTRODUCTION OF BILLS.

Mr. Meany introduced House bill No. 109, A bill entitled "An act providing for the division of the State of Washington into two congressional districts," which was read first time by title, and ordered printed; referred to Committee on Federal Relations and Immigration.

Mr. Hunsaker introduced House bill No. 110, An act authorizing and requiring the county treasurers of the several counties of the State of Washington to notify all taxpayers in their respective counties of their assessment and taxes, which was read first time by title, and ordered printed; referred to Committee on Public Revenue and Taxation.

Mr. Hunsaker introduced House bill No. 111, An act creating the office of precinct assessor, and defining the duties thereof, which was read first time by title, and ordered printed; referred to Committee on Counties and County Lines.

Mr. Miller introduced House bill No. 112, An act to amend section 753 of the Code of Washington providing for taking transcripts of judgment from justice courts to superior courts, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Morse introduced House bill No. 113, An act to provide for the payment of costs of defendant in slander or libel suit where the action is malicious or brought for annoyance, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Hutchinson introduced House bill No. 114, An act to create and organize the county of Washington, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Counties and County Lines.

Mr. Collins introduced (by request) House bill No. 115, An act providing for taking the census of the inhabitants of the State of Washington, which was read first time by title, and ordered printed; referred to Committee on Federal Relations and Immigration.

Mr. Collins introduced (by request) House bill No. 116, An act to repeal sections 41 and 42 of an act to provide for the organization, maintenance, and discipline of the militia of the State of Washington, approved March 27, 1890, and to provide for the payment of the expenses of the militia of the State of Washington, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Collins introduced (by request) House bill No. 117, An act to provide for the transportation of prisoners to the state penitentiary, to fix the compensation therefor, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Penitentiary.

The Committee on Counties and County Lines introduced House bill No. 118 (substitute for House bill No. 56, An act providing for the election and terms of office of county commissioners, which was read first time by title, and ordered printed.

Mr. McKay presented House memorial No. 3, Relative to reservation of lands granted to the state, which was read first time, and ordered printed; referred to Committee on State Lands.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 66, entitled "An act creating the office of public administrator, and defining the duties thereof," respectfully reports the bill back to the House with the recommendation that said bill be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Sharpstein, the report was adopted, and the bill was indefinitely postponed.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to whom was referred House bill No. 55, entitled "An act increasing the number of county commissioners in counties of twenty-five thousand inhabitants or over," respectfully reports the bill back to the House with the recommendation that the word "twenty-five," in section 1, be stricken out, and the word "eighteen" be inserted in lieu thereof; and that the bill do pass as amended.

A. W. TIFFANY, Chairman.

On motion of Mr. Gandy, the amendments recommended by the committee were adopted.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 59, entitled "An act to provide for the payment of bailiffs of the superior courts, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be amended by striking out section 3, and that the bill as amended do pass.

A. W. FRATER, Chairman.

On motion of Mr. Sharpstein, the amendment recommended by the committee was adopted.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, respectfully reports that the engrossed copy of House bill No. 62, entitled "An act granting certain powers and authority to cities of the third class, relating to assessments, levy and collection of taxes," has been carefully compared with the original copy thereof, and found correctly engrossed.

Respectfully submitted,

O. E. YOUNG, Chairman.

House bill No. 55, An act increasing the number of commissioners in counties of twenty-five thousand inhabitants or over, was read the second time by section.

Mr. Fellows moved to amend section 1 by adding the following words: "*Provided*, That said counties shall first be divided into five commissioner districts, containing as near as practicable the same amount of territory in each, and the appointments to be made by the governor shall be from the districts having no resident commissioner."

The House refused to adopt the amendment by a divisional vote of 19 yeas to 34 nays.

Mr. Walter moved to amend the bill so as to provide that "The commissioners appointed under this act shall not all be of the same political party."

The House refused to adopt the amendment.

The bill was placed on the calendar for third reading.

House bill No. 35, An act providing for the payment of traveling and incidental expenses of superior court judges, was read second time by title, and placed on the calendar for third reading.

House bill No. 59, An act to provide for the payment of bailiffs of the superior courts, and declaring an emergency, was read second time by title and placed on calendar for third reading.

Senate bill No. 4, An act providing that nine jurors may make a verdict in all civil cases tried by a jury of twelve; declaring the duty of the jury when the verdict is agreed upon, also when the jury may be discharged, and repealing all laws in conflict, was read second time by title, and placed on the calendar for third reading.

On motion of Mr. Powell, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TWENTY-SECOND DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, January 28, 1891. }
10 o'clock A. M.

The House met pursuant to adjournment yesterday, the speaker in the chair.

The roll was called. All the members were present except Messrs. Andrews, Barlow, McClure, Meany, Metcalfe, Putney, and Reinhardt.

The journal of yesterday was read, and approved as read.

The following communication was read:

STATE OF WASHINGTON, AUDITOR'S OFFICE,
OLYMPIA, January 27, 1891.

*Hon. A. F. Shaw, Speaker of the House of Representatives, Olympia, Wash-
ington:*

DEAR SIR—In compliance with an order received from the chief clerk of the House of Representatives, I have this day placed at the disposal of

the sergeant-at-arms of the House, seventy-eight copies of the Code of 1881, being one for each member.

I have the honor to be, very respectfully, yours,

T. M. REED, State Auditor.

PETITIONS, MEMORIALS, ETC.

Mr. Kennedy presented resolutions from Pioneer Farmers' Alliance No. 149, of Adams county; also, a petition from the farmers' alliance, et al., asking for the passage of a law regulating freights and fares on railroads; referred to the Committee on Railroads.

Mr. Palmer presented resolutions from Union Farmers' Alliance No. 110 and Dixons Farmers' Alliance No. 120, of Garfield county; also, petitions from members of the farmers' alliance, et al., asking for the passage of a law regulating freights and fares on railroads; referred to Committee on Railroads.

Mr. Tillotson presented a petition from citizens of Pierce county, asking for the amendment of the road laws; referred to Committee on Roads and Highways.

Mr. Nevin presented a petition from the Washington State Temperance Alliance, asking for the enactment of a law prohibiting the manufacture and sale of alcoholic and malt liquors; referred to Committee on Education.

REPORTS OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 12, entitled "An act in relation to costs in convictions for felony before the superior courts of the state, providing the manner of payment of the same, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report of the committee was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 81, entitled "An act for the incorporation of bar associations," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 12, entitled "An act to provide for the appointment, prescribe the duties and powers, and defining the mode of proceedings of court commissioners of this state, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 45, entitled "An act to cure defective titles to real estate, by providing for the collection of unpaid taxes and assessments, and by securing record evidence in relation to real estate sold for taxes or assessments, in the office of county treasurer and auditor," respectfully reports the bill back to the House with the recommendation that the same be referred to the Committee on Public Revenue and Taxation.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted, and the bill was referred to the Committee on Public Revenue and Taxation.

PROPOSITIONS AND MOTIONS.

On motion of Mr. Megler, the Committee on Fisheries was granted leave of absence for the purpose of meeting with a like committee of the Oregon legislature, for the purpose of formulating laws for the protection of the fishing industry on the Columbia river; and on motion of Mr. Megler, the committee was authorized to employ a clerk if deemed necessary by the committee.

The Committee on Judiciary was granted further time in which to report on House bills Nos. 13, 30 and 51, and all bills relating to judicial districts.

The Committee on Corporations other than Municipal and Railroad was granted further time in which to report on House bills Nos. 16, 17 and 75.

The Committee on Medicine, Surgery and Pharmacy was granted further time in which to report on House bill No. 4.

The Committee on Labor and Labor Statistics was granted further time in which to report on House bills Nos. 24, 44 and 86.

The Committee on Harbors and Navigable Waters was granted further time in which to report on House bill No. 65.

INTRODUCTION OF BILLS.

Mr. Sharpstein introduced House bill No. 119, An act to amend sections three (3) and eight (8) of an act entitled "An act to regulate the practice of medicine and surgery in in the State of Washington, and to license physicians and surgeons, to punish all persons violating the provisions of this act and to repeal all laws in conflict herewith, and declaring an emergency," which was read first time by title, and ordered printed; referred to Committee on Medicine, Surgery and Pharmacy.

Mr. Sharpstein introduced House bill No. 120, An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation therefor, which was read first time by title, and ordered printed; referred to Committee on Ways, Means and Claims.

Mr. McKay introduced House bill No. 121, An act to provide for the selection of lands granted to the State of Washington under act of congress approved February 22, 1889, for the purpose of the erection of public buildings and a penitentiary; the use and support of agricultural and scientific normal schools, and charitable, penal and reformatory institutions, which was read first time by title, and ordered printed; referred to Committee on School Lands.

Mr. Collins introduced House bill No. 122, To provide for the purchase of ground in the city of Olympia, and the erection of a building thereon for the use of the state, pending the erection of a permanent capitol building, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Mr. Thalman introduced House bill No. 123, An act to amend an act relating to schools in cities of more than ten thousand inhabitants, which was read first time by title, and ordered printed; referred to Committee on Education.

Mr. Miller introduced House bill No. 124, An act prescribing the qualifications of locomotive engineers, which was read first time by title, and ordered printed; referred to Committee on Railroads.

Mr. Anderson, of Mason, introduced (by request) House bill No. 125, An act to establish a normal school for the State of Washington, in the town of Lilliwaup Falls, in Mason county, and for the government, management and control of the same,

which was read first time by title, and ordered printed; referred to Committee on State University and Normal Schools.

Mr. Hutchinson introduced House bill No. 126, An act providing for the establishment of an agricultural college in the State of Washington, which was read first time by title, and ordered printed; referred to Committee on Agricultural College and School of Science.

MESSAGE FROM THE SENATE.

The following message was also received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 28, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 9, Relative to publishing 3,000 copies of the state constitution, and the same is herewith transmitted to the House. C. M. BARTON, Secretary.

Mr. Jones introduced House memorial No. 4, In relation to the improvement of Gray's Harbor, which was read first time; rules suspended, and read second and third time, and passed by the following vote, to wit: Yeas 68, nays none, absent and not voting 9.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, McKay, McKnight, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, McClure, Meany, Metcalfe, Nevin, Putney, Ready, and Reinhardt.

Mr. Troy introduced House memorial No. 5, In relation to the government town site at Port Angeles, which was read first time; rules suspended, and read second and third time, and passed by the following vote, to wit: Yeas 69, nays none, absent and not voting 8.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Far-

rish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, McClure, Meany, Metcalfe, Putney, Ready, and Reinhardt.

House bill No. 53, An act providing for the appointment of official stenographers for the superior courts of this state, and fixing their compensation and duties, was taken up and read for information.

On motion of Mr. Snively, section 5 was amended by inserting the words "not exceeding" after the word "of," in line 2.

On motion of Mr. Tillotson, section 6 was stricken out and the numbers of succeeding sections were changed to number consecutively.

On motion of Mr. Godman, section 6 was amended by striking out the words "either in person or by his assistant, when his services shall be required by any such commissioner," and inserting in lieu thereof the words, "When assigned to such duty by the superior judge."

Mr. Hutchinson moved to amend section 5 by striking out the words "ten dollars," in line 3, and inserting the words "six dollars."

The house refused to adopt the amendment.

On motion of Mr. Gandy, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: yeas 65, nays 4.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth,

Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walter, Wyman, Yancy, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, Hutchinson, Walker, and Young.

Messrs. Andrews, Barlow, McClure, Meany, Metcalfe, Putney, Ready and Reinhardt were absent and not voting.

The title of the bill was agreed to.

Mr. Godman offered the following resolution, and moved its adoption:

Resolved, That rule ten (10) be suspended for ten days.

The resolution was adopted.

Mr. Godman offered the following resolution, and moved its adoption:

Resolved, That the committee appointed to investigate the charge made by John L. Metcalfe be authorized and empowered to issue any and all writs, warrants and subpoenas necessary to said investigation, such writs, warrants or subpoenas to be signed by the chairman of the committee.

The resolution was adopted.

Senate bill No. 1, An act fixing the salaries of justices of the peace and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof, and providing for clerks, office quarters, books, blanks and stationery for said offices, and declaring an emergency, special order for 11:30 A. M., was taken up for consideration.

On motion of Mr. Plummer, section 8 was amended by striking out the word "shall" and inserting the word "may," in line 5.

Mr. Tyler moved to amend section 8 to read:

"SEC. 8. The board of county commissioners shall allow each justice in cities of the first class, and may allow each justice in cities of the second class, one clerk, at such salary as they may designate; said clerk to be paid in the same manner and at the same time as the said justice. The board of county commissioners may furnish for the use of each of the justices provided for in this act, a suitable office room; and also they shall furnish to each of the said justices and constables all necessary books, blanks, and stationery, to be paid for on the warrant of the auditor out of the general fund of the county."

On motion of Mr. Plummer, section 1 was amended by inserting the words "as shown by the last state or federal census" after the word "inhabitants," in line 7.

On motion of Mr. Plummer, section 2 was amended by inserting

the words "as shown by the last state or federal census" after the word "inhabitants," in line 7.

Mr. Sharpstein moved to amend section 10 by inserting the words "or city" after the word county," in line 2, and by striking out the word "or" between the words "state" and "county," in line 2.

The House refused to adopt the amendment.

On motion of Mr. Gandy, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 53, nays 11.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Hanson, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McKay, McKnight, Miller, Morse, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reitze, Rockwell, Smith, Smyth, Snively, Spinning, Taylor, Tillotson, Tyler, Troy, Wasson, Walker, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Berry, De Steiguer, Dysart, Garretson, Moore, Murray, Sharpstein, Schricker, Thalman, Tiffany, and Walter.

Messrs. Andrews, Barlow, Godman, Holt, Kennedy, McClure, Meany, Metcalfe, Nevin, Putney, Ready, Reinhardt, and Sallee, were absent and not voting.

The emergency clause was passed by the following vote, to wit: Yeas 56, nays 9.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Hanson, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McKay, McKnight, Miller, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reitze, Rockwell, Sallee, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tillotson, Tyler, Troy, Wasson, Walker, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Berry, De Steiguer, Dysart, Garretson, Moore, Murray, Schricker, Tiffany, and Walter.

Messrs. Andrews, Barlow, Godman, Holt, Kennedy, McClure,

Meany, Metcalfe, Putney, Ready, Reinhardt, and Sharpstein, were absent and not voting.

The title of the bill was agreed to.

On motion of Mr. Gandy, the House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, January 28, 1891. }
2 o'clock P. M.

The House met pursuant to adjournment; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Frater, Holt, Kennedy, McClure, Meany, and Metcalfe; excused.

The hour for the consideration of special orders having arrived, House bill No. 21, An act to create a state board of horticulture and to appropriate money therefor, was taken up, and read second time.

The speaker called Mr. Plummer to the chair.

REPORT OF COMMITTEE ON AGRICULTURE.

The following report of the Committee on Agriculture was read:

MR. SPEAKER:

Your Committee on Agriculture, to whom was referred House bill No. 21, entitled "An act to create a state board of horticulture and appropriate money therefor," respectfully reports the bill back to the House with the recommendation that it do pass with the following amendments:

In the second line of the title, after the word "therefor," add the words "and declaring an emergency."

Strike out "legislative assembly" from the enacting clause and insert "legislature."

Insert between the words "of" and "Skamania" in the seventh line of section 1, the word "Klickitat."

Strike from the fourteenth line of section 1 the word "Klickitat."

After the last word in section 3, add the words "of state."

In the second line of section 11 strike out "legislative assembly" and insert "legislature."

Strike out "legislative assembly" from section 14 and insert "legislature."

In section 14 strike out the figure "2" after the figure "9," and insert the figure "3."

JOSEPH ARRASMITH, Chairman.

The amendments recommended by the committee were adopted.

On motion of Mr. Shaw, section 8 was amended by inserting the word "if" between the words "and" and "such," in line 13.

On motion of Mr. Shaw, section 13 was amended by striking out the words "state secretary" and inserting the words "state auditor," in line 5.

On motion of Mr. Yeomans, section 8 was amended by striking out the word "dollars" after "\$100," in line 24.

On motion of Mr. Hunsaker, section 8 was amended by inserting between the words "insects" and "injurious," in line 5, the words "or that any package of trees, plants or fruit are in transit to this state, or are in this state about to be disseminated, which are known or suspected to be from localities that are infected with any disease or pests."

On motion of Mr. Taylor, section 8 was amended by striking out the figures "\$25" and inserting the words "twenty-five dollars," and by striking out the figures "\$100" and inserting the words "one hundred dollars."

On motion of Mr. Berry, section 8 was amended by striking out the words "a certain," in line 11, and by striking out the words "to be" and inserting in lieu thereof the word "as," in line 11.

On motion of Mr. Plummer, section 9 was amended by adding the following, to wit: "And his actual traveling expenses shall be allowed when acting as assistant to the inspector of fruit pests."

Mr. Tyler moved to amend section 3 by striking out the word "their" and insert the word "its," in line 2.

The House refused to adopt the amendment by a divisional vote of 22 yeas to 28 nays.

Mr. De Steiguer moved to amend section 8 by inserting the words "or infected" after the word "infested," in line 28.

The House adopted the amendment by a divisional vote of 30 yeas to 14 nays.

On motion of Mr. Megler, section 13 was amended by striking out the word "January" and inserting the word "April."

On motion of Mr. Yeomans, section 7 was amended by inserting the word "are" after the word "material," in line 11.

On motion of Mr. Shaw, the rules were suspended and the bill was considered engrossed, and read third time and passed, by the following vote, to wit: Yeas 66, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Messrs. Andrews, Barlow, Frater, Godman, Holt, Kennedy, Meany, Metcalfe, McClure, Snively, and Tyler, were absent and not voting.

The emergency clause was adopted, by the following vote, to wit: Yeas 62, nays none.

Those who voted aye were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McKay, McKnight, Miller, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Messrs. Andrews, Barlow, Frater, Godman, Holt, Kennedy, McClure, Meany, Metcalfe, Moore, Murray, Sharpstein, Snively, Spinning, and Tyler, were absent and not voting.

The title of the bill, as amended, was agreed to.

Mr. Megler presented a communication from the governor, inclosing bill of the Western Union Telegraph Company for telegraphing census returns, Sept. 3, 1890. Referred to Committee on Ways, Means and Claims.

Mr. Gandy presented a report from U. B. Hough, civil engineer of Spokane Falls, to the board of trustees of the eastern Washing-

ton hospital for the insane, in regard to the cost of a water supply for said hospital. Referred to Committee on Hospitals for Insane.

The speaker resumed the chair.

Mr. Troy introduced House memorial No. 6, In relation to the government town site at Port Angeles; read first time.

On motion of Mr. Plummer, the rules were suspended, and the memorial was read second and third times, and passed by the following vote, to wit: yeas 63, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McKay, McKnight, Miller, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Frater, Godman, Holt, Kennedy, Meany, Metcalfe, McClure, Moore, Murray, Snively, and Spinning.

Senate concurrent resolution No. 9, Relative to publishing 3,000 copies of the state constitution, was read and referred to Committee on Printing and Supplies.

Senate concurrent resolution No. 5, Providing for the removal of the Indian war records of 1855 and 1856 from the office of the secretary of state to the custody of the adjutant general, was referred to Committee on Military Affairs.

REPORT OF COMMITTEE ON FEDERAL RELATIONS AND IMMIGRATION.

The Committee on Federal Relations and Immigration made the following report:

MR. SPEAKER:

Your Committee on Federal Relations and Immigration, to which was referred House memorial No. 2, Relative to the election of United States senators by popular vote, respectfully report the memorial back to the House with a substitute in lieu thereof, and recommend that the substitute do pass.

E. L. POWELL, Chairman.

House memorial No. 7 (reported by Committee on Federal Relations and Immigration as a substitute for House memorial No. 2),

Relative to election of United States senators by popular vote, was read first time; the rules were suspended, and the memorial was read second and third times, and passed by the following vote, to wit: yeas 62, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McKay, McKnight, Miller, Morse, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, De Steiguer, Frater, Godman, Holt, Kennedy, McClure, Meany, Metcalfe, Moore, Murray, Nevin, Sharpstein, and Spinning.

REPORT OF THE COMMITTEE ON LABOR AND LABOR STATISTICS.

The Committee on Labor and Labor Statistics made the following report:

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to which was referred House bill No. 34, entitled "An act declaring eight hours labor shall constitute a legal day's work on all work done by and for the state or any county or municipality therein," respectfully reports the bill back to the House with the recommendation that it do pass with the following amendment: In section two (2) strike out all of the section after the word "dollars" in line thirteen.

A. I. ADAMS, Chairman.

On motion of Mr. Sallee, the amendment recommended by the committee was adopted.

Mr. Schricker moved to amend section 3 by striking out the words "without extra compensation," in lines 7 and 8. The House refused to amend.

The bill was read second time and placed on the calendar for third reading.

On motion of Mr. Schricker, House bill No. 98 (substitute for House bill No. 63), An act requiring corporations owning lands in this state to file a certified copy of articles of incorporation with county auditors, was made a special order for 11 o'clock A. M. tomorrow.

Senate bill No. 42, An act to amend section 324 of chapter 29 of the Code of Washington, relating to the revival and continuance of judgments, was read first time by title and referred to the Committee on Judiciary.

House bill No. 67, An act to establish a bureau of statistics, agriculture and immigration; to provide for the appointment of commissioner of said bureau, prescribing his duties and compensation; making an appropriation for the same, and declaring an emergency, was read second time.

The following report of the Committee on Federal Relations and Immigration was read:

REPORT OF COMMITTEE ON FEDERAL RELATIONS AND IMMIGRATION.

MR. SPEAKER:

Your Committee on Federal Relations and Immigration, to which was referred House bill No. 67, entitled "An act to establish a bureau of statistics, agricultural and immigration, to provide for the appointment of commissioner of said bureau, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency," respectfully reports the bill back to the House with the following amendments:

In the second line of the title strike out the word "agricultural," insert in lieu thereof the word "agriculture."

In the fourth line of the title strike out the word "commissioner," insert in lieu thereof the words "a chief."

In the eighth line of section one, between the word "to" and the word "a," insert the word "appoint."

In the fifth line of section three strike out the word "fifteenth," insert in lieu thereof the word "first;" in same line strike out the word "January," insert in lieu thereof "December."

In the sixth line of section three, strike out the word "when." Insert in lieu thereof the words "preceding any regular session of."

In the same line, strike out the word "is" and the word "in;" in the next line, strike out the word "session;" in the next line, strike out the word "December" and insert in lieu thereof the word "October;" in the next line, strike out the words "the preceding" and insert in lieu thereof the word "that."

In the seventh line of section four, strike out the words "he may wish" and insert in lieu thereof the words "may be necessary."

In the third line of section five, strike out the words "two thousand" and insert in lieu thereof the words "fifteen hundred."

In the tenth line of section five, strike out the words "deputy or clerk." Strike out all of section six.

In the first line of section seven, strike out the word "ten" and insert in lieu thereof the word "seven."

In the eighth line of section seven, strike out the word "four" and insert in lieu thereof the word "three."

In the eleventh line of section seven, strike out the words "for clerical expenses, two thousand dollars."

And recommend that the bill as amended do pass.

E. L. POWELL, Chairman.

On motion of Mr. Plummer, the amendments recommended by the committee were adopted.

Mr. Tillotson moved that the bill under consideration be recommitted, and that the committee be instructed to prepare a report on the bill giving reference in said report to the printed bill.

The House refused to adopt the motion to recommit.

On motion of Mr. Snively, section 1 was amended by striking out the words "in pursuance of section 34 of article 2 of the constitution of the State of Washington," in lines 3, 4 and 5.

Mr. Hutchinson moved to amend the bill by striking out the word "agriculture."

The House refused to adopt the amendment.

Mr. Snively moved to recommit the bill to the Committee on Judiciary.

On motion of Mr. Smyth, the House, at 4:30 P. M., adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TWENTY-THIRD DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, January 29, 1891, }
10 o'clock A. M.

The House met pursuant to adjournment yesterday; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Frater, Godman, Holt, Kennedy, McClure, Meany, Megler, Metcalfe, and Putney. Excused.

The journal of yesterday was read, and approved as read.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 29, 1891.

MR. SPEAKER:

The Senate has indefinitely postponed House bill No. 13, An act in relation to civil actions against the state.

The Senate has passed Senate bill No. 3, with amendments which are attached to the bill, declaring eight hours a legal day's work, etc.

Also passed Senate bill No. 25, An act regulating fees to be charged by the clerk of the supreme court, with the emergency clause.

Also passed Senate bill No. 2, An act declaring labor day a legal holiday.

Also passed House bill No. 99 (substitute for House bill No. 2), Relative to prosecuting attorneys and declaring an emergency, with the emergency clause.

The Senate has concurred in the amendment to the title made by the House to Senate bill No. 22, and ordered the bill to be enrolled.

Also passed Senate bill No. 54, Legalizing the incorporation of municipal corporations of the fourth class, with the emergency clause.

Also passed Senate bill No. 53 (substitute for Senate bill No. 14), Relative to the publication, distribution and sale of supreme court reports, with the emergency clause.

Also passed Senate bill No. 51, To amend section 2551 of chapter CXVIII of the Code of Washington relating to marks and brands.

Also passed Senate bill No. 24, An act regulating fees of county clerks for services rendered as ex-officio clerks of the superior courts, with the emergency clause.

Also passed Senate bill No. 30, To permit poor persons to sue in the courts of this state without paying costs in advance, with the emergency clause.

The president pro tem. of the Senate has signed enrolled Senate concurrent resolutions Nos. 7 and 8.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate concurrent resolutions Nos. 7 and 8 in open session of the House.

REPORT OF COMMITTEE ON MILITARY AFFAIRS.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs, to whom was referred House bill No. 94, entitled "An act making it unlawful for any judge or county officer to charge soldiers or seamen, or the widows, orphans or legal representatives thereof, any fee for services in matters pertaining to pensions

or pension dues, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

I. N. CUSHMAN, Chairman.

REPORT OF COMMITTEE ON PRINTING AND SUPPLIES.

The Committee on Printing and Supplies made the following report:

MR. SPEAKER:

Your Committee on Printing and Supplies, to whom was referred Senate concurrent resolution No. 9, Relative to publishing 3,000 copies of the state constitution, respectfully reports the resolution back to the House with the recommendation that, as it seems somewhat ambiguous to this committee, we would respectfully request that it be referred to the Committee on Education.

F. L. PUTNEY, Chairman.

On motion of Mr. Smith, the report of the committee was adopted, and the resolution was referred to the Committee on Education.

PETITIONS, MEMORIALS, ETC.

Mr. Hutchinson presented resolutions from Ridge Farmers' Alliance No. 139; also, a petition from members of the farmers' alliance et al.; referred to Committee on Railroads.

On motion of Mr. Gandy, the chief clerk was instructed to have 250 copies of the standing committees of the House and Senate printed in folder form for the use of the House.

On motion of Mr. Gandy, Mr. Meany, of King county, was substituted for Mr. Andrews, of King county, as a member of the Committee on Education.

Mr. Smyth moved that when the House adjourn to-day it be to meet at 10 o'clock A. M. to-morrow.

Mr. Plummer moved to amend the motion so as to read "1:30 P. M. on Monday, February 2d."

Mr. Snively demanded the yeas and nays on Mr. Plummer's amendment.

The yeas and nays being sufficiently seconded, the clerk called the roll; the amendment was adopted by the following vote, to wit: Yeas 35, nays 30.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Bothell, De Steiguer, Farrish, Fellows, Gandy, Hutchinson, Johnson, Jones, Lehman, McKay, McKnight, Morse, Nevin, Palmer, Parcell, Pearson, Plummer, Ragsdale, Ready, Reitze, Reinhardt, Smith, Smyth, Schricker, Thalman, Tillotson, Tyler, Walker, Walter, Wasson, Wyman, and Yeomans.

Those who voted nay were: Messrs. Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Flummerfelt, Frame, Garretson, Hanson, Hunsaker, Lawton, Miller, Moore, Murray, Painter, Powell, Rockwell, Sallee, Sharpstein, Snively, Taylor, Tiffany, Troy, Yancy, Young, and Mr. Speaker.

Messrs. Andrews, Barlow, Frater, Godman, Holt, Kennedy, McClure, Meany, Megler, Metcalfe, Putney, and Spinning, were absent and not voting.

The speaker ruled that the adoption of the amendment carried the main question with it, and that when the House adjourned today it would be until 1:30 p. m. on Monday, February 2d, 1891.

Mr. Plummer presented House joint resolution No. 2, Relative to members of certain standing committees visiting state institutions.

Mr. Gandy moved to amend the resolution by adding "That the Committee on Hospital for Insane be instructed to visit the hospital for insane at Medical Lake and report to the House not later than February 5, 1891."

Mr. Snively demanded the yeas and nays.

The call for the yeas and nays being sufficiently seconded, the clerk was ordered to call the roll.

Mr. Sharpstein moved that the resolution and amendment be laid on the table.

The House adopted the motion by a divisional vote of 33 yeas to 16 nays.

Mr. Hutchinson moved that the order of business be suspended and that he be allowed to introduce a resolution.

The House refused to suspend the order of business.

INTRODUCTION OF BILLS.

Mr. Sharpstein introduced House bill No. 127, An act to limit the charges for transportation of property on railroads and steamboats in this state, which was read first time by title, and ordered printed; referred to Committee on Railroads.

Mr. Reinhardt introduced House bill No. 128, An act to make time checks bear interest from date of issue, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Walker introduced House bill No. 129, An act to prevent

fraud upon travelers, which was read first time, and ordered printed; referred to Committee on Railroads.

Mr. Yeomans introduced House bill No. 130, An act to provide for the erection of a building to accommodate the feeble minded pupils of the Washington school for defective youth, and to appropriate money therefor, which was read first time by title, and ordered printed; referred to Committee on Appropriations.

Mr. Young introduced House bill No. 131, An act to regulate the printing of legal notices in newspapers, and prescribing the fees to be charged therefor, which was read first time, and ordered printed; referred to Committee on Printing and supplies.

Mr. Dysart introduced House bill No. 132, An act to apportion the State of Washington into congressional districts, which was read first time by title, and ordered printed; referred to Committee on Federal Relations and Immigration.

Mr. Berry introduced House bill No. 133, An act to amend sections 3095 and 3098 of the Code of Washington, relating to official count of election returns, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

The Committee on Judiciary introduced House bill No. 134 (substitute for House bills Nos. 22 and 61), An act in relation to trade marks, which was read first time by sections, and ordered printed.

Senate bill No. 2, An act declaring labor day a legal holiday, was read first time; referred to Committee on Labor and Labor Statistics.

Senate bill No. 3, An act declaring eight hours shall constitute a legal work day on all work done for the state, or any county or municipality therein, or for any corporation, firm or individual, was read first time; referred to Committee on Labor and Labor Statistics.

Senate bill No. 24, An act regulating fees of county clerks for services to be rendered as ex-officio clerks of the superior courts, was read first time; referred to Committee on Fees and Compensation of State and County officers.

Senate bill No. 25, An act regulating fees to be charged by the clerk of the supreme court, was read first time; referred to Committee on Judiciary.

Senate bill No. 30, An act to permit poor persons to sue in courts of this state without paying costs in advance, was read first time; referred to Committee on Judiciary.

Senate bill No. 51, An act to amend section 2551 of chapter CXCVIII of the Code of Washington, relating to marks and brands, was read first time; referred to Committee on Judiciary.

Senate bill No. 53 (substitute for Senate bill No. 14), An act to provide for the publication, distribution and sale of the supreme court reports of the State of Washington, and declaring an emergency, was read first time; referred to Committee on Judiciary.

Senate bill No. 54 (substitute for Senate bill No. 5), An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency, was read first time; referred to Committee on Judiciary.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills respectfully reports that the engrossed copy of House bill No. 21, entitled "An act to create a state board of horticulture and appropriate money therefor," has been carefully compared with the original copy thereof, and found correctly engrossed.

Respectfully submitted.

O. E. YOUNG, Chairman.

House bill No. 94, An act making it unlawful for any judge or county officer to charge soldiers or seamen, or the widows, orphans, or legal representatives thereof, any fee for services in matters pertaining to pensions or pension dues, and declaring an emergency, was read second time.

House bill No. 98 (substitute for House bill No. 63), An act requiring corporations owning lands in this state to file a certified copy of articles of incorporation with county auditor, was read second time by sections.

On motion of Mr. Schricker, section 1 was amended by inserting the word "county" before the word "auditor" in line 5.

On motion of Mr. Sharpstein, section 1, was amended by adding the words "*Provided*, That nothing in this act shall in any way affect existing titles or rights."

On motion of Mr. Schricker, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 58, nays none, absent and not voting 19.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock,

Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Miller, Moore, Murray, Painter, Palmer, Parcell, Pearson, Powell, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Frater, Godman, Hanson, Holt, Kennedy, McClure, Meany, Megler, Metcalfe, Morse, Nevin, Plummer, Putney, Ragsdale, Spinning, Yancy, and Young.

Mr. Hutchinson moved a reconsideration of the vote by which the House agreed to adjourn until Monday at 1:30 p. m. The House refused to reconsider by a divisional vote of 29 yeas to 30 nays.

Mr. Frame moved that the House take a recess until 10 o'clock a. m. to-morrow.

Mr. Plummer moved to amend the motion to read "1:30 p. m. Monday."

Mr. Snively demanded the yeas and nays. The call for the yeas and nays being sufficiently seconded, the clerk was ordered to call the roll.

On motion of Mr. Plummer, a call of the House was ordered.

The roll was called and Mr. Ragsdale was found to be absent without leave.

On motion of Mr. Sharpstein, further proceeding under call of the House was dispensed with.

Mr. Yeomans moved to adjourn.

The House refused to adjourn by the following vote, to wit: yeas 24, nays 40.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Collins, Fellows, Gandy, Jones, McKnight, Parcell, Pearson, Plummer, Ready, Reitze, Reinhardt, Rockwell, Smith, Smyth, Schricker, Thalman, Tillotson, Walker, Wasson, Wyman, and Yeomans.

Those who voted nay were: Messrs. Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Farrish, Flummerfelt, Frame, Garretson, Hanson, Hutchinson,

Hunsaker, Johnson, Lawton, Lehman, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Powell, Sallee, Sharpstein, Snively, Taylor, Tiffany, Troy, Tyler, Walter, Yancy, Young, and Mr. Speaker.

Messrs. Andrews, Barlow, Frater, Godman, Holt, Kennedy, McClure, Meany, Megler, Metcalfe, Putney, Ragsdale, and Spinning were absent and not voting.

On motion of Mr. Plummer, the motion of Mr. Frame, with the amendment, was laid on the table by a divisional vote of 29 yeas to 25 nays.

Mr. Sharpstein moved that the House take a recess until 2 o'clock P. M.

The speaker ruled the motion out of order.

Mr. Sharpstein appealed from the decision of the chair.

The House sustained the decision of the chair

REPORTS OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following reports:

To the Speaker and House of Representatives:

The Judiciary committees of the Senate and House, to whom was referred the general statutes and codes of the State of Washington, annotated and arranged by William Lair Hill, Esq., code commissioner of the State of Washington, pursuant to Senate concurrent resolution No. —, with directions to make an examination thereof, together with the bills prepared by said code commissioner now in the hands of the Senate committee, and to report the same to this session of the legislature, with recommendations as to what would be the best to be done in the premises, would respectfully report that said code commissioner, William Lair Hill, on the invitation of the said committees, appeared before them in joint session, at two different sittings thereof, and fully and carefully explained to them the system and arrangements of his statutes and codes, and the necessity for the bills above mentioned—some 46 in number—they being necessary in order to make the statutes and codes harmonious.

There was before the said committees and considered by them the remedial code and penal code. They were carefully examined, compared and discussed, and your committees agreed that the said codes so examined by them were carefully and ably annotated, compiled and arranged, and should be approved and adopted. Your committees find that the 46 bills so prepared by the code commissioner are necessary, in order to perfect the said codes and statutes.

Your committees would therefore respectfully recommend that the said 46 bills be introduced in the Senate by the Senate Judiciary Commit-

tee, and that the legislature enact them into laws, and that the codes and statutes herein referred to be accepted and adopted by the legislature.

All of which is respectfully submitted.

A. H. GARRETSON, Acting Chairman,
P. E. BERRY,
JOHN L. SHARFSTEIN,
G. E. DE STEIGUER,
J. M. READY,
J. M. MILLER,

House Judiciary Committee.

J. R. KINNEAR, Chairman,
C. G. AUSTIN,
TRUSTEN P. DYER,
C. M. EASTERDAY,
W. J. PARKINSON,

Senate Judiciary Committee.

On motion of Mr. Tillotson, the report of the committee was adopted.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 22, entitled "An act to punish the counterfeiting of labels, trade marks and advertisements;" and House bill No. 61, "An act authorizing associations, corporations and unions of workmen to adopt and use labels and trade marks, and to punish the unauthorized manufacture, use or sale of such labels and trade marks, and to punish the counterfeiting and fraudulent use, manufacture or sale of the same," respectfully report the bills back to the House with the recommendation that said bills be indefinitely postponed, and that the substitute bill offered herewith do pass.

A. H. GARRETSON, Acting Chairman.

On motion of Mr. Berry, the report was adopted and the bills were indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 35, entitled "An act providing for the payment of traveling and incidental expenses of superior court judges," respectfully reports the bill back to the House with the recommendation that it be amended by striking out, in the second line of the first section, the word "necessarily;" and striking out, in the third line of the first section, the words "his residence on official duty," and inserting in lieu thereof "the county in which he resides on official duty to be performed in any other county for which he is presiding judge;" and striking out in the fourth and fifth lines the words "and incidental;" and by striking out in the sixth and seventh lines the words "and while attending to," and inserting in lieu thereof "the place of performing;" and as amended we recommend that said bill do pass.

A. W. FRATER, Chairman.

On motion of Mr. Berry, the amendments recommended by the committee were adopted.

On motion of Mr. Tyler, the bill was ordered printed as amended.

REPORT OF COMMITTEE ON PENITENTIARY.

The Committee on Penitentiary made the following report:

MR. SPEAKER:

Your Committee on Penitentiary, to which was referred House bill No. 104, entitled "An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor," respectfully reports the same back with the recommendation that it do pass.

J. C. PAINTER, Chairman.

On motion of Mr. Dysart, the group of committees composed of the following committees, to wit: State Library, Buildings and Public Ground, Privileges and Elections, Rules and Orders, State, County and Municipal Indebtedness, was authorized to employ a clerk.

The speaker called Mr. Gandy to the chair.

On motion of Mr. Miller, the rules were suspended, and Senate bill No. 54, An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency, was read second and third time and passed by the following vote, to wit: Yeas 62, nays none, absent and not voting 15.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcel, Pearson, Plummer, Powell, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Frater, Godman, Holt, Hutchinson, Kennedy, McClure, Meany, Megler, Metcalfe, Putney, Ragsdale, and Spinning.

The House passed the emergency clause by the following vote, to wit: Yeas 63, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Far-

rish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thaman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Frater, Godman, Holt, Hutchinson, Kennedy, McClure, Meany, Megler, Metcalfe, Putney, Ragsdale, and Spinning.

The title of the bill was agreed to.

On motion of Mr. Miller, the clerk was instructed to transmit the bill to the Senate to-day.

On motion of Mr. Sharpstein, House bill No. 52, An act to provide for the appointment of court commissioners, and defining their powers, duties and compensation, was ordered printed.

On motion of Mr. Painter, House bill No. 104, An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor, was made a special order for Tuesday, February 3, 1891, at 11 o'clock A. M.

On motion of Mr. Sharpstein, House bill No. 55, An act increasing the number of county commissioners in counties of 25,000 inhabitants or over, was read second time.

On motion of Mr. Sharpstein, the bill was ordered printed, and was made a special order for Thursday, February 5th, at 2 o'clock P. M.

House bill No. 59, An act to provide for the payment of bailiffs of the superior courts, was read for information.

On motion of Mr. Garretson, section 1 was amended by striking out the words "at the rate of," in lines three and four, and inserting the words "not to exceed" in lieu thereof.

On motion of Mr. Sharpstein, the bill was considered engrossed and was read third time and passed by the following vote, to-wit: Yeas 58, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Hunsaker, Hutchinson, Lawton, Lehman, McKay, McKnight, Miller, Moore, Morse, Murray, Painter, Parcell, Pearson, Plummer, Powell,

Reinhardt, Ready, Reitze, Rockwell, Sallee, Schrieker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Dysart, Frater, Godman, Holt, Johnson, Jones, Kennedy, Meany, Megler, Metcalfe, McClure, Nevin, Palmer, Putney, Ragsdale, Spinning, and Wasson.

The title of the bill was agreed to.

Mr. Snively was excused until Tuesday of next week.

Mr. Sharpstein was excused until Thursday of next week.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 99, entitled "An act in relation to prosecuting attorney, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted. S. J. SMYTH, Acting Chairman.

The speaker signed House bill No. 99 in open session of the House.

Mr. Pearson was excused until Tuesday.

On motion of Mr. Wyman, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TWENTY-FIFTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday, January 31, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called, and the following members answered to their names, to wit: Messrs. Anderson of Mason, Arrasmith, Berry,

Brock, Chambers, Collins, Cushman, Fellows, Flummerfelt, Frame, Hutchinson, Hunsaker, Johnson, Lehman, McClure, Moore, Morse, Painter, Parcell, Powell, Ready, Reinhardt, Taylor, Tiffany, Troy, Yeomans, Young, and Mr. Speaker.

There being less than a quorum present, on motion of Mr. Parcell, the House adjourned until 1:30 p. m. Monday.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TWENTY-SEVENTH DAY.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, February 2, 1891. }
1:30 o'clock P. M.

The House met at 1:30 p. m. and was called to order by the speaker.

The roll was called. All the members present except Messrs. Anderson of Whatcom, Andrews, Barlow, Bothell, Caughran, Dy-sart, Frater, Godman, Hanson, Megler, Nevin, Pearson, Plummer, Ragsdale, Sharpstein, Snively and Spinning; excused.

Mr. Putney was excused for the day.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 2, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 10, Relative to furnishing county auditors certified copies of House bill No. 7.

Also, Senate concurrent resolution No. 11, Relative to printing 2,500 copies of the catalogue of the state library.

Senate bill No. 22, Providing for the distribution to the members of the legislature the code of 1881, and the journals and session laws of 1889-90, which has passed both houses and been enrolled and signed by the president, is herewith transmitted for the signature of the speaker.

The Senate has passed Senate bill No. 41, amending section 2 of an act approved March 6, 1890, Relative to county roads, assessment of, etc.; yeas 24, nays 0.

The Senate has passed House memorial No. 1, Relative to a naval station at Point Turner; yeas 26, nays 0.

The Senate has concurred in the amendments of the House to Senate bill No. 1, Relative to fixing the salaries of justices of the peace and constables in certain cities and towns, and ordered the bill to be enrolled.

The president has signed enrolled House bill No. 99, Relative to prosecuting attorneys, and declaring an emergency.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The Speaker signed Senate bill No. 22 in open session of the House.

The journal of Thursday and Saturday was read.

Mr. Anderson, of Mason, moved to expunge that portion of the journal relating to Saturday.

The House refused to adopt the motion to expunge, by a divisional vote of 11 yeas and 38 nays, and the journal was approved as read.

Mr. Gandy presented House concurrent resolution No. 8, Relative to the death of Hon. William Windom, secretary of the United States treasury.

On motion of Mr. Gandy, the House adopted the resolution.

A communication from the chief of the department of agriculture of the World's Columbian Exposition to the secretary of state, was read, and referred to the joint committee on World's Fair.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Palmer presented resolutions from Blue Mountain Farmers' Alliance No. 125; also petition from members of the farmers' alliance et al., asking for the passage of laws regulating freights and fares on railroads.

Mr. Hunsaker presented a petition from Pleasant Valley Grange, of Klickitat county, asking for the enactment of a mortgage tax law; amendment of the road law; publication of school books by the state; regulation of freights and fares on railroads and other transportation lines; the passage of a law withholding pay of members when not actually in session; and the repeal of the hog law for Klickitat county.

The petition was referred as follows:

That portion relating to taxation of mortgages, to Committee on Public Revenue and Taxation.

That portion relating to amendment of the road law, to Committee on Roads and Highways.

That portion relating to freights and fares, to Committee on Railroads.

That portion relating to state publication of school books, to Committee on Education.

That portion relating to repeal of hog law for Klickitat county, to Committee on Agriculture.

That portion relating to pay of members of the legislature, to the committee of the whole House.

Mr. Hutchinson presented resolutions from Harrington Farmers' Alliance No. 87, of Lincoln county, asking for unlimited coinage of silver, and regulation of freights and fares on railroads, and the construction of a railroad by the state from Puget Sound to Eastern Washington, and opposing the subsidizing of steamship lines; referred to Committee on Railroads.

Mr. Murray presented a petition from the Tacoma Rod and Gun Club asking for the amendment of the game law so as to make it lawful to hunt deer with dogs west of the Cascade mountains; referred to Committee on Military Affairs.

Mr. Chambers presented a petition from the citizens of Thurston county, asking for the amendment of the road law; referred to Committee on Roads and Highways.

Mr. Walter presented resolutions from Logan Farmers' Alliance No. 70, of Spokane county; also petition from members of the farmers' alliance et al., asking for the passage of laws regulating freights and fares on railroads; referred to Committee on Railroads.

Mr. Lehman presented resolution from Prairie Farmers' Alliance No. 154, of Spokane county; also petition from farmers' alliance et al., asking for the passage of laws regulating freights and fares on railroads; referred to Committee on Railroads.

Mr. Hutchinson presented a petition from citizens of Lincoln county asking for the passage of laws regulating freights and fares on railroads; referred to Committee on Railroads.

Mr. Hutchinson presented a remonstrance from 28 citizens of Lincoln county against the division of said county; referred to the Committee on Counties and County Lines.

Mr. Meany presented House concurrent resolution No. 9, Relative to the Nicaragua canal.

On motion of Mr. Meany, the House adopted the resolution, and

the clerk was instructed to report the passage of the resolution to the Senate to-day.

Senate concurrent resolution No. 10, Relative to publishing law extending time for payment of taxes, was read, and, on motion of Mr. Gandy, the House concurred in the resolution.

Senate concurrent resolution No. 11, Relative to printing catalogue of state library, was read, and, on motion of Mr. Gandy, the House concurred in the resolution.

Mr. Hunsaker presented resolutions from No. 6 Grange, P. of H. of Klickitat county, asking for the amendment of the state constitution so as to make the salary of members of the legislature \$3 per day; also, protesting against an appropriation being made for the world's fair.

The resolutions were referred to Committee on Fees and Compensation of State and County Officers.

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education, to whom was referred Senate concurrent resolution No. 9, Relative to publishing 3,000 copies of the state constitution, respectfully reports the resolution back to the House with the recommendation that it be amended as follows:

In the fourth line, strike out the word "three" and insert instead thereof the word "ten;" and in the fifth line, between "the" and "state," insert the words "enabling act and;" and at the end of the eighth line, the words "to school population of the several counties the same to be delivered;" and in line nine, strike out the word "several."

S. J. SMYTH, Chairman.

On motion of Mr. Gandy, the report was adopted, and the House concurred in the resolution as amended.

MR. SPEAKER:

The Committee on Education, to whom was referred the petition of the "Washington State Temperance Alliance," respectfully reports the petition back to the House with the recommendation that the same be referred to the committee of the whole House.

S. J. SMYTH, Chairman.

On motion of Mr. Painter, the report was adopted.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred House bill No. 69, entitled, "An act to prevent the spread of Chinese, Canada or Bull

thistles, and providing penalty for violation thereof," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

Reference—Section 2239 code of 1881.

JOSEPH ARRASMITH, Chairman.

On motion of Mr. Lawton, the report was adopted, and the bill was indefinitely postponed.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 13, entitled "An act to amend section 5 of an act entitled an act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such cases. Approved March 22d, 1890," respectfully reports the bill back to the House with the recommendation that said bill be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Garretson, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred the petition of the bar of Skagit county, presented by Hon. W. E. Schrieker, relating to the manner of commencing civil actions in superior courts, respectfully report that they have examined the petition, and find that the entire subject matter referred to in said petition has been carefully provided for in the code submitted by W. Lair Hill, and they recommend that no further action is advisable in this matter.

J. M. READY, Acting Chairman.

The petition was laid on the table.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 32, entitled "An act for the protection of railroad employes, forbidding certain rules, regulations, contracts and agreements, and declaring them unlawful," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

J. M. READY, Chairman.

On motion of Mr. Tyler, the report was adopted, and the bill was indefinitely postponed.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education, to which was referred House bill No. 93, entitled "An act to provide for the disposal of money in certain cases, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

S. J. SMYTH, Chairman.

Mr. Reinhardt presented the following resolution, to wit:

Resolved, That the compensation of the assistant sergeant-at-arms be fixed at \$5 per day, and to date from January 7, 1891.

Mr. Powell moved the adoption of the resolution.

Mr. Gandy moved the previous question.

On motion of Mr. Miller, the yeas and nays were ordered on the motion for the previous question.

The motion for the previous question was adopted by the following vote, to wit: Yeas 29, nays 28.

Those who voted yea were: Messrs. Adams, De Steiguer, Fellows, Frame, Gandy, Garretson, Kennedy, Lawton, Lehman, McClure, Meany, Murray, Parcell, Powell, Ready, Reitze, Reinhardt, Sallee, Smith, Smyth, Schricker, Thalman, Tiffany, Tillotson, Troy, Walter, Wasson, Wyman, and Yeomans.

Those who voted nay were: Messrs. Anderson of Mason, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, Farrish, Flummerfelt, Holt, Hunsaker, Johnson, Jones, McKay, McKnight, Metcalfe, Miller, Morse, Painter, Palmer, Rockwell, Taylor, Tyler, Walker, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Barlow, Bothell, Caughran, Dysart, Frater, Godman, Hanson, Hutchinson, Megler, Moore, Nevin, Pearson, Plummer, Putney, Ragsdale, Sharpstein, Snively, and Spinning.

The House refused to adopt the resolution by the following vote, to wit: Yeas 8, nays 48.

Those who voted yea were: Messrs. Adams, Kennedy, Lehman, Meany, Parcell, Powell, Ready, and Reinhardt.

Those who voted nay were: Messrs. Anderson of Mason, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Garretson, Holt, Hunsaker, Johnson, Jones, Lawton, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Painter, Palmer, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walter, Walker, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who were absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Barlow, Bothell, Caughran, Dysart, Frater, Gandy, Godman, Hanson, Hutchinson, Megler, Moore, Nevin, Pearson, Plummer, Putney, Ragsdale, Sharpstein, Snively, and Spinning.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 2, 1891.

MR. SPEAKER:

The Senate has passed House concurrent resolution No. 8, Relative to death of Secretary Windom.

Also passed Senate memorial No. 6, Relative to the Nicaragua canal, and urging congress to pass the bill relative thereto.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

INTRODUCTION AND FIRST READING OF BILLS.

The Committee on Railroads introduced House bill No. 135 (substitute for House bills Nos. 82 and 84), An act concerning passenger rates and fares on railroads, which was read first time by title, and ordered printed.

Mr. Painter introduced House bill No. 136, A bill for an act entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, and livery and boarding house stable keepers, and other persons, for herding, keeping, pasturing, feeding and caring for stock," which was read first time by title, and ordered printed; referred to the Committee on Agriculture.

Mr. Tyler introduced House bill No. 137, An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals, which was read first time by title, and ordered printed; referred to Committee on Agriculture.

Mr. De Steiguer introduced House bill No. 138, An act providing for the record in the office of the county auditor of certificates of purchase of real estate sold for taxes or assessments by towns or cities, and like record of deeds issued in pursuance of said sales, which was read first time by title, and ordered printed; referred to Committee on Public Revenue and Taxation.

Mr. Smith introduced House bill No. 139, An act to provide for taking a census on the Colville Indian reservation, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Indian Affairs.

Mr. Murray introduced House bill No. 140, An act entitled "An act to amend section 347 of the code of Washington in relation to exemption, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Senate bill No. 41, An act to amend section 2 of an act entitled "An act to provide for laying out, establishing, altering the width of or vacating any county road, and providing for assessment, payment of damages, and providing for appeal," approved March 7, 1890, was read first time and referred to Committee on Roads and Highways.

Mr. Murray introduced House bill No. 141, An act to amend an act entitled "An act to amend sections 2539, 2540, and 2543, chapter 196 of the code of Washington Territory, relating to estrays; and also to amend sections 2541 and 2542 of the code of Washington on same subject," which was read first time by title, and ordered printed; referred to Committee on Judiciary.

SECOND READING OF BILLS.

House bill No. 135 (substitute for House bills Nos. 82 and 84), An act concerning passenger rates and fares on railroads, was read second time, and placed on the calendar for third reading.

House bill No. 56, An act providing for the election and terms of office of county commissioners, was read second time, and placed on the calendar for third reading.

On motion of Mr. Flummerfelt, the bill was made a special order for Thursday, February 5th, at 2 o'clock P. M.

House bill No. 134 (substitute for House bills Nos. 22 and 61), An act in relation to trade marks, was read second time.

On motion of Mr. Yeomans, section 6 was amended by striking out the word "mean" and inserting the word "include," in line 2.

Mr. De Steiguer moved to amend section 5 by striking out the words "less than fifty dollars (\$50) nor," in line 5.

The House adopted the amendment by a divisional vote of 31 yeas to 16 nays.

House bill No. 35, An act providing for the payment of traveling and incidental expenses of superior court judges, was taken up.

Mr. Garretson moved that the bill be indefinitely postponed.

Mr. Gandy moved that the bill be laid on the table.

The House adopted the motion to lay on the table by a divisional vote of 32 yeas to 16 nays.

On motion of Mr. Gandy, House bill No. 34, An act declaring eight hours labor shall constitute a legal day's work on all work done by and for the state or any county or municipality therein, was laid on the table to be taken up with Senate bill No. 3, on same subject.

On motion of Mr. De Steiguer, Senate bill No. 4, An act providing that nine (9) jurors may make a verdict in all civil cases tried by a jury of twelve (12); declaring the duty of the jury when the verdict is agreed upon; also, when the jury may be discharged, repealing all laws in conflict, and declaring an emergency, was made a special order for Friday, February 6, 1891, at 11 o'clock A. M.

House bill No. 94, An act making it unlawful for any judge or county officer to charge soldiers or seamen, or the widows, orphans, or legal representatives thereof, any fee for services in matters pertaining to pensions or pension dues, and declaring an emergency, was read third time, and passed by the following vote, to wit: Yeas 56, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Meany, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Painter, Palmer, Parcell, Powell, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Messrs. Anderson of Whatcom, Andrews, Barlow, Bothell, Caughran, Dysart, Frater, Godman, Hanson, Kennedy, Lehman, Megler, Moore, Nevin, Pearson, Plummer, Putney, Ragsdale, Sharpstein, Snively, and Spinning, were absent and not voting.

The emergency clause was adopted, by the following vote, to wit: Yeas 57, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Bass, Berry, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Meany, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Powell, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Messrs. Anderson of Whatcom, Andrews, Barlow, Bothell, Brock, Caughran, Dysart, Frater, Godman, Hanson, Kennedy, Megler, Nevin, Pearson, Plummer, Putney, Ragsdale, Sharpstein, Snively, and Spinning, were absent and not voting.

The title of the bill, as amended, was agreed to.

Senate memorial No. 6, Relative to the Nicaragua canal, was read first time; on motion of Mr. Meany, the rules were suspended, and the memorial was read second and third time, and passed by the following vote, to wit: Yeas 56, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Meany, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Painter, Palmer, Parcell, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schrieker, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Barlow, Bothell, Caughran, Dysart, Frater, Godman, Hanson, Kennedy, Megler, Moore, Nevin, Pearson, Plummer, Powell, Putney, Ragsdale, Sharpstein, Snively, and Spinning.

On motion of Mr. Chambers, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TWENTY-EIGHTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Tuesday, February 3, 1891. }
 10 o'clock A. M.

The House met pursuant to adjournment yesterday; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Frater, Godman, Moore, Nevin, Pearson, Ragsdale, Sharpstein, and Snively; excused.

The journal of yesterday was read, and approved as read.

PETITIONS, MEMORIALS, ETC.

Mr. Lehman presented resolutions from East Trent Farmers' Alliance No. 86, of Spokane county; also petitions from members of the farmers' alliance et al., asking for the passage of laws regulating freight rates and fares on railroads; referred to Committee on Railroads.

Mr. De Steiguer presented a memorial from the Seattle chamber of commerce, asking for the passage of a law providing for the expenditure of money received from the sale of tide lands adjacent to the harbors in front of each city, be expended in the improvement of such harbors; referred to Committee on Tide Lands.

Messrs. De Steiguer and Yancy presented remonstrances from citizens of King county, against the passage of House bill No. 129, An act to prevent frauds upon travelers; referred to Committee on Railroads.

Mr. McClure presented resolutions from citizens of Lewis county, in regard to amending the road law, and remonstrating against an appropriation being made for the World's Fair; referred to Committees on Roads and Highways and World's Fair.

Mr. Hutchinson presented a petition from Mondovi Farmers' Alliance, of Lincoln county, asking for the passage of laws regulating freights and fares; referred to Committee on Railroads.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 9, entitled "An act to regulate charges for carrying freight and passengers, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Chairman.

On motion of Mr. Smyth, the report was adopted and the bill was indefinitely postponed.

The Committee on Enrolled Bills made the following report.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House memorial No. 1, Relative to naval station at Point Turner, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House memorial No. 1 in open session of the House.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 79, entitled "An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 51, entitled "An act to amend section 2551 of chapter CXCVIII of the Code of Washington, relating to marks and brands," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 8, Relative to the death of secretary of the treasury, Hon. William Windom, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted. W. K. KENNEDY, Chairman.

The speaker signed House concurrent resolution No. 8, in open session of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 2, 1891.

MR. SPEAKER:

The president has signed enrolled Senate bill No. 1, entitled "An act fixing the salaries of justices of the peace and costables in incorporated cities and towns having more than 5,000 inhabitants, etc."

Also signed enrolled Senate bill No. 54 (substitute for Senate bill No. 5), An act legalizing the incorporation of municipal corporations of the fourth class, etc. Both of which are transmitted for the signature of the speaker.

The Senate has concurred in the amendment of the House to Senate concurrent resolution No. 9, Relative to printing 3,000 copies of the state constitution, and ordered the resolution enrolled.

The Senate has passed Senate concurrent resolution No. 13, Relative to procuring and preserving the portraits of the governors and ex-governors of the commonwealth.

The Senate has passed Senate concurrent resolution No. 14, Relative to visiting and examining the United States penitentiary at McNeil's Island.

And the same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bills Nos. 1 and 54 in open session of the House.

Mr. Smith moved that Mr. Frame be appointed as a member of the Committee on Mines and Mining, vice Mr. Davis, deceased.

The House refused to adopt the motion.

The Committee on Railroads reported House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency, back to the House with amendments.

Mr. Tyler moved that the bill be made a special order for Tuesday, February 10, 1891, at 11 o'clock A. M.

On motion of Mr. Flummerfelt, the yeas and nays were ordered on the adoption of the amendment offered by Mr. Gandy.

The House adopted the amendment by the following vote, to wit: Yeas 48, nays 16.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Collins, Cushman, Farrish, Fellows, Flummerfelt, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Painter, Palmer, Parcell, Powell, Reinhardt, Ready, Rockwell, Sallee, Schricker, Smyth, Taylor, Tiffany, Tillotson, Troy, Walker, Walter, Wyman, Yeomans, and Young.

Those who voted nay were: Messrs. Anderson of Mason, Caughran, De Steiguer, Dysart, Frame, Meany, Plummer, Putney, Reitze, Smith, Spinning, Thalman, Tyler, Wasson, Yancy, and Mr. Speaker.

Messrs. Andrews, Barlow, Bothell, Chambers, Frater, Godman, Megler, Moore, Nevin, Pearson, Ragsdale, Sharpstein, and Snively were absent and not voting.

The motion as amended was adopted.

On motion of Mr. Spinning, the bill was ordered printed as proposed to be amended.

Mr. Taylor moved that the House adjourn. The House refused to adopt the motion by a divisional vote of 16 yeas to 23 nays.

Mr. Plummer moved that House bill No. 67, An act to establish a bureau of statistics, agricultural and immigration, to provide for

the appointment of commissioner of said bureau, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency, be taken up.

Mr. Putney moved that the House take a recess until 2 o'clock P. M.

The House adopted the motion by a divisional vote of 36 yeas to 13 nays.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, February 3, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The motion of Mr. Plummer, to take up House bill No. 67, which was pending at the time the House took a recess, was adopted.

Mr. Plummer moved that section 4 be amended by adding the words: "*Provided*, That the expense of printing under the provisions of this section shall not exceed one thousand dollars per annum."

The House adopted the amendment by a divisional vote of 26 yeas to 7 nays.

Mr. Plummer moved to amend section 6 by striking out the word "seven," in line one, and inserting the word "nine;" by inserting the words "or so much thereof as may be necessary" after the word "dollars," in line 1; by adding the words "for printing, not to exceed two thousand dollars," to the end of the section.

On motion of Mr. Powell, the amendment was laid on the table.

Mr. Powell moved that the vote by which section 4 was amended be reconsidered.

The House adopted the motion by a divisional vote of 24 yeas to 17 nays.

On reconsideration, the House adopted the amendment to section 4 by a divisional vote of 21 yeas to 15 nays.

Mr. Miller moved to amend section 1 by adding the words "to serve during the pleasure of the secretary of state."

The House adopted the amendment by a divisional vote of 22 yeas to 20 nays.

Mr. Plummer moved that the amendments offered by him to section 6, which were laid on the table on motion of Mr. Powell, be taken from the table and adopted.

The amendments were adopted.

On motion of Mr. Plummer, the bill was ordered engrossed.

INTRODUCTION OF BILLS.

Mr. Dysart introduced House bill No. 142, An act to establish a normal school for the State of Washington west of the Cascade mountains, and provide for the location, government, management and control of the same, which was read first time by title, and ordered printed; referred to Committee on State University and Normal Schools.

Mr. Putney introduced House bill No. 143, An act to amend an act providing for the fees and salaries of county officers, which was read first time by title, and ordered printed; referred to Committee on Fees and Compensation of State and County Officers.

Mr. Putney introduced House bill No. 144, An act to amend an act for the protection of large game, which was read first time by title, and ordered printed; referred to Committee on Forestry.

Mr. Gandy introduced House bill No. 145, An act to amend the law for the sale of property, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Putney introduced (by request) House bill No. 146, An act to provide for the purchase of Barton' Legislative Hand-Book, and Manual of the State of Washington for 1891-1892, for the use and benefit of the state and state legislature and officials and others, and making an appropriation therefor, which was read first time by title, and ordered printed; referred to Committee on Appropriations.

Mr. Garretson introduced (by request) House bill No. 147, An act to amend an act entitled "assessment and collection of taxes," relative to delinquent taxes, which was read first time by title, and ordered printed; referred to Committee on Public Revenue and taxation.

Mr. Sallee introduced House bill No. 148, An act to amend sections 1 and 2 of an act entitled "An act to authorize county commissioners to issue bonds for road purposes," approved March 22, 1890, which was read first time by title; and ordered printed; referred to Committee on Roads and Highways.

Mr. Chambers introduced (by request) House bill No. 149, An act to amend an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, which was read first time by title and ordered printed; referred to Committee on Municipal Corporations.

Mr. Gandy introduced House bill No. 150, A bill for an act to provide for the inspection and registration of horses, mules, sheep, and cattle sold, consumed, shipped or slaughtered within the State of Washington, and providing penalties for the violation thereof, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Agriculture.

Mr. Young introduced House bill No. 151, An act regulating the taking up, giving notice and sale of estrays, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

House bill No. 104, An act providing employment for the convicts in the state penitentiary, and making and appropriation therefor, was read second time by section.

Mr. Painter moved that the rules be suspended, and that the bill be considered engrossed and read third time, and placed on final passage.

Mr. Plummer moved that the bill be recommitted, with instructions to the committee to report back an amendment providing for the sale and disposal of the product of the proposed jute bag factory at a minimum price that will cover the total expense to the state, including material, labor, and maintenance of prisoners engaged in this special labor.

Mr. Powell moved to amend so as to recommit without instructions.

Mr. Smyth was called to the chair by the speaker.

Mr. Tillotson moved the previous question.

The motion for the previous question was adopted.

The amendment offered by Mr. Powell was adopted.

The motion to recommit, as amended, was adopted.

The speaker resumed the chair.

SECOND READING OF BILLS.

House bill No. 93, An act to provide for the disposal of money in certain cases, and declaring an emergency, was read second time;

the rules were suspended, the bill considered engrossed, and was passed by the following vote, to wit: Yeas 61, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, Metcalfe, McKay, McKnight, Miller, Moore, Morse, Painter, Palmer, Parcell, Plummer, Powell, Putney, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Brock, Frater, Godman, Kennedy, McClure, Meany, Murray, Nevin, Pearson, Ragsdale, Sharpstein, Snively, Tillotson, and Tyler.

The emergency clause of the bill was passed by the following vote, to wit: Yeas 57, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, Metcalfe, McKnight, Miller, Moore, Morse, Painter, Palmer, Parcell, Plummer, Putney, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Brock, Frater, Gandy, Godman, Kennedy, McClure, McKay, Meany, Murray, Nevin, Pearson, Powell, Ragsdale, Reinhardt, Sharpstein, Snively, Tillotson, and Tyler.

The title of the bill was agreed to.

House bill No. 79, An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof, was read second time.

Mr. Parcell moved to amend section 1 by striking out the words "where such right to fence exists," in line 3.

The House refused to adopt the amendment.

On motion of Mr. Miller, section 1 was amended by inserting the words "with a lawful fence" after the word "same," in line 2.

Mr. Hanson moved to amend section 1 by striking out the word "officer," in line 14.

The House refused to adopt the amendment.

On motion of Mr. Gandy, the rules were suspended, and the bill was considered engrossed, and was read third time and passed by the following vote, to wit: Yeas 61, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Metcalfe, McKay, McKnight, Miller, Moore, Morse, Painter, Palmer, Parcell, Plummer, Powell, Putney, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, and Mr. Speaker.

Mr. Young voted nay.

Those absent and not voting were: Messrs. Andrews, Barlow, Frater, Godman, McClure, Meany, Megler, Murray, Nevin, Pearson, Ragsdale, Sharpstein, Snively, Tillotson, and Tyler.

The title of the bill was agreed to.

Senate bill No. 51, An act to amend section 2551 of chapter CXCVIII of the Code of Washington, relating to marks and brands, was read second time.

Mr. Powell moved that the bill be re-committed to the Committee on Agriculture.

The House adopted the motion by a divisional vote of 28 yeas to 7 nays.

Senate bill No. 53, An act to provide for the publication, distribution and sale of the supreme court reports of the State of Washington, and declaring an emergency, was read second time.

The following report of the Committee on Judiciary was read:

REPORT OF COMMITTEE ON JUDICIARY.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 53, entitled "An act to provide for the publication, distribution and sale of the supreme court reports of the State of Washington, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that said bill do pass with the following amendment:

Strike out all of section 1, and insert in lieu thereof the following:

“The reports of the decisions of the supreme court of the State of Washington shall be published by the state printer, under the supervision of the supreme court and the reporter thereof, in volumes of not less than seven hundred pages, the first volume of which reports published hereunder shall include the opinions of the supreme court of Washington Territory decided subsequently to those published in the third volume of Washington Territory reports. Said reports shall be known as ‘Washington Reports,’ and shall be numbered consecutively, beginning with volume 1. The style of type and the general typography shall be generally similar to the Kansas supreme court reports. The reports shall be printed on paper weighing not less than sixty pounds to the ream, and shall be bound in good law sheep, with double backs, and in a substantial and workman-like manner.”

J. M. READY, Acting Chairman.

On motion of Mr. Garretson, the House adopted the amendment recommended by committee.

Mr. Powell moved that the bill be ordered printed as amended. The House refused to print.

On motion of Mr. Garretson, section 3 was amended by striking out the word “electrotype” and inserting the word “stereotype.”

On motion of Mr. Powell, the House adjourned at 4 o’clock P. M. until 10 o’clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

TWENTY-NINTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 4, 1891. }
10 o’clock A. M.

The House met pursuant to adjournment, the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, Godman, Meany, Murray, Sharpstein, Snively, and Tyler; excused.

The journal of yesterday was read, and approved.

PETITIONS, MEMORIALS, ETC.

The speaker presented petitions from the citizens of Spokane and Whitman counties, asking for the passage of a law providing for the transfer of territory from one county to another; referred to Committee on Counties and County Lines.

Mr. Yaney presented presented House concurrent resolution No. 10, Relative to amending section 1 of article 8 of the state constitution; referred to Committee on Constitution and Revisions.

Mr. Young presented resolutions from Ewartsville Farmers' Alliance No. 41, and Onecho Farmers' Alliance No. 44, of Whitman county; also, seven petitions from members of the farmers' alliance et al., asking for the passage of a law regulating freights and fares on railroads; referred to Committee on Railroads.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 4, 1891.

MR. SPEAKER:

The Senate has passed Senate memorial No. 5, Relative to state granted lands and the survey thereof; yeas 27, nays none.

Also, passed Senate bill No. 72, Relating to vacating and modifying judgments; yeas 23, nays none.

Also, passed Senate bill No. 73, Relating to referees.

Also, passed Senate bill No. 75, Relating to writs of mandate and prohibition; yeas 20, nays none.

Also, passed Senate bill No. 77, Relating to rule of decisions; yeas 21, nays none.

Also, passed Senate bill No. 79, Relative to divorces; yeas 22, nays none.

Also, passed House bill No. 62, An act granting certain powers and authority to cities of the third class relating to assessment and collection of taxes, and passed the emergency clause; yeas 27, nays none.

Also, passed Senate memorial No. 1. Relative to coast defences; yeas 24.

Also, House memorial No. 7, Relative to the election of United States senators by the people, has been indefinitely postponed.

Also, passed House memorial No. 4, Relative to improving Gray's Harbor; yeas 22, nays none.

Also, passed House memorial No. 6, Asking the United States House of Representatives to pass Senate bill No. 4131, relative to opening the Port Angeles reservation; yeas 21, nays none.

Also, passed House concurrent resolution No. 4, Relative to the completion of the Cascade locks, and the appointment of a committee relative thereto.

Also, passed House memorial No. 5, Relative to the relief of the town of Port Angeles and the bona fide settlers there; yeas 18, nays none.

The president has signed House memorial No. 1, enrolled, which had been signed by the speaker.

And the same are herewith submitted to the House.

C. M. BARTON, Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Harbors and Navigable Waters made the following report:

MR. SPEAKER:

Your Committee on Harbors and Navigable Waters, to whom was referred House bill No. 97, entitled "An act to establish pilots and pilot regulation for the straits of Juan de Fuca, Puget Sound and all American waters pertaining thereto," respectfully reports the same back to the House with the unanimous recommendation that the same be indefinitely postponed.

A. WASSON, Chairman.

On motion of Mr. Wasson, the report was adopted, and the bill was indefinitely postponed.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to whom was referred House bill No. 91, entitled "An act creating an office of register of deeds in counties having a population of ten thousand or more and describing the duties thereof," respectfully reports the bill back to the House with the recommendation that it do not pass, as it would create an expensive and unnecessary office.

A. W. TIFFANY, Chairman.

On motion of Mr. Tiffany, the bill was indefinitely postponed.

The Committee on Judiciary reported House concurrent resolution No. 1, Relative to an amendment to section 1 of article 8 of the state constitution, back to the House with the recommendation that it do not pass.

Mr. Ready moved to adopt the report.

On motion of Mr. Powell, the bill and the report thereon were laid on the table.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to whom was referred House bill No. 111, entitled "An act creating the office of precinct assessor and defining the duties thereof," respectfully reports the bill back to the House with the recommendation that it do not pass.

A. W. TIFFANY, Chairman.

On motion of Mr. Kennedy, the bill was indefinitely postponed. The Committee on Labor and Labor Statistics made the following report:

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to whom was referred House bill No. 44, entitled "An act to provide for the weekly payment of wages by employers," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. I. ADAMS, Chairman.

On motion of Mr. Taylor, the report was adopted, and the bill was indefinitely postponed.

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to whom was referred Senate bill No. 3, entitled "An act declaring that eight hours shall constitute a legal work day on all work done by and for the state, or any county or municipality, or for any corporation, firm or individual," respectfully reports the bill back to the House with the recommendation it be indefinitely postponed, for the reason that all necessary provisions are covered by the provisions of House bill No. 34, reported by your committee with amendments, January 28th.

A. I. ADAMS, Chairman.

On motion of Mr. Adams, the report was adopted, and the bill was indefinitely postponed.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

The Committee on Engrossed bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed bills respectfully reports that the engrossed copy of House bill No. 67, entitled "An act to establish a bureau of statistics and immigration, to provide for the appointment of a chief of said bureau, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly engrossed.

Respectfully submitted.

O. E. YOUNG, Chairman.

REPORT OF SPECIAL COMMITTEE.

The joint special Committee on Fisheries made the following report:

MR. SPEAKER:

Your joint special Committee on Fisheries beg leave to report that they met with a like committee from the Oregon legislature and agreed that the present law on fishing in force in this state be the law, with a few amendments. These amendments will be presented in the shape of bills for the consideration of this legislature.

J. G. MEGLER, Chairman.

On motion of Mr. Hunsaker, the report was adopted.

Mr. Berry presented resolutions adopted by the Douglas county board of trade, protesting against any legislation that would tend to retard railroad building in this state; referred to Committee on Railroads.

Mr. Putney presented House concurrent resolution No. 10, Relative to amending section 5 of article 16 of the state constitution; referred to Committee on Constitution and Revision.

Senate memorial No. 5, Relative to granted lands and the survey and reservation thereof, was read first time.

On motion of Mr. Plummer, the rules were suspended, and the memorial was read second and third time, and passed by the following vote, to wit: Yeas 71, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Frater, Godman, Meany, Sharpstein, and Tyler.

Mr. Gandy was called to the chair.

Senate memorial No. 1, Relative to coast defenses, was read first time.

On motion of Mr. Chambers, the rules were suspended, and the memorial was read second and third time, and passed by the following vote, to wit: Yeas 65, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze,

Rockwell, Sallee, Schricker, Smith, Smyth, Spinning, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, and Yancy.

Mr. Young voted nay.

Those absent and not voting were: Messrs. Andrews, Frater, Godman, Meany, Murray, Sharpstein, Snively, Taylor, Tyler, Yeomans, and Mr. Speaker.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, February 3, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 99, entitled "An act in relation to prosecuting attorneys, and declaring an emergency." I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieut. Governor and Acting Governor.

INTRODUCTION AND FIRST READING OF BILLS.

The Committee on Judiciary introduced House bill No. 152 (substitute for House bill No. 58), An act confirming sheriff's deeds made by the successor in office of sheriffs who have sold land in pursuance of law, but have neglected to make deeds therefor, which was read first time, and ordered printed.

Mr. Lawton introduced House bill No. 153, An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings, read first time by title; ordered printed, referred to Committee on Judiciary.

Mr. Flummerfelt introduced House bill No. 154, An act to amend section 1 of an act entitled an act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries, which was read first time by title; referred to Committee on Fees and Compensation of State and County Officers.

Mr. Yeomans introduced House bill No. 155, An act appropriating money for the support and education of the feeble minded pupils of the Washington school for defective youth, which was read first time by title; ordered printed, and referred to Committee of Reform School and School for Defective Youth.

Mr. Arrasmith introduced House bill No. 156, An act to require railroad companies to construct and maintain connections from one railroad to another, and to provide a penalty for a failure to comply therewith, which was read first time by title; ordered printed, and referred to Committee on Railroads.

Mr. Putney introduced House bill No. 157, An act to organize teachers institutes, and to provide for their maintenance, which was read first time by title; ordered printed, and referred to Committee on Education.

Senate bill No. 72, An act relating to proceeding to vacate or modify judgments in the courts in which they were rendered, was read first time; referred to Committee on Judiciary.

Senate bill No. 73, An act relating to referees, was read first time, and referred to Committee on Judiciary.

Senate bill No. 77, An act declaring the rule of decision in the State of Washington, amending section 1 of the Code of 1881, was read first time, and referred to Committee on Judiciary.

Senate bill No. 79, An act in relation to applications for divorce, amending sections 2000, 2001, 2005, 2006, 2007, 2008, 2009, 2010, and 2012 of the Code of Washington of 1881, was read first time, and referred to Committee on Judiciary.

REPORTS OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 52, entitled "An act to provide for the appointment of court commissioners and defining their powers, duties and compensation, and declaring an emergency, respectfully reports the bill back to the House with the recommendation that it do pass with the following amendments:

Striking out the word "residents" in line 8, section 1, and inserting the word "electors."

Also, add after the word "county" in line 3, in first subdivision of section 2, the following: "*Provided*, Said commissioner or commissioners shall have power to perform such duties only in the absence or inability to act of the judge or judges of the superior court of the county.

A. H. GARRETSON; Acting Chairman.

On motion of Mr. Snively, the amendments recommended by the committee were adopted.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to whom was referred House bill No. 26, entitled an act to prevent the running of stock from their ranges, and

providing penalty for the violation of the same, respectfully reports the bill back to the house with the recommendation that it do pass.

JOSEPH ARRASMITH, Chairman.

House bill No. 52, An act to provide for the appointment of court commissioners and defining their powers, duties and compensation, and declaring an emergency, was read second time.

On motion of Mr. De Steiguer, section 3 was amended by inserting the words "or may hereafter be" after the word "now," in line 11.

On motion of Mr. Snively, the rules were suspended, the bill was considered engrossed, and was read third time and passed, by the following vote, to wit: Yeas 66, nays none:

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, and Young.

Messrs. Andrews, Bothell, Frater, Godman, Jones, Meany, McKnight, Sharpstein, Tillotson, Tyler, and Mr. Speaker, were absent and not voting.

The emergency clause was passed by the following vote, to wit: Yeas 68, nays none, absent and not voting 9.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Bothell,

Frater, Godman, Meany, Sharpstein, Tillotson, Tyler, and Mr. Speaker.

The title of the bill was agreed to.

House bill No. 26, An act to prevent the driving of stock from their range, and providing penalty for the violation of the same, was read second time.

On motion of Mr. Snively, section 1 was amended by inserting the words "or range" after the word "ground," in line 18.

On motion of Mr. Flummerfelt, the rules were suspended, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 66, nays none, absent and not voting 11.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Bothell, De Steiguer, Frater, Godman, Hanson, Meany, Plummer, Sharpstein, Troy, and Tyler.

The title of the bill was agreed to.

On motion of Mr. Chambers, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 4, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

House bill No. 134, An act in relation to trade marks, was read for information.

Mr. Megler moved to amend section 3 by striking out the words "two dollars" and inserting the words "ten dollars" in the last line of the section.

The House refused to adopt the amendment by a divisional vote of 17 yeas to 36 nays.

Mr. Gandy moved to amend section 3 by striking out the words "two dollars" and inserting the words "five dollars" in the last line of said section.

The House refused to adopt the amendment by a divisional vote of 28 yeas to 31 nays.

Mr. De Steiguer moved to amend section 1 by striking out the words "in this state."

The House refused to adopt the amendment by a divisional vote of 8 yeas to 31 nays.

On motion of Mr. Gandy the rules were suspended, the bill was considered engrossed and was read third time, and passed by the following vote, to wit: Yeas 70, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Frater, Godman, Meany, Sharpstein, and Tyler.

The title of the bill was agreed to.

House bill No. 34, An act declaring eight hours shall constitute a legal day's work on all work done by or for the state, or any county or municipality therein, was read third time.

Mr. Megler moved that the bill be re-committed.

On motion of Mr. Plummer, the yeas and nays were ordered on the motion to re-commit.

The House refused to re-commit the bill by the following vote, to-wit: Yeas 6, nays 62.

Those who voted yea were: Messrs. Caughran, Dysart, Fellows, Hunsaker, Megler, and Putney.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Messrs. Anderson of Mason, Andrews, Farrish, Frater, Godman, Meany, Sharpstein, and Tyler were absent and not voting.

Mr. Adams moved the previous question.

The House adopted the motion for the previous question by a divisional vote of 42 yeas to no nays.

The bill was passed by the following vote, to wit: Yeas 58, nays 12.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Collins, Cushman, De Steiguer, Dysart, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Thalman, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Chambers, Farrish, Fellows, Hutchinson, Hunsaker, Moore, Putney, Taylor, Tiffany, Yeomans, and Young.

Messrs. Andrews, Barlow, Frater, Godman, Meany, Sharpstein, and Tyler, were absent and not voting.

The title of the bill was agreed to.

On motion of Mr. Snively, House bill No. 35, An act providing for the payment of traveling and incidental expenses of superior court judges, was taken from the table.

On motion of Mr. Snively, the rules were suspended, and the bill was considered engrossed and was read third time.

On motion of Mr. Caughran, the previous question was ordered. The House refused to pass the bill by the following vote, to wit: Yeas 32, nays 35.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Berry, De Steiguer, Dysart, Flummerfelt, Hanson, Jones, Kennedy, McClure, McKnight, Megler, Metcalfe, Moore, Morse, Painter, Plummer, Putney, Ragsdale, Ready, Reitze, Rockwell, Snively, Schricker, Thalman, Tillotson, Troy, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Arrasmith, Bass, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Frame, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Lawton, Lehman, McKay, Miller, Murray, Nevin, Palmer, Parcell, Pearson, Reinhardt, Sallee, Smith, Smyth, Spinning, Taylor, Tiffany, Walker, and Walter.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Frater, Godman, Meany, Powell, Sharpstein, Tyler, and Wasson.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 5, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 74, entitled "An act providing for appeals to the supreme court."

Also, passed Senate bill No. 76, Relating to proceedings supplementary to executions.

Also, passed Senate bill No. 78, Concerning the construction of statutes.

Also, passed Senate bill No. 80, Relative to proceedings in probate.

Also, passed Senate bill No. 85, Relating to judgments and promissory notes.

Also, passed Senate bill No. 47, An act for the relief of Lindley E. Moore.

Also, passed House bill No. 59, Providing for the payment of bailiffs of the supreme court.

The president has signed enrolled House concurrent resolution No. 8, Relative to the death of Secretary Windom.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

The House adjourned at 4 o'clock P. M. until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTIETH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Thursday, February 5, 1891. }
 10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, Godman, Meany, Spinning, and Tyler; excused.

The journal of yesterday was read, and approved as read.

PETITIONS, MEMORIALS, ETC.

Mr. Nevin presented the following petitions, to wit:

From Columbia Council P. of H. asking for publication of school books; referred to Committee on Education.

From Columbia Council P. of H. asking for the amendment of the laws in regard to moneys received from the sale of intoxicating liquors, so that all moneys received from such source shall be paid into the county treasury for the use and benefit of the public schools; referred to Committee on Education.

From Columbia Council P. of H. asking for an amendment to the road law, so that road taxes may be paid in labor instead of money; referred to Committee on Roads and Highways.

From Columbia Council P. of H. relative to withholding pay of members of the legislature when not in actual attendance at sessions of the legislature; referred to Committee on Education.

From Columbia Council P. of H. asking that no appropriation exceeding \$100,000 be made for the world's fair; referred to the Committee on World's Fair.

From Cape Horn Grange No. 194, P. of H., protesting against the levy of a special tax for the world's fair; referred to Committee on World's Fair.

From the board of county commissioners of Skamania county, protesting against the levy of a special tax for the world's fair; referred to Committee on World's Fair.

From Mt. Pleasant Grange P. of H. protesting against the pas-

sage of the world's fair bill, and favoring appropriations for opening the Columbia river; referred to Committee on World's Fair.

Mr. Yeomans presented a petition from Peter G. Stewart, asking for the passage of a memorial to congress praying that said Peter G. Stewart be re-imbursed by the United States for improvements made on a portion of the present town site of Pacific City, in 1850 and 1853, and which said improvements were appropriated by the United States without compensating said Peter G. Stewart therefor; referred to Committee on Ways, Means and Claims.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to whom was referred remonstrances from Dixie Alliance, of Walla Walla, and resolution from Farmers' Alliance, Walla Walla, in relation to world's fair appropriation, respectfully returns the same back to the House with the recommendation that they lie on the table to come up with the world's fair appropriation bill.

J. G. MEGLER, Chairman.

On motion of Mr. Chambers, the report was adopted.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs, to whom was referred petition of E. E. Ellis, R. L. Palmer and A. W. McNaughton, requesting legislature to amend the game law in regard to the hounding of deer with dogs, and making it unlawful to hunt deer with dogs in that portion of the State of Washington lying west of the Cascade mountains, respectfully report the petition back to the House with the recommendation that said petition be referred to the Committee on Forestry.

I. N. CUSHMAN, Chairman.

On motion of Mr. Chambers, the report was adopted.

MR. SPEAKER:

Your Committee on Military Affairs, to whom was referred Senate concurrent resolution No. 5, providing for the removal of the Indian war records of 1855 and 1856 from the office of the secretary of state to the custody of the adjutant general, respectfully reports the resolution back to the House with the recommendation that said resolution pass.

I. N. CUSHMAN, Chairman.

On motion of Mr. Smyth, the report was adopted.

The Committee on Mines and Mining made the following report:

MR. SPEAKER:

Your Committee on Mines and Mining, to whom was referred House bill No. 72, entitled "An act concerning betting or wagering by members

of the legislature, and declaring an emergency," respectfully reports the same back to the House with the recommendation that it be indefinitely postponed.

J. L. METCALFE, Chairman.

On motion of Mr. Painter, the bill was re-committed to the Committee on Penitentiary.

The Committee on Compensation and Fees of State and County Officers made the following report:

MR. SPEAKER:

Your Committee on Compensation and Fees of State and County Officers, to which was referred resolution No. 3, of No. 6 Grange, P. of H., in Klickitat county, respectfully reports the resolution back to the House with the recommendation that it be referred to Committee on World's Fair.

A. G. HANSON, Chairman.

On motion of Mr. Caughran, the report was adopted.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 62, entitled "An act granting certain powers and authority to cities of the third class, relating to assessments, levy and collection of taxes," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills, respectfully reports that the enrolled copy of House concurrent resolution No. 4, In relation to completion of the Cascade locks, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House memorial No. 4, Relative to improving Gray's Harbor, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House memorial No. 5, Praying congress to enact such legislation as will give relief to the town of Port Angeles and the bona fide settlers upon government reserve at that place, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled bills respectfully reports that the enrolled copy of House memorial No. 6, Praying the house of representa-

tives, in congress assembled, to pass Senate bill No. 4131, entitled "An act donating to Clallam county the proceeds of the sale of certain public lands," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 62, House concurrent resolution No. 4, and House memorials Nos. 4, 5, and 6, in open session of the House.

The Committee on Constitution and Revision made the following report:

MR. SPEAKER:

Yrur Committee on Constitution and Revision, to whom was referred House concurrent resolution No. 11, Relative to amending section 5 of article XVI of the constitution of Washington, as follows:

SEC. 5. None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, school district or municipal bonds," respectfully reports the resolution back to the House with the recommendation that it be indefinitely postponed, and the substitute reported herewith be adopted.

A. H. GARRETSON, Chairman.

On motion of Mr. Gandy, the report was adopted, and House concurrent resolution No. 11 was indefinitely postponed.

House concurrent resolution No. 12 (substitute for House concurrent resolution No. 11), Relative to an amendment to section 5 of article 16 of the state constitution, was read.

Mr. Plummer moved to amend by striking out the words "irrigation district."

On motion of Mr. Snively, the yeas and nays were ordered on the motion to strike out.

The House refused to adopt the amendment by the following vote, to wit: Yeas 17, nays 52, absent and not voting 8.

Those who voted yea were: Messrs. Arrasmith, Bothell, Brock, Caughran, Chambers, McKay, Megler, Moore, Powell, Sharpstein, Schricker, Taylor, Tiffany, Tillotson, Walter, Yeomans, and Young.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Barlow, Bass, Berry, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Metcalfe, McClure, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Smith, Smyth,

Snively, Thalman, Wasson, Walker, Wyman, Yancy, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Frater, Godman, Meany, Spinning, Troy, and Taylor.

Mr. Young moved to amend the resolution by striking out the words "private persons."

The House refused to adopt the amendment.

Mr. Bothell moved to amend the resolution by inserting the words "all logging corporations who can give a good and sufficient bond to the state."

On motion of Mr. Plummer, the amendment was laid on the table.

On motion of Mr. Flummerfelt, the resolution was made a special order for Monday, February 9th, at 2 o'clock P. M.

On motion of Mr. Cushman, House bill No. 65, An act to create and organize the county of Big Bend, and declaring an emergency, was made a special order for Saturday, February 7th, at 11 o'clock A. M.

The Committee on Counties and County Lines reported House bill No. 114, An act to create and organize the county of Washington, and declaring an emergency, back to the House with the recommendation that it be indefinitely postponed.

On motion of Mr. Hutchinson, the bill and the report were laid on the table to be taken up on Saturday with House bill No. 65.

Mr. Plummer presented a petition from citizens of Jefferson county, asking for the appointment of a committee to investigate charges made by the Port Townsend bar association against Hon. Morris B. Sachs, judge of the superior court for the counties of Jefferson, Clallam, San Juan, Island and Kitsap.

Mr. Plummer presented the following resolution, and moved its adoption:

Resolved, That a select committee of five be appointed to investigate the charges made against the superior judge of the district composed of the counties of Jefferson, Clallam, San Juan, Island, and Kitsap, and his official conduct, with power to send for persons and papers, and the further authority to proceed to Port Townsend, if deemed by the committee to be necessary. Said committee to report to the House their findings, with such recommendations as deemed proper: *Provided*, That no testimony be taken until the further order of the House.

Mr. Anderson, of Whatcom, moved to amend the resolution by

striking out the word "five" and inserting the word "seven" in line 1.

The House refused to adopt the amendment.

The resolution was adopted.

On motion of Mr. Gandy, the House adjourned.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, February 5, 1891. }
2 o'clock P. M.

The House met pursuant to adjournment; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Cushman, Flummerfelt, Frater, Godman, Meany, McClure, Sallee, Spinning, Wasson, and Wyman. Excused.

Mr. Plummer presented a remonstrance from citizens of Port Townsend against the investigation of charges against Judge Sachs.

SPECIAL ORDERS.

House bill No. 55, An act increasing the number of county commissioners in counties of 25,000 inhabitants or over, special order for 2 o'clock P. M., was taken up.

On motion of Mr. Caughran, the bill was indefinitely postponed.

House bill No. 118 (substitute for House bill No. 56), An act providing for the election and terms of office of county commissioners, special order for 2 o'clock P. M., was taken up.

Mr. Kennedy moved that the bill be re-committed.

The House refused to re-commit.

Mr. Kennedy moved to amend the bill by striking out sections 6, 7 and 8.

Mr. Gandy moved to amend the amendment so as to read "sections 6 and 8."

The amendment, as amended, was adopted.

Mr. Gandy moved to amend section 4 by striking out the word "districts" and inserting the word "district."

The House refused to adopt the amendment.

Mr. Hunsaker moved to amend section 7 by striking out the word "district" and inserting the word "county."

The House refused to adopt the amendment by a divisional vote of 25 yeas to 38 nays.

Mr. Caughran moved to amend by striking out section 7.

The House refused to adopt the amendment.

On motion of Plummer, the bill was considered engrossed, and was passed by the following vote, to wit: Yeas 47, nays 17.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, De Steiguer, Dysart, Farish, Fellows, Frame, Gandy, Holt, Johnson, Jones, Kennedy, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Plummer, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Smith, Taylor, Thalman, Tiffany, Tillotson, Walker, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Bass, Caughran, Chambers, Collins, Flummerfelt, Garretson, Hanson, Hutchinson, Hunsaker, Lawton, Moore, Pearson, Sharpstein, Smyth, Snively, Schricker, and Troy.

Messrs. Anderson of Mason, Andrews, Barlow, Cushman, Frater, Godman, Meany, Powell, Sallee, Spinning, Tyler, Wasson, and Wyman were absent and not voting.

The title of the bill was agreed to.

On motion of Mr. Gandy, House bill No. 56, An act providing for the election and terms of office of county commissioners, was indefinitely postponed.

Mr. Caughran moved a reconsideration of the vote by which the House refused to pass House bill No. 35, An act providing for the payment of traveling and incidental expenses of superior court judges.

Mr. Garretson moved to lay the motion to reconsider on the table.

The House adopted the motion to lay on the table by a divisional vote of 28 yeas to 20 nays.

Mr. Plummer presented House joint resolution No. 3, Relative to the state quarantine station at Port Townsend, which was read first time.

On motion of Mr. Plummer, the rules were suspended, and the

resolution was read second and third time, and adopted by the following vote, to wit: Yeas 62, nays none, absent and not voting 15.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Schrieker, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Cushman, Frater, Godman, McKnight, Meany, Moore, Sallee, Sharpstein, Spinning, Tyler, Wasson, and Wyman.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 59, entitled "An act providing for the payment of bailiffs of the superior courts," has been carefully compared with the original copy thereof and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 59 in open session of the House.

Mr. Hunsaker presented House joint resolution No. 4, Relative to an amendment to section 2 of article 2 of the state constitution, which was read first time, and referred to the Committee on Constitution and Revision.

Senate concurrent resolution No. 13, Relative to the portraits of the governors and ex-governors of the state and territory, was read.

On motion of Mr. Garretson, the House concurred in the resolution.

Senate concurrent resolution No. 14, Relative to visiting and examining the United States penitentiary at McNeil's Island, was read.

On motion of Mr. Tiffany, the House concurred in the resolution.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Bass introduced House bill No. 158, A bill for an act authorizing private corporations, other than religious, incorporated by the legislative assembly of the Territory of Washington prior to June 10, 1872, to hold, acquire, own and possess real and personal property to an extent that the said private corporations may seem meet; anything in the acts incorporating such private corporations to the contrary, notwithstanding, which was read first time, and ordered printed; referred to Committee on Judiciary.

Mr. Jones introduced House bill No. 159, An act providing that incorporated cities and towns may purchase twenty acres or less of school lands for burial grounds, which was read first time by title, and ordered printed; referred to Committee on School Lands.

Mr. Powell introduced House bill No. 160, An act to appropriate money for water supply plant for the Eastern Washington hospital for the insane, which was read first time; rules suspended, read second time by title, and referred to Committee on Hospital for Insane.

Mr. Hunsaker introduced (by request) House bill No. 161, A bill providing for the payment of county taxes in county warrants, which was read first time by title, and ordered printed; referred to Committee on Public Revenue and Taxation.

Mr. Garretson introduced House bill No. 162, An act providing for the inspection of illuminating oils; and for the appointment of a state inspector and deputy inspector, and fixing their compensation, which was read first time by title, and ordered printed; referred to Committee on Insurance.

Senate bill No. 47, An act for the relief of Lindley E. Moore, was read first time, and referred to Committee on Ways, Means and Claims.

Senate bill No. 74, An act providing for appeals to the supreme courts, was read first time, and referred to Committee on Judiciary.

Senate bill No. 76, An act relating to proceedings supplementary to execution, amending section 384 of code of 1881, was read first time, and referred to Committee on Judiciary.

Senate bill No. 78, An act concerning the construction of statutes, was read first time, and referred to the Committee on Judiciary.

Senate bill No. 80, An act in relation to proceedings in probate, amending sections 1299, 1300, 1311, 1313, 1314, 1345, 1358, 1360,

1361, 1368, 1384, 1385, 1399, 1404, 1409, 1410, 1411, 1413, 1415, 1419, 1430, 1456, 1481, 1482, 1485, 1488, 1489, 1508, 1515, 1547, 1556, 1568, 1572, 1573, 1594, and 1601 of the Code of Washington of 1881, and repealing sections 623, 624, 625, 627, 628, 630, 631, 632, 633, and 634 of said code, was read first time, and referred to Committee on Judiciary.

Senate bill No. 85, An act relating to judgments upon promissory notes and similar instruments, was read first time, and referred to Committee on Judiciary.

On motion of Mr. Painter, House bill No. 104, An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor, was taken up.

The following report of the Committee on Penitentiary was read:

REPORT OF COMMITTEE ON PENITENTIARY.

MR. SPEAKER:

Your Committee on Penitentiary, to which was referred House bill No. 104, entitled "An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor," respectfully reports the bill back to the House with the recommendation that it do pass.

J. C. PAINTER, Chairman.

On motion of Mr. Sharpstein, the bill was amended by inserting the words "and purchase of material and employment of all skilled labor required" after the word "same," in last line of said section; also by inserting the same words after the word "building," in line 6 of section 3.

On motion of Mr. Painter, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 63, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Chambers, Collins, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Messrs. Anderson of Mason, Andrews, Barlow, Bass, Caughran,

Cushman, Frater, Godman, Meany, Sallee, Spinning, Tyler, Wasson, and Wyman, were absent and not voting.

The title of the bill was agreed to.

The following notice was read:

MR. SPEAKER:

Your Committee on Penitentiary gives notice that within the next three days your committee will introduce a bill to regulate the sale of the jute sacks manufactured at the state penitentiary.

J. C. PAINTER, Chairman.

On motion of Mr. Parcell, the House adjourned until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTY-FIRST DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 6, 1891. }
10 o'clock A. M.

The House met pursuant to adjournment yesterday; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Bothell, Meany, Wasson, Wyman, and Yancy; excused.

The journal of yesterday was read and approved.

The speaker announced the appointment of Messrs. De Steiguer, Snively, Johnson, Smyth, and Yeomans as a special committee to investigate the charges against Judge Sachs, of Port Townsend.

On motion of Mr. Plummer, the following resolution was adopted, to wit:

Resolved, That the select committee appointed to investigate the charges against Morris B. Sachs, judge of the superior court for the counties of Jefferson, Clallam, San Juan, Island and Kitsap, be instructed to immediately consider the matter submitted to them, and directed to report Thursday, February 12, 1891, whether grounds exist for impeachment of said Judge Morris B. Sachs.

PETITIONS, MEMORIALS, ETC.

Mr. Young presented a petition from the Whitman county farmer's alliance, relative to freights and fares on railroads.

Mr. Young presented a petition from citizens of the state, asking for the enactment of laws conferring greater powers on boards of county commissioners in road matters, etc.; referred to Committee on Judiciary.

Mr. Hutchinson presented a petition from members of farmers' alliance et al., in regard to freights and fares; referred to Committee on Railroads.

Mr. Fellows presented a remonstrance from White Bluff Farmers' Alliance of Spokane county, protesting against the passage of the bill providing for an additional superior court judge for Spokane and Stevens counties; referred to Committee on Judiciary.

REPORT OF COMMITTEE ON RAILROADS.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred twenty petitions from various parts of the state, respectfully report them back to the House with the recommendation that they come up before the House, and be considered with the bills relating to passenger and freight rates upon railroads.

J. M. READY, Chairman.

On motion of Mr. Hutchinson, the report was adopted.

Mr. Snively moved that the motion to reconsider the vote by which the House refused to pass House bill No. 35, An act providing for the payment of traveling and incidental expenses of superior court judges, made by Mr. Caughran yesterday and laid on the table on motion of Mr. Garretson, be taken from the table.

The speaker ruled the motion out of order.

Mr. Snively appealed from the decision of the chair.

The House sustained the decision of the chair by a divisional vote of 33 yeas to 11 nays.

SPECIAL ORDERS.

Mr. Gandy moved that House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency, special order for 2 o'clock p. m. to-day, be taken up and considered.

Mr. Tyler moved to amend the motion so as to make the bill a special order for 1:30 p. m. Tuesday, February 10, 1891.

Mr. Tyler's amendment was adopted.

The motion as amended was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 6, 1891.

MR. SPEAKER:

The Senate has passed Senate memorial No. 8, Relative to reclamation of shallow lakes and ponds.

Also, passed Senate bill No. 81, Relating to prosecutions for public offences.

Also, passed Senate bill No. 82, Relating to procedure in criminal actions.

Also, passed Senate bill No. 83, Relating to evidence in actions, etc.

Also, passed Senate bill No. 84, Relating to appeals from justices courts.

Also, passed Senate bill No. 87, Relating to proceedings in ne exeat.

Also, passed Senate bill No. 88, Relating to proceedings upon habeas corpus.

Also, passed Senate bill No. 89, Relative to abating of nuisances.

Also, passed Senate bill No. 90, Relating to appropriation of property by corporations.

Also, passed Senate bill No. 91, Relating to proceedings in cases of forcible entry.

Also, passed Senate bill No. 92, Relating to claims of third persons to property, etc.

Also, passed Senate bill No. 93, Relating to enforcement of judgment by execution.

Also, passed Senate bill No. 95, Relating to taking and entry of judgments.

Also, passed Senate bill No. 96, Relating to exceptions, etc.

Also, passed Senate bill No. 97, Relating to arbitration and award.

Also, passed Senate bill No. 98, Relating to trial by jury.

Also, passed Senate bill No. 99, Relating to receivers.

Also, passed Senate bill No. 100, Relative to dissolving or modifying injunctions.

Also, passed Senate bill No. 101, Relating to proceedings against persons who violate injunctions, etc.

Also, passed Senate bill No. 102, Relative to proceedings to obtain possession of personal property.

Also, passed Senate bill No. 103, Relating to arrest and bail in civil actions.

Also, passed Senate bill No. 106, Relating to place of trial of actions and proceedings.

Also, passed Senate bill No. 107, Relating to parties to civil actions, etc.

Also, passed Senate bill No. 108, Relating to time within which actions may be commenced.

Also, passed Senate bill No. 109, Relating to powers and duties of clerks of courts.

Also, passed Senate bill No. 111, Relating to sheriffs.

The president has signed enrolled Senate concurrent resolution No. 10, Relative to furnishing county treasurers certified copies of House bill No. 7.

Also, signed enrolled Senate concurrent resolution No. 9, Relative to publishing 10,000 copies of the constitution.

Also, signed enrolled Senate memorial No. 6, Relative to the Nicaragua canal.

Also, signed enrolled Senate concurrent resolution No. 11, Relative to printing 2,500 copies of the catalogue of the state library.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

Senate bill No. 4, An act providing that nine (9) jurors may make a verdict in all civil cases tried by a jury of twelve (12); declaring the duty of the jury when the verdict is agreed upon; also, when the jury may be discharged, repealing all laws in conflict, and declaring an emergency, special order for 2 o'clock P. M. to-day, was taken up.

The following reports from the Committee on Judiciary were read:

MAJORITY REPORT OF COMMITTEE ON JUDICIARY.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 4, entitled "An act relative to making nine jurors competent to give a verdict," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

A. W. FRATER, Chairman.

MINORITY REPORT.

We, the undersigned members of the Judiciary Committee, do not concur in the report of the majority, and recommend that said bill do pass.

G. E. DE STEIGUER,

W. D. TILLOTSON,

M. M. GODMAN.

Mr. Taylor moved the adoption of the majority report.

The House refused to adopt the report.

Mr. Megler moved the adoption of the minority report.

The House adopted the report by a divisional vote of 30 yeas to 23 nays.

The bill was read second time.

On motion of Mr. Plummer, section 1 was amended by striking

out the word "foreman" and inserting the words "jurors agreeing to the verdict," in line 5.

Mr. Powell moved to amend section 1 by striking out the words and figures "nine (9)" and inserting the words and figures "eleven (11)."

Mr. Plummer moved to make the bill a special order for 2 o'clock P. M. Monday, February 9, 1891.

On motion of Mr. Gandy, the House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 6, 1891, }
2 o'clock P. M. }

The House met pursuant to adjournment; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Barlow, Godman, Hutchinson, Johnson, Meany, Moore, Powell, Reitze, Spinning, Tyler, and Yancy; excused.

Mr. Megler presented claims of Messrs. Jones, Megler, and Putney, for mileage and clerk hire as members of joint special committee on fisheries; referred to Committee on Ways, Means and Claims.

Mr. Kennedy rose to a question of privilege, and made a point of order that the main question on Mr. Tyler's motion to amend Mr. Gandy's motion to take up House bill No. 20, An act regulating fares and freights on railroads, had not been put.

The speaker ruled the point of order not well taken.

Mr. Kennedy appealed from the decision of the chair.

The house sustained the decision of the chair by a divisional vote of 35 yeas to 14 nays.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Brock introduced House bill No. 163, An act to establish a state normal school in the town of Kelso, in Cowlitz county, and to provide for the government, management and support of the

same, which was read first time by title, and ordered printed; referred to Committee on State University and Normal Schools.

Mr. Jones introduced House bill No. 164, An act relating to private sales of real property belonging to estates of decedents, minors and insane persons, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Berry introduced House bill No. 165, An act regulating the terms of superior courts by judges who preside in two or more counties, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Tillotson introduced House bill No. 166, An act for the relief of John Huntington and John D. Litle, co-partners, known as Huntington & Litle, and declaring an emergency, which was read first time by title; ordered printed; referred to Committee on Judiciary.

Mr. Sallee introduced House bill No. 167, An act for the protection of all feathered game in the State of Washington; read first time by title; ordered printed; referred to Committee on Forestry.

Mr. Bass introduced House bill No. 168, An act making county orders receivable for taxes; read first time by title; ordered printed; referred to Committee on Judiciary.

Mr. Nevin introduced House bill No. 169, An act to regulate the sale of spirituous, malt and vinous liquors, and to prevent the sale thereof without first having obtained a license therefor, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency; read first time by title; ordered printed; referred to Committee on Education.

Mr. Adams introduced House bill No. 170, An act to provide for the location and maintenance of the Agricultural College, Experiment Station and School of Science of the State of Washington, and declaring an emergency; read first time by title; ordered printed; referred to Committee on Agricultural College and School of Science.

Mr. Sallee introduced House bill No. 8, Relative to ship canal between Lake Union and Lake Washington; read first time.

On motion of Mr. De Steiguer, the rules were suspended, and the memorial was read second and third times, and passed by the following vote, to wit: Yeas 54, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cush-

man, De Steiguer, Farrish, Fellows, Flummerfelt, Frater, Gandy, Garretson, Hanson, Holt, Hunsaker, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Nevin, Painter, Palmer, Parcell, Plummer, Ragsdale, Reinhardt, Ready, Rockwell, Sallee, Schrieker, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith and Dysart.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Frame, Godman, Hutchinson, Johnson, Meany, Moore, Murray, Pearson, Powell, Putney, Reitze, Sharpstein, Snively, Spinning, Tyler, Yancy, and Young.

Senate bill No. 81, An act in relation to prosecutions for public offenses, and amending sections 782, 779, 760, 1072, 1073, 1076, 764, 977, 919, 981, 984, 985, 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, [1014,] 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1028, 1030, 1038, 1039, 1066, 1064, 1065, 1045, 1048, 1049, 1050, 1051, 1052, 1054, 1055, 1058, 1059, 1060, 1061, 1070, 1043, 1044, 1078, 1083, 1084, 1067, 1088, 1091, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1105, 1107, 1121, 1125, 1134, 1138, 1139, 765, 766, 767, 769, 771, 772, 773, 775, 958 and 971 of the Code of Washington, was read first time by title.

On motion of Mr. Gandy, the rules were suspended, and the bill was read second time by title and third time by section, and was passed by the following vote, to wit: Yeas 54, nays none, absent and not voting 23.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Hanson, Holt, Hunsaker, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Murray, Palmer, Pearson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Rockwell, Schrieker, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Brock, Dysart, Godman, Hutchinson, Johnson, Meany, Moore, Morse, Nevin, Painter, Parcell, Powell,

Reitze, Sallee, Sharpstein, Snively, Tillotson, Tyler, Yancy, and Yeomans.

The title of the bill was agreed to.

Senate bill No. 82, An act relating to proceedings in criminal actions in justices' courts and before magistrates, and amending sections 1890, 1891, 1894, 1893, 1895, 1896, 1902, 1905, 1916, 1917, 1923, 1926, 1927, 1929, 1932 and 1972 of the Code of Washington of 1881, was read first time by title.

On motion of Mr. Gandy, the rules were suspended, and the bill was read second time by title and third time by section, and was passed by the following vote, to wit: Yeas 51, nays none, absent and not voting 26.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Hanson, Hunsaker, Jones, Kennedy, Lawton, Lehman, Metcalfe, McClure, McKay, McKnight, Miller, Palmer, Parcell, Pearson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Sallee, Schricker, Smyth, Snively, Spinning, Taylor, Thaman, Tiffany, Wasson, Walker, Walter, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Dysart, Godman, Holt, Hutchinson, Johnson, Meany, Megler, Moore, Morse, Murray, Nevin, Painter, Powell, Reitze, Rockwell, Sharpstein, Smith, Tillotson, Tyler, Troy, Yancy, and Young.

The title of the bill was agreed to.

On motion of Mr. Snively, the rules were suspended, and the following Senate bills were read first and second times by title, and referred to Committee on Judiciary, to wit:

Senate bill No. 83, An act in relation to evidence in actions and judicial proceedings, and amending sections 391, 393, 406, 407, 408, 423 and 425 of the Code of Washington of 1881.

Senate bill No. 84, An act relating to appeals from justices' courts, and amending sections 1858, 1859, 1861, 1863, 1865, and 1914 of the Code of Washington of 1881.

Senate bill No. 87, An act in relation to proceedings in the nature of re exeat, and amending sections 637, 638 and 642 of the Code of Washington of 1881.

Senate bill No. 88, An act relating to proceedings upon habeas corpus.

Senate bill No. 89, An act relating to actions to abate nuisances, and amending section 606 of the Code of Washington of 1881.

Senate bill No. 90, An act in relation to the appropriation of property by corporations.

Senate bill No. 91, An act relating to proceedings in cases of forcible entry into or forcible detainer of lands.

Senate bill No. 92, An act relating to claims of third persons to property taken upon execution or attachment, and amending sections 350 and 352 of the Code of Washington of 1881.

Senate bill No. 93, An act in relation to the enforcement of judgment by execution, and amending sections 328, 330, 357 and 367 of the Code of Washington of 1881.

Senate bill No. 95, An act relating to the taking and entry of judgments, and amending sections 301 and 302 of the Code of Washington of 1881.

Senate bill No. 96, An act relating to exceptions, and amending section 26 of the Code of Washington of 1881.

Senate bill No. 97, An act in relation to arbitration and award, and amending sections 266 and 269 of the Code of Washington of 1881.

Senate bill No. 98, An act relating to trial by jury, and amending sections 232, 234 and 245 of the Code of Washington of 1881.

Senate bill No. 99, An act in relation to receivers.

Senate bill No. 100, An act relating to motions to dissolve or modify injunctions, and amending section 169 of the Code of Washington of 1881.

Senate bill No. 101, An act relating to the proceedings against persons who violate injunctions, and amending section 168 of the Code of Washington of 1881.

Senate bill No. 102, An act relating to proceedings to obtain possession of personal property during the pendency of an action for the recovery thereof, and amending section 152 of the Code of Washington of 1881.

Senate bill No. 103, An act relating to arrest and bail in civil actions, and amending sections 115, 116, 124, 126 and 131 of the Code of Washington of 1881.

Senate bill No. 106, An act relating to the place of trial of ac-

tions and proceedings, and amending sections 50 and 53 of the Code of Washington of 1881.

Senate bill No. 107, An act with relation to parties to civil actions and proceedings, and amending section 12 and 15 of the Code of Washington of 1881.

Senate bill No. 108, An act relating to the time within which actions may be commenced, and amending section 25 of the Code of 1881.

Senate bill No. 109, An act relating to the powers and duties of clerks of courts.

Senate bill No. 111, An act in relation to sheriffs.

Senate memorial No. 8, Relative to reclaiming shallow ponds and lakes, was read first time.

On motion of Mr. Plummer, the rules were suspended and the memorial was read second time by title and referred to Committee on Agriculture.

On motion of Mr. Plummer, the House adjourned at 4 o'clock P. M. until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTY-SECOND DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Saturday, February 7, 1891. }
 10 o'clock A. M.

The House met pursuant to adjournment yesterday; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Godman, Hutchinson, Meany, Powell, and Reitze; excused.

The journal of yesterday was read, and approved as read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Walter presented a petition signed by 2,000 citizens of Spokane and Whitman counties, asking for the creation of a new county

out of a portion of Spokane and Whitman counties; referred to Committee on Counties and County Lines.

Mr. Smith presented a petition from citizens of Okanogan county, asking that the law providing for the organization of the state militia be amended so as to provide for the organization of a third troop of cavalry; referred to Committee on Military Affairs.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 15, Relative to visiting the Eastern and Western Insane Asylums.

Also passed Senate bill No. 86, Relative to effect of payment of other states and territories.

Also, Senate memorial No. 7, Relative to improvement of Colville river.

Also, Senate bill No. 94, Relative to procedure in justices courts.

Also, Senate bill No. 104, Relative to pleadings in civil actions.

Also, Senate bill No. 105, Relative to manner of commencing civil actions.

Also, Senate bill No. 110, Relative to attorneys.

Also, Senate bill No. 112, Relative to powers of courts and their judicial officers.

Also, Senate bill No. 113, Relative to juries.

Also, Senate bill No. 114, Relative to legal holidays (as amended).

Also, Senate bill No. 115, Relative to magistrates.

Also, Senate bill No. 116, Relative to holding sessions of court.

Also, Senate bill No. 118, Relative to new trials, and amending the code.

Also, Senate bill No. 119, Relative to defining certain crimes.

Also, Senate bill No. 125, Relative to civil jurisdiction of justices courts.

Also, Senate bill No. 123, For the relief of L. P. Berry.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

SENATE CHAMBER,
OLYMPIA, WASH., February 6, 1891.

MR. SPEAKER:

The president has signed House memorial No. 5, Relative to relief of town of Port Angeles.

Also, House memorial No. 6, Urging congress to pass Senate bill No. 4131.

Also, House bill No. 69, Payment of bailiffs of superior courts.

Also, House concurrent resolution No. 4, Completion of the Cascade locks.

Also, House joint memorial No. 4, Relative to improving Gray's Harbor.

Also, House bill No. 62, Granting certain powers and authority to cities of the third class.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 113, entitled "An act to provide for the payment of costs of defendant in slander or libel suit, where the action is malicious or brought for annoyance," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted, and the bill was indefinitely postponed.

Mr. De Steiguer, chairman of the committee appointed to investigate the charges against Judge Sachs, submitted the following report, to wit:

REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER:

Your committee appointed to investigate the charges against Morris B. Sachs, respectfully begs leave to report that they find it necessary to hear testimony before making a report responding to the instructions of the House, and that in order for them to do this fully that it will be necessary for them to be excused during Monday and Tuesday next from the sessions of the House for the purpose of enabling them to proceed to Port Townsend to hear testimony; and that rule No. 10 of the House must be suspended; and that your committee must be authorized to issue any and all process requiring the attendance of witnesses that could be issued by the House, and be authorized to employ a stenographer, and to be allowed the attendance of the sergeant-at-arms to enforce the orders of the committee.

It is, therefore, recommended—

1. That this committee be excused till Wednesday at noon from the sessions of the House, and that the committee be allowed to sit at its pleasure during the sessions of the House.
2. That rule 10 of the House be suspended till Wednesday next at noon.
3. That all warrants, writs and subpoenas that can be issued by the House to require the attendance of witnesses and to preserve order may be issued by this committee under the hand and seal of its chairman.
4. That the committee be authorized to employ a stenographer.
5. That the sergeant-at-arms shall attend the committee during its sittings and obey its orders.
6. That the sergeant-at-arms be instructed to pay the traveling expenses of the committee while absent from Olympia upon the investiga-

tion, and the costs of the stenographer upon the certificate of the chairman of the committee, and the other necessary expenses incident to the prosecution of said investigation.

Respectfully submitted.

G. E. DE STEIGUER,
Chairman of the Committee.

Mr. Gandy moved that the report be adopted, and that the requests made by the committee be granted.

On motion of Mr. Plummer, the yeas and nays were ordered on the adoption of the report.

The House adopted the report by the following vote, to wit: Yeas 36, nays 30.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Bothell, Brock, Collins, Cushman, De Steiguer, Frater, Gandy, Garretson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Megler, Miller, Nevin, Painter, Parcell, Plummer, Ragsdale, Ready, Rockwell, Smyth, Snively, Thalman, Troy, Tyler, Walker, Wasson, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Berry, Caughran, Chambers, Dysart, Farrish, Flummerfelt, Frame, Hanson, Holt, Hunsaker, McClure, Metcalfe, Moore, Morse, Murray, Palmer, Pearson, Putney, Reinhardt, Sallee, Sharpstein, Smith, Spinning, Schricker, Taylor, Tiffany, Tillotson, Walter, Wyman, and Young.

Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Fellows, Godman, Hutchinson, Johnson, Meany, Powell, Reitze, and Yancy were absent and not voting.

On motion of Mr. Gandy, House bill No. 65, An act to create and organize the county of Big Bend, and declaring an emergency, special order for 11 o'clock A. M. to-day, was continued, and made a special order for Wednesday, February 11, 1891, at 2 o'clock P. M.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bills Nos. 14, 15, 19, 27, 43, 46, 64, 74, 95 and 102, all in relation to superior court judges, respectfully reports the bills back to the House with the recommendation that they each and all of them be indefinitely postponed, and that the substitute bill offered herewith, and which covers the subject matter of all of the bills, do pass.

A. W. FRATER, Chairman.

I concur in all the foregoing majority report except that portion of the substitute bill giving Clallam county alone one superior judge.

G. H. GARRETSON.

MINORITY REPORT.

I do not concur in the foregoing, for the reason that with the exception of the district including Thurston, Mason and Lewis counties and the district including Snohomish, Whatcom and Skagit counties, in my judgment no facts sufficient to show the necessity for the increase in the number of judges provided for in the bill have been shown to exist.

JOHN L. SHARPSTEIN.

I do not concur in the majority report filed herein.

M. M. GODMAN.

Mr. Dysart moved that the report be received, and that it be taken up when the substitute bill comes up for consideration.

The House adopted the motion.

On motion of Mr. Snively, the rules were suspended, and the substitute bill recommended by the committee was taken up and read first time by title, ordered printed, and made special order for 11 o'clock a. m. on Wednesday, February 11, 1891.

REPORT OF COMMITTEE ON WAYS, MEANS AND CLAIMS.

The Committee on Ways, Means and Claims made the following report:

MR. SPEAKER:

Your Committee on Ways, Means and Claims, to whom was referred the petition of Peter G. Stewart, reports the same back to the House with the accompanying memorial, and recommends the passage of the same.

J. E. GANDY, Chairman.

House memorial No. 9, Relative to claim of Peter G. Stewart against the United States, reported by the Committee on Ways, Means and Claims, was read first time.

On motion of Mr. Gandy, the rules were suspended, and the memorial was read second and third time, and passed by the following vote, to wit: Yeas 61, nays 1, absent and not voting 15.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Frame, Frater, Gandy, Garretson, Hanson, Holt, Hunsaker, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Putney, Ragsdale, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Flummerfelt voted nay.

Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, De

Steiguer, Fellows, Godman, Hutchinson, Johnson, Meany, Murray, Plummer, Powell, Ready, Reitze, and Yancy were absent and not voting.

The clerk was instructed to transmit the memorial to the Senate at once.

Mr. Painter moved that the Committees on Appropriations, Hospital for the Insane, Municipal Corporations, Reform School and School for Defective Youth, and Penitentiary, be authorized to employ Mr. F. S. Musseter as clerk of such committees, dating from January 16, 1891.

The House adopted the motion, and Mr. Musseter was sworn as clerk of the said committees.

Mr. Gandy presented a remonstrance from citizens of Spokane county, against the passage of House bill No. 129, An act to prevent frauds upon travelers; referred to Committee on Railroads.

The following messages were read:

SPRAGUE, WASH., February 6, 1891.

To House of Representatives, care Speaker of the House:

We believe the taxpayers of Lincoln county are opposed to any division of Lincoln county at this time, therefore we offer our protest in their behalf; a heavy remonstrance of the taxpayers will follow by mail.

B. ETTELSON,
Chairman of the County Commissioners.
SPRAGUE, WASHINGTON.

To Honorable House of Representatives, care Speaker of the House:

Taxpayers oppose division now of Lincoln county. Strong remonstrance by mail.

J. H. SHIELDS,
A. W. HOLLAND,
Chairman Committee.

On motion of Mr. Collins, the group of committees composed of the Committee on State Library, Buildings and Public Grounds, State, County and Municipal Indebtedness, Privileges and Elections, Rules and Orders, was authorized to employ Miss Isadora Mockler as clerk of such committees.

Miss Mockler appeared at the speaker's desk, and was sworn as clerk of said committees.

On motion of Mr. Schricker, House bill No. 63, An act requiring corporations owning land in this state to file certified copy of articles of incorporation with county auditor, was indefinitely postponed.

INTRODUCTION OF BILLS.

The Committee on Railroads introduced House bill No. 171 (substitute for House bill 124), An act prescribing the qualifications of

locomotive engineers, which was read first time by title, and ordered printed.

The Committee on Judiciary introduced House bill No. 172 (substitute House bills Nos. 14, 15, 19, 27, 43, 46, 64, 74, 95, and 102), An act providing for judges and additional judges for the superior courts in various counties in the State of Washington, which was read first time by title, and ordered printed.

Mr. Dysart introduced House bill No. 173, An act to require attendance of all persons between the ages of nine and fourteen years at some public or private school or schools in the State of Washington, which was read first time by title, and ordered printed; referred to Committee on Education.

Mr. Smyth introduced House bill No. 174, An act to regulate the rent as allowed for the use of telephones, and to fix rates of toll, which was read first time by title, and ordered printed; referred to Committee on Corporations other than Municipal and Railroad.

Mr. Moore introduced House bill No. 175, An act to create and organize the county of Palouse, which was read first time by title, and ordered printed; referred to Committee on Counties and County Lines.

Mr. Walter introduced House bill No. 176, An act to create and organize the county of Sherman, which was read first time by title, and ordered printed; referred to Committee on Counties and County Lines.

Mr. Putney introduced House bill No. 177, An act to regulate and restrict the sale of such tide or shore lands as are natural oyster beds prior to March 26, 1890, and tide or shore lands within the state, which was read first time by title, and ordered printed; referred to Committee on Tide Lands.

On motion of Mr. Gandy, the rules were suspended, and the following Senate bills were read first and second times, and referred to the Committee on Judiciary, to wit:

Senate bill No. 86, An act in relation to the effect of judgments of other states and territories, and amending section 739 of the Code of Washington of 1881.

Senate bill No. 94, An act relating to procedure in civil actions in justices' courts, and amending sections 1714, 1720, 1853, 1754, 1755, 1758, 1759, 1764, 1746, 1748, and 1809 of the Code of Washington of 1881.

Senate bill No. 104, An act relating to pleadings in civil actions,

and amending sections 76, 77, and 109 of the Code of Washington of 1881.

Senate bill No. 105, An act relating to the manner of commencing civil actions.

Senate bill No. 110, An act in relation to attorneys.

Senate bill No. 112, An act in relation to the powers of courts and judicial officers.

Senate bill No. 113, An act in relation to juries.

Senate bill No. 114, An act in relation to legal holidays.

Senate bill No. 115, An act in relation to magistrates.

Senate bill No. 116, An act in relation to the holding of sessions of courts.

Senate bill No. 118, An act relating to new trials, and amending section 282 of the Code of Washington of 1881, and repealing sections 279 and 280 of said code of 1881.

Senate bill No. 119, An act defining certain crimes and declaring their punishment, and amending the code of 1881 and certain other statutes in relation to the same subject.

Mr. Tiffany introduced House bill No. 178, An act forbidding extortion or unjust discrimination by any corporation, company or individual operating, managing or leasing any railroad within this state, which was read first time by title, and ordered printed; referred to Committee on Railroads.

Senate bill No. 123, An act for the relief of L. P. Berry, agent, was read first time by title, and referred to the Committee on Ways, Means and Claims.

Senate bill No. 125, A bill for an act relating to the civil jurisdiction of justices' courts, amendatory of section 1710 of the Code of Washington of 1881, as amended by an act entitled "An act to correct errors and supply omissions in the Code of Washington," approved November 28, 1883, was read first time by title, and referred to Committee on Judiciary.

Senate concurrent resolution No. 15, Relative to visiting the hospitals for the insane, was read.

Mr. Gandy moved that the House concur in the resolution.

On motion of Mr. Snively, the yeas and nays were ordered on the adoption of the motion to concur.

The House concurred in the resolution by the following vote, to wit: Yeas 37, nays 18.

Those who voted yea were: Messrs. Adams, Bass, Bothell, Brock,

Cushman, Dysart, Farrish, Flummerfelt, Gandy, Garretson, Holt, Jones, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Morse, Painter, Parcell, Putney, Ragsdale, Reinhardt, Rockwell, Sharpstein, Spinning, Taylor, Thalman, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Barlow, Berry, Caughran, Chambers, Frater, Hunsaker, McClure, Moore, Murray, Nevin, Palmer, Pearson, Plummer, Sallee, Smith, Snively, Tiffany, and Troy.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Arrasmith, Collins, De Steiguer, Fellows, Frame, Godman, Hutchinson, Hanson, Johnson, Kennedy, Meany, Powell, Ready, Reitze, Smyth, Schricker, Tillotson, Tyler, and Yancy.

MESSAGE FROM THE SENATE.

The following message was also received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1891.

MR. SPEAKER:

The Senate has passed House memorial No. 9, Petitioning congress for the relief of Peter G. Stewart, and the same is herewith transmitted to the House. C. M. BARTON, Secretary.

On motion of Mr. Gandy, the House adjourned at 12 o'clock noon, until 10:30 A. M. on Monday.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTY-FOURTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, February 9, 1891. }
10:30 o'clock A. M.

The House met at 10:30 A. M.; the speaker in the chair.

The roll was called; all the members present except Messrs. Anderson of Mason, Andrews, De Steiguer, Hutchinson, Johnson, Ragsdale, Smyth, Snively, Tyler, and Yeomans; excused.

The journal of Saturday was read and approved.

Mr. Farrish presented a petition from 177 citizens of Asotin county, asking for an appropriation of \$6,000 to assist in building a wagon road from Anatone, Asotin county, to the Oregon line; referred to Committee on Roads and Highways.

Mr. Adams presented a remonstrance from citizens of King county, against the passage of House bill No. 129, An act to prevent frauds upon travelers; referred to Committee on Railroads.

The following telegram was read:

SPRAGUE, WASHINGTON, February 7, 1891.

To the Speaker of the House of Representatives:

To the honorable members of the state Senate and House of Representatives now assembled in the city of Olympia and State of Washington: We, the undersigned, citizens and taxpayers of Lincoln county, Washington, do offer our most solemn protest and remonstrance against any division whatever on any line of division now proposed or offered in Lincoln county, Washington, as presented to your legislature to-day.

Signed by A. W. Holland and 210 others.

REPORTS OF STANDING COMMITTEES.

The Committee on State, County and Municipal Indebtedness made the following report:

MR. SPEAKER:

Your Committee on State, County and Municipal Indebtedness, to which was referred House bill No. 31, entitled "An act to amend section 2 of an act entitled 'An act authorizing and empowering the original counties of the State of Washington to contract indebtedness, to issue bonds for funding the same, and declaring an emergency,'" respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed for the reason that the same is unconstitutional.

B. BARLOW, Chairman.

On motion of Mr. Barlow, the report was adopted, and House bill No. 31 was indefinitely postponed.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 140, entitled "An act to amend section 347 of the Code of Washington in relation to exemptions," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted and House bill No. 140 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 145, entitled "An act to amend the law for the sale of property," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Walker, the report was adopted and House bill No. 145 was indefinitely postponed.

Mr. Sharpstein moved a reconsideration of the vote by which the House concurred in Senate concurrent resolution No. 15, Relative to a committee of both Houses visiting the hospitals for the insane, concurred in by the House on Saturday.

The House refused to reconsider by a divisional vote of 23 yeas to 28 nays.

Messrs. Powell, Thalman and Farrish were appointed as members of the committee on part of the House, to visit the hospitals for the insane.

Mr. Kennedy presented the following resolution, and moved its adoption, to wit:

Resolved, That J. G. McClinton be and he is hereby appointed supervising clerk of the enrolling and engrossing departments of the House, with authority to assign clerks employed in said departments by the House, to work in either department in which he may find them most efficient, or in which their services may be most needed; and that he be allowed a salary of four dollars per day as such supervising clerk.

The House refused to adopt the resolution.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 9, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 21, An act to create a state board of horticulture, and passed the emergency clause.

Also, passed Senate bill No. 60, To cede the jurisdiction of Washington over certain lands to the United States.

Also, passed House bill No. 77, Appropriating per diem an expenses of boards of county commissioners, with amendments.

Also, passed Senate bill No. 40, To pay mileage to the attorney general and superior judges.

The president has signed enrolled Senate concurrent resolution No. 13, Relative to procuring portraits of governors.

Also, enrolled Senate concurrent resolution No. 14, Relative to visiting and examining the U. S. penitentiary at McNeil's Island.

Also, enrolled Senate memorial No. 5, Relative to state granted lands and the survey thereof.

Also, enrolled Senate memorial No. 1, Relative to coast defenses and fortifications.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Wasson introduced House bill No. 178 $\frac{1}{2}$, An act to regulate vital statistics in the State of Washington, which was read first time by title, and ordered printed; referred to Committee on Medicine, Surgery and Pharmacy.

Mr. Ready introduced House bill No. 179, An act to prevent the spread of Chinese, Canada or bull thistles, and providing a penalty for the violation thereof, which was read first time by title, and ordered printed; referred to Committee on Agriculture.

Mr. Meany introduced House bill No. 180, An act providing for the appointment of police matrons in certain cities, designating their duties and compensation, which was read first time by title, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Yancy introduced House bill No. 181, An act making all transfers of property with intent to cheat, hinder, delay or defraud creditors or other persons void, and making all purchases by insolvent persons with intent not to pay void, and providing that all persons who aid and assist in transferring property fraudulently conveyed, and all persons who aid and assist in selling or concealing property purchased without intent to pay for the same, liable for all the damage done, providing there shall be no exemption allowed on executions issued on judgments as obtained, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Senate bill No. 40, An act to provide for the payment of certain mileage of the attorney general of the state and of the superior courts, and to declare an emergency, was read first time.

Mr. Walker moved that the bill be indefinitely postponed.

The House refused to indefinitely postpone.

The bill was referred to Committee on Fees and Compensation of State and County Officers.

Senate bill No. 60, An act to cede the jurisdiction of the State of Washington to the United States of America over land needed

for the improvement of rivers and harbors, and for the purchase and condemnation thereof, was read first time by title, and referred to Committee on Harbors and Navigable Waters.

REPORT OF THE COMMITTEE ON LABOR AND LABOR
STATISTICS.

The Committee on Labor and Labor Statistics made the following report:

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to which was referred Senate bill No. 2, entitled "An act declaring labor day a legal holiday," respectfully reports the bill back to the House with the recommendation that it do pass.

A. I. ADAMS, Chairman.

Senate bill No. 2, An act declaring labor day a legal holiday, was read second time.

On motion of Mr. Plummer, section 1 was amended by striking out the words "first day" and inserting the words "first Monday," in line 1.

On motion of Mr. Tillotson, section 1 was amended by striking out the words "commonly called labor day," in lines 2 and 3, and by inserting the words "to be known as labor day" after the word "Washington."

On motion of Mr. Tillotson, section 1 was amended by striking out the words "shall be considered."

On motion of Mr. Plummer, the rules were suspended, and the bill was read third time and passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Jones, Lawton, Lehman, Meany, Megler, McClure, McKay, McKnight, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Reinhardt, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Collins, De Steiguer, Dysart, Hutchinson, Hunsaker, Johnson, Kennedy, Metcalfe, Murray, Ragsdale, Reitze, Smyth, Snively, Tyler, and Yeomans.

The title of the bill was agreed to.

The Speaker signed Senate memorials Nos. 1 and 5, and Senate concurrent resolutions Nos. 13 and 14 in open session of the House.

On motion of Mr. Chambers, the House took a recess at 12 o'clock noon, until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, February 9, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Barlow, De Steiguer, Frame, Hutchinson, Johnson, Jones, Kennedy, Murray, Ragsdale, Smyth, Snively, Spinning, Tyler, and Yeomans.

Mr. Young presented the following resolution, and moved its adoption:

WHEREAS, According to a recent decision rendered by the superior court of Whitman county, said court denies the right of boards of county commissioners to condemn private property for public use; therefore,

Be it Resolved, That the Committee on Roads and Highways be requested to formulate a general law providing that all orders appointing viewers, reviewers and appraisers in regard to public roads, and all orders pertaining to the opening, changing or discontinuing of public roads, shall be issued by the superior court of the county in which such roads are located.

The House adopted the resolution.

Mr. Sharpstein moved that the rules be suspended, and that House bills Nos. 21 and 77, received from the Senate with amendments, be taken up.

The House adopted the motion.

House bill No. 21, An act to create a state board of horticulture and appropriate money therefor, and declaring an emergency, was received back from the Senate with amendments to sections 9, 10, and 15.

The House concurred in the Senate amendments by the following vote, to wit: Yeas 61, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Mr. Arrasmith voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Davis, De Steiguer, Hutchinson, Johnson, Kennedy, McKnight, Murray, Ragsdale, Smyth, Snively, Tyler, and Yeomans.

House bill No. 77, An act making appropriations for the per diem and expenses of boards of county commissioners in selecting and appraising school lands, received back from the Senate with amendments, was taken up.

On motion of Mr. Flummerfelt, the bill was referred to the Committee on Judiciary, with instructions to inquire into and report to the House as to the constitutionality of the Senate amendments.

Senate bill No. 4, An act providing that nine jurors may make a verdict in all civil cases tried by a jury of twelve; declaring the duty of the jury when the verdict is agreed upon, also when the jury may be discharged, and repealing all laws in conflict, special order for 2 o'clock P. M. to-day, was taken up.

The motion made by Mr. Powell to amend section 1 of the bill by striking out the word and figure "nine (9)" and inserting the word and figure "eleven 11)," was taken up.

The House refused to adopt the amendment by a divisional vote of 28 yeas to 31 nays.

Mr. Gandy moved to amend section 1 by striking out the word and figure "nine (9)" and inserting the word and figure "ten (10)."

The House refused to adopt the amendment by a divisional vote of 22 yeas to 31 nays.

On motion of Mr. Gandy, the rules were suspended, and the bill was read third time.

On motion of Mr. Plummer, a call of the house was ordered.

The roll was called and all the members were found to be present except Messrs. Anderson of Mason, Andrews, De Steiguer, Hutchinson, Johnson, Murray, Ragsdale, Smyth, Snively, Tyler, and Yeomans; excused.

On motion of Mr. Gandy, further proceedings under call of the House were dispensed with.

The House refused to pass the bill by the following vote, to wit: Yeas 36, nays 29.

Those who voted yea were: Messrs. Adams, Arrasmith, Bass, Bothell, Brock, Collins, Cushman, Flummerfelt, Godman, Hanson, Holt, Hunsaker, Kennedy, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Morse, Nevin, Painter, Palmer, Reitze, Rockwell, Smith, Schricker, Taylor, Thalman, Tillotson, Walker, Walter, Wasson, Yancy, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Berry, Caughran, Chambers, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Jones, McClure, McKnight, Miller, Moore, Parcell, Pearson, Plummer, Powell, Putney, Ready, Reinhardt, Sallee, Sharpstein, Spinning, Tiffany, Troy, and Wyman.

Messrs. Anderson of Mason, Andrews, Barlow, De Steiguer, Hutchinson, Johnson, Murray, Ragsdale, Smyth, Snively, Tyler, and Yeomans were absent and not voting.

On motion of Mr. Hunsaker, House concurrent resolution No. 12, Relative to amending section 5 of article 16 of the state constitution was continued as a special order until Thursday, February 12th, at 11 o'clock A. M.

House bill No. 24, An act for the relief and protection of workmen in the purchase of store goods and supplies, and House bill No. 86, An act to secure the payment of wages in lawful money, were taken up.

The following report of the Committee on Labor and Labor Statistics was read.

REPORT OF COMMITTEE ON LABOR AND LABOR STATISTICS.

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to whom was referred House bills Nos. 24 and 86, entitled respectively "An act for the relief and protection of workmen in the purchase of store goods and supplies," and "An act to secure the payment of wages in lawful money," respectfully reports the bills back to the House with the recommendation that they be indefinitely postponed, for the reason that their provisions are covered by the provisions of chapter CXXVIII of the laws of Washington

of 1887 and 1888, being entitled "An act to provide for the payment of wages of labor in lawful money of the United States, and to punish violations of the same."

A. I. ADAMS, Chairman.

Mr. Spinning moved the adoption of the report of the committee.

On motion of Mr. Parcell, the yeas and nays were ordered on the adoption of the report of the committee.

The House refused to adopt the report by the following vote, to wit: Yeas 12, nays 45, absent and not voting 20.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Brock, Caughran, Dysart, Morse, Palmer, Spinning, Taylor, and Tillotson.

Those who voted nay were: Messrs. Bass, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Godman, Hanson, Holt, Hunsaker, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Nevin, Painter, Parcell, Pearson, Plummer, Ready, Rockwell, Sallee, Schricker, Sharpstein, Thalman, Tiffany, Troy, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, De Steiguer, Gandy, Hutchinson, Johnson, Kennedy, Murray, Powell, Putney, Ragsdale, Reitze, Reinhardt, Smith, Smyth, Snively, Tyler, and Yeomans.

House bill No. 86, An act to secure to workmen the payment of wages in lawful money, was read second time.

Mr. Spinning moved to amend section 2 by striking out the words "two years" and inserting the words "six months," in last line.

The House refused to adopt the amendment.

Mr. Parcell moved that the rules be suspended, and that the bill be read a third time, and placed on final passage.

The House adopted the motion.

On motion of Mr. Adams, the House reconsidered the vote by which the bill was ordered to third reading.

On reconsideration, the House refused to adopt the motion to order the bill to third reading.

On motion of Mr. Adams, the bill was recommitted to the Committee on Judiciary.

On motion of Mr. Adams, House bill No. 24, An act for the protection of workmen in the purchase of store goods and supplies, was indefinitely postponed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, February 9, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 62, entitled "An act granting certain additional powers and authority to cities of the third class, relating to assessments, levy and collection of taxes." I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieut. Governor and Acting Governor.

On motion of Mr. Plummer, authority was given for less than a majority of any standing committee to consider any bill referred to such committee, when called together by the chairman of committee: *Provided*, That in such cases all the members present shall unite in the recommendations made by the committee, and sign the report thereof.

On motion of Mr. Tillotson, the House adjourned at 4:10 P. M. until 10 o'clock A. M. to morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTY-FIFTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, February 10, 1891. }
10 o'clock A. M. }

The House met pursuant to adjournment yesterday; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, De Steiguer, Johnson, Smyth, Snively, and Tyler; excused.

The journal of yesterday was read, and approved as read.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 16, Relative to furnishing county attorneys with copies of the acts of the legislature.

Also, passed senate concurrent resolution No. 17, Endorsing Hon. Henry Failing, of Portland, Oregon, for secretary of the treasury.

And the same are herewith transmitted to the House.

C. M. BARTON, Secretary.

PETITIONS, MEMORIALS, ETC.

The following telegram was read:

DAVENPORT, WASH., Feb. 9, 1891.

To Hon. Mr. Shaw, Speaker House of Representatives:

We, the undersigned officers of farmers' alliance of Lincoln county authorize the endorsement of our lodges for east and west division of Lincoln county. We urge the legislature to make such division, as fully four-fifths of the people in county request such division.

Signed by James Bassett, state organizer and lecturer, and officers of Larene, Davenport, Bald Ridge, Fairview, Mondovi, and Lake Creek alliances.

Mr. Gandy presented a memorial from the chamber of commerce of Spokane Falls, protesting against the enactment of any arbitrary railroad legislation.

Mr. Frater presented a petition from citizens of Snohomish county, asking for the passage of Senate bill No. 4, An act providing that nine jurors may make a verdict in civil cases.

Mr. Young presented a petition from members of the farmers' alliance et al., asking for the passage of laws regulating freights and fares on railroads.

Mr. Tillotson presented a remonstrance against the passage of House bill No. 129, An act to prevent frauds upon travelers; referred to Committee on Railroads.

REPORTS OF STANDING COMMITTEES.

The Committee on Labor and Labor Statistics made the following report:

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to which was referred House bill No. 100, entitled "An act to amend section 342 of chapter 32 of

the Code of Washington, relating to property exempt from levy and sale under attachment and execution, respectfully reports the bill back to the House with the recommendation that it be referred to the Judiciary Committee.

A. I. ADAMS, Chairman.

On motion of Mr. Anderson of Whatcom, the report was adopted.

The Committee on Ways, Means and Claims made the following report:

MR. SPEAKER:

Your Committee on Ways, Means and Claims, to which was referred bills of special committee on fisheries, respectfully report the bills back to the House with the recommendation that the same be paid.

J. E. GANDY, Chairman.

On motion of Mr. Painter, the report was adopted, and the claims were ordered paid.

The Committee on Federal Relations and Immigration made the following report:

MR. SPEAKER:

Your Committee on Federal Relations and Immigration, to which was referred House bill No. 115, entitled "An act providing for taking the census of the inhabitants of the State of Washington," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

E. L. POWELL, Chairman.

On motion of Mr. Powell, the report was adopted, and House bill No. 115 was indefinitely postponed.

The Committee on Fisheries made the following report:

MR. SPEAKER:

Your Committee on Fisheries, to which was referred House bill No. 49, entitled "An act for the protection of brook and mountain trout, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

We herewith report a substitute, and recommend that it do pass.

D. R. JONES, Chairman.

On motion of Mr. Painter, the report was adopted, and House bill No. 49, was indefinitely postponed.

The Committee on Roads and Highways made the following reports:

MR. SPEAKER:

Your Committee on Roads and Highways, to whom was referred House bill No. 107, entitled "An act to provide for keeping highways in repair, and for the collection of road poll and road property taxes, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that said bill be indefinitely postponed, and recommend that the substitute bill herewith submitted do pass.

Also, reports back various petitions, resolutions and communications relative to the subject of said substitute bill, to be taken up and considered with it.

P. E. BERRY, Chairman.

On motion of Mr. Berry, the report was adopted, and House bill No. 107 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Roads and Highways, to whom was referred resolutions, map and communication relative to making appropriation to build a wagon road from Antone, Asotin county, to Oregon state line, respectfully reports the same back to the House with the recommendation that no appropriation be made, for the reason that an appropriation in said case would be unconstitutional.

P. E. BERRY, Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 77, entitled "An act making appropriations for the per diem and expenses of boards of county commissioners in selecting and appraising school lands," respectfully reports the bill back to the House with the recommendation that the House do not concur in the first amendment made by the Senate, for the reason that we believe the same to be in violation of the constitution of this state; but we would recommend the concurrence of the House in the second amendment made by the Senate.

A. W. FRATER, Chairman.

Mr. Plummer moved that the House concur in the first Senate amendment to section 1, striking out the words "state treasury not otherwise appropriated," and inserting the words "state school land fund."

The House refused to concur in the amendment by the following vote, to wit: Yeas 5, nays 57.

Those who voted yea were: Messrs. Caughran, Meany, Plummer, Reinhardt, and Yancy.

Those who voted nay were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Jones, Lawton, Lehman, Megler, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Spinning, Thalman, Tiffany, Troy, Wassou, Walker, Walter, Wyman, Yoemans, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, De Steiguer, Dysart, Johnson, Kennedy,

McClure, Metcalfe, Smyth, Snively, Taylor, Tillotson, Tyler, and Young.

The House concurred in the second Senate amendment to section 1, inserting the words "connected therewith" after the words "other expenses," by the following vote, to wit: Yeas 62, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Hunsaker, Hutchinson, Jones, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Spinning, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, De Steiguer, Holt, Johnson, Kennedy, McKnight, Meany, Murray, Sharpstein, Smyth, Snively, Taylor, Tyler, and Yeomans.

On motion of Mr. Flummerfelt, the clerk was instructed to report the action of the House on the Senate amendments, to the Senate at once.

On motion of Mr. Gandy, the rules were suspended and Senate concurrent resolution No. 17, Endorsing Hon. Henry Failing, of Portland, Oregon, for secretary of United States treasury was read and concurred in by the House.

PROPOSITIONS AND MOTIONS.

Mr. Plummer moved that the House reconsider the vote on Senate bill No. 4, "An act providing that nine (9) jurors may make a verdict in all civil cases tried by a jury of twelve (12), declaring the duty of the jury when the verdict is agreed upon, also when the jury may be discharged, and repealing all laws in conflict," which failed to pass the House yesterday.

The House adopted the motion to reconsider.

Mr. Thalman presented House joint resolution No. 5, Relative to taking possession of and fencing the capitol grounds.

On motion of Mr. Sharpstein, the resolution was amended by striking out the words "whereas, under the laws of the State of Washington, the continued use of said grounds for street purposes title to the same will be lost to the state."

The resolution was referred to Committee on State Library, Public Buildings and Grounds.

On motion of Mr. Meany, the following resolution was adopted:

Resolved, That the use of the hall of the House of Representatives be granted to the state league of republican clubs for Tuesday evening, February 10th.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 21, entitled "An act to create a state board of Horticulture and appropriate money therefor," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 21, in open session of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 58, To fix the time for the meeting of the legislature.

Also, passed Senate bill No. 15, Relative to community property.

Also, passed Senate bill No. 141, To provide for the compulsory and reformatory education of juvenile disorderly persons.

Also, passed Senate bill No. 142, To authorize school districts to establish and maintain libraries.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House memorial No. 9, For the relief of Peter G. Stewart, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House memorial No. 9 in open session of the House.

Mr. Taylor moved that the House adjourn.

Mr. Garretson moved to amend so as to adjourn until 2:30 P. M.

Mr. Plummer moved to amend Mr. Garretson's amendment so as to adjourn until 10 o'clock A. M. to-morrow.

The House rejected Mr. Plummer's amendment to Mr. Garretson's amendment.

The House rejected Mr. Garretson's amendment.

The House rejected the motion to adjourn.

INTRODUCTION AND FIRST READING OF BILLS.

The Committee on Fisheries introduced House bill No. 182 (substitute for House bill No. 49), An act making it unlawful to catch or kill trout during certain months, or to take, catch or kill the same in any manner whatever other than by hook and rod, providing a punishment, and declaring an emergency, which was read first time by sections, and ordered printed.

The Committee on Roads and Highways introduced House bill No. 183 (substitute for House bill No. 107), An act to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency, which was read first time by title, and ordered printed.

The Committee on Municipal Corporations introduced House bill No. 184 (substitute for House bills Nos. 88 and 89), An act to amend sections 114 and 118 of an act passed by the legislature of the State of Washington, and approved on 27th day of March, 1890, entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, which was read first time by title, and ordered printed.

Mr. Meany introduced House bill No. 185, An act providing for the election and prescribing the duties of electors of president and vice president of the United States, which was read first time by title and ordered printed; referred to Committees on Privileges and Elections.

Mr. Meany introduced House bill No. 186, An act creating the office of warden of the poor in counties of the first, second and third classes, and providing for the appointment of the same, which was read first time by title, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Pearson introduced House bill No. 187, An act to provide for taking territory from one county and transferring it to and making it a part of another county, which was read first time by title, and ordered printed; referred to Committee on Counties and County Lines.

Mr. Walker introduced House bill No. 188, An act to provide a bounty for the destruction of sea lions, which was read first time by title, and ordered printed; referred to Committee on Fisheries.

Mr. Arrasmith introduced House bill No. 189, An act to regulate the professional charges of physicians, surgeons and obstetricians, and provide a penalty for the violation thereof, which was read a first time by title, and ordered printed; referred to Committee on Medicine, Surgery and Pharmacy.

The joint special committee on fisheries introduced House bill No. 190, An act to amend sections 1, 7 and 12 of an act entitled "An act to protect salmon and other food fishes in the State of Washington and upon all waters upon which this state has jurisdiction," approved February 11, 1890, and declaring an emergency to exist, which was read first time by title, and ordered printed; made special order for February 13, 1891, at 2 o'clock P. M.

Mr. Lawton introduced House bill No. 191, An act to allow cities and incorporated towns in this state to reassess property in local improvement districts where the improvements have been made, and the abutting owner or owners of property in the improvement district, or where there has been any irregularity or defect in letting the contract or in other respects subsequent to the passage of the ordinance or in levying the assessment, so that the same cannot be collected.

Mr. Plummer moved that the bill be rejected.

The House refused to reject the bill.

The bill was read first time, and ordered printed; referred to Committee on Judiciary.

Mr. Powell introduced House bill No. 192, An act providing for the publication and distribution of a legislative manual for the State of Washington, which was read first time by title, and ordered printed; referred to Committee on Printing and Supplies.

Mr. Jones introduced House bill No. 193, An act to establish a state normal school at Montesano, which was read first time by title, and ordered printed; referred to Committee on State University and Normal Schools.

Senate bill No. 15, An act in relation to transfer of community real property, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 58, An act to fix the time for the meeting of the

legislature, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 141, An act to provide for the compulsory and reformatory education of juvenile disorderly persons, was read first time by title, and referred to Committee on Education.

Senate bill No. 142, An act to authorize school districts to establish and maintain libraries and to provide for the management and control of the same, was read first time by title, and referred to Committee on Education.

On motion of Mr. Gandy, the House took a recess at 12:05 P. M. until 1:30 P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, February 10, 1891. }
2 o'clock P. M.

The House was called to order at 1:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members were present except Messrs. Andrews, De Steiguer, Johnson, Kennedy, Murray, Powell, Smyth, Snively, Spinning, Thalman, Troy, and Yeomans; excused.

On motion of Mr. Gandy, House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency, and House bill No. 27, An act to limit the charges for transportation of property on railroads and steamboats in this state, were made a special order for Thursday, February 12, 1891, at 11 o'clock A. M.

REPORTS OF STANDING COMMITTEES.

A minority of the Committee on Railroads made the following report:

MR. SPEAKER:

Your minority Committee on Railroads, to whom was referred House bill No. 20, entitled "An act regulating fares and freights on railroads, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do not pass, and that the substitute submitted herewith do pass.

W. D. TYLER,
A. H. ANDERSON.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 51, entitled "An act to amend section 6 of an act entitled 'An act to prescribe the duties and fix the compensation of the reporter of the supreme court,' approved December 20, 1889, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

The Committee on Commerce made the following report:

MR. SPEAKER:

Your Committee on Commerce, to whom was referred House bill No. 108, entitled "A bill for the protection of sea gulls," respectfully reports the same back to the House with the recommendation that it do pass, with the following amendment:

Strike out the word "criminal" in the 4th line of the 4th section, and insert in lieu thereof the word "all."

IRA C. ROCKWELL, Chairman.

On motion of Mr. Megler, the report of the committee was adopted.

Messrs. Anderson, of Mason, and Tyler, from the Committee on Railroads, introduced House bill No. 194 (substitute for House bill No. 20), An act creating a railway and transportation commission, and defining its powers and duties, and declaring an emergency, which was read first time, and ordered printed.

SECOND READING OF BILLS.

House bill No. 51, An act to amend section 6 of an act entitled "An act to fix the compensation of the reporter of the supreme court," approved December 20, 1889, and declaring an emergency, was read second time.

Mr. Garretson moved that the rules be suspended, and that the bill be read third time, and placed on final passage.

The House rejected the motion.

On motion of Mr. Taylor, the bill was ordered printed.

On motion of Mr. Wyman, it was ordered that all bills now in the hands of committees, which have not heretofore been ordered printed, be reported back to the House and be printed.

On motion of Mr. Garretson, House bill No. 51 was made a special order for Thursday, February 12th, at 2 o'clock P. M.

House bill No. 108, A bill for the protection of sea gulls, was read second time.

On motion of Mr. Gandy, the bill was amended by striking out section 3.

On motion of Mr. Godman, section 4 (section 3 as amended) was amended by striking out the words "in their respective cities, towns, or precincts."

On motion of Mr. Megler, the enacting clause was amended by striking out the words "as follows."

On motion of Mr. Sharpstein, the rules were suspended, and the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 58, nays none, absent and not voting 19.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Taylor, Tiffany, Tillotson, Wasson, Walker, Walter, Wyman, Yancy, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, De Steiguer, Farrish, Johnson, McClure, Meany, Moore, Powell, Putney, Smyth, Snively, Spinning, Thalman, Tyler, Troy, Yeomans, and Young.

The title of the bill was agreed to.

The Committee on Compensation and Fees of State and County Officers made the following report:

MR. SPEAKER:

Your Committee on Compensation and Fees of State and County Officers, to whom was referred Senate bill No. 24, entitled "An act regulating fees of county clerks for services to be rendered as ex officio clerks of the superior courts," respectfully reports the bill back to the House with the recommendation that it do pass. A. G. HANSON, Chairman.

On motion of Mr. Reitze, House joint resolution No. 1, Relative to amending section 1 of article 8 of the state constitution, was laid on the table until Monday.

Senate bill No. 24, An act regulating fees of county clerks for services to be rendered as ex-officio clerk of the superior courts, was read second time.

On motion of Mr. Sharpstein, section 1 was amended by inserting

the words "except as herein is otherwise provided" after the word "therein," in line 11.

On motion of Mr. Sharpstein, section 1 was amended by inserting the following between lines 12 and 13, to wit: "The defendant, upon entering appearance, shall pay in advance as fees \$5.00."

Mr. Plummer moved to amend section 1 by striking out lines 10, 11 and 12, and inserting the words "Fees for services not mentioned above shall be the same as now allowed, and must be paid in advance, upon demand of the county clerk or deputy county clerk."

The House rejected the amendment.

On motion of Mr. Frater, section 1 was amended by striking out "\$10.00" and inserting "\$5.00."

On motion of Mr. Taylor, section 1 was amended by striking out "15" and inserting "5."

Mr. Walker moved to amend section 1 by striking out "\$2.00" and inserting "\$5.00," and by striking out "\$3.00" and inserting "\$10.00."

The House rejected the amendment.

Mr. Hanson moved to amend section 1 by striking out "\$3.00" and inserting "\$2.00."

The House rejected the amendment.

On motion of Mr. Sharpstein, section 1 was amended by striking out the word "presented" and inserting the word "prosecuted," in line 11.

On motion of Mr. Godman, section 1 was amended by striking out the word "and" and inserting the word "or."

On motion of Mr. Gandy, the rules were suspended, and the bill was read a third time, and passed by the following vote, to wit: Yeas 57, nays 2, absent and not voting 18.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Godman, Hanson, Holt, Hunsaker, Hutchinson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Taylor, Tiffany, Tillotson, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Berry, and Garretson.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, De Steiguer, Farrish, Johnson, McClure, Moore, Plummer, Powell, Putney, Smyth, Snively, Spinning, Thalman, Troy, Tyler, and Yeomans.

The emergency clause was passed by the following vote, to wit: Yeas 52, nays 1, absent and not voting 24.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Godman, Hanson, Hunsaker, Hutchinson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Taylor, Tiffany, Tillotson, Wasson, Walter, Wyman, Yancy, and Mr. Speaker.

Mr. Garretson voted nay.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Caughran, De Steiguer, Farrish, Holt, Johnson, McClure, McKay, McKnight, Moore, Plummer, Powell, Putney, Smyth, Snively, Spinning, Thalman, Troy, Tyler, Walker, Yeomans, and Young.

The title of the bill was agreed to.

The Committee on Mines and Mining made the following report:

MR. SPEAKER:

Your Committee on Mines and Mining, to whom was referred House bill No. 83, entitled "An act concerning the screening and weighing of coal," respectfully reports the bill back to the House with the recommendation that it do pass with the following amendments:

Section 2, line 26, between the word "by" and the word "five" insert the word "a."

In the next line of same section, between the word "five" and the word "nor," insert the word "dollars;" in the next line to the word preceding add the letter "s."

JOHN L. METCALFE, Chairman.

On motion of Mr. Gandy, the report of committee was adopted.

House bill No. 83, An act concerning the screening and weighing of coal, was read second time.

On motion of Mr. Ready, the rules were suspended, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 54, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Collins,

Cushman, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McKay, McKnight, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Ragsdale, Reinhardt, Ready, Reitze, Rockwell, Sallee, Sharpstein, Smith, Taylor, Tiffany, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Messrs. Andrews, Barlow, Bothell, Caughran, Chambers, De Steiguer, Farrish, Hutchinson, Johnson, McClure, Murray, Plummer, Powell, Putney, Smyth, Snively, Spinning, Schricker, Thaman, Tillotson, Troy, Tyler, and Yeomans were absent and not voting.

The title of the bill was agreed to.

Senate concurrent resolution No. 5, Relative to transferring certain records from the office of the secretary of state to the office of the adjutant general, was read.

Mr. Megler moved that the House concur in the resolution.

On motion of Mr. Gandy, the resolution was amended by striking out the words "and that the adjutant general be and he is authorized to compile and publish the same in his next report to the legislative assembly."

The House concurred in the resolution as amended.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 133, entitled "An act to amend sections 3095 and 3098 of the Code of Washington, relating to official count of election returns," respectfully reports the bill back to the House with the recommendation that it be amended by striking out of the last line of section 2 the words "in chapter CCXLIII of the Code of Washington," and inserting in lieu thereof the words "by law," and that as amended it do pass.

A. W. FRATER, Chairman.

On motion of Mr. Gandy, the report was adopted.

House bill No. 133, An act to amend sections 3095 and 3098 of the Code of Washington, relating to official count of election returns, was read second time.

Mr. Adams moved that the rules be suspended, and that the bill be read third time, and placed on final passage.

The House adopted the motion.

Mr. Flummerfelt moved that the vote by which the House ordered the bill to third reading be reconsidered.

The House adopted the motion to reconsider by the following vote, to wit: Yeas 53, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Hunsaker, Hutchinson, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, McKay, McKnight, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Taylor, Tiffany, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Messrs. Anderson of Mason, Andrews, Barlow, Bothell, De Steiguer, Farrish, Holt, Johnson, Kennedy, McClure, Murray, Powell, Putney, Reinhardt, Sharpstein, Smyth, Snively, Spinning, Thalman, Tillotson, Troy, Tyler, Wasson, and Yeomans were absent and not voting.

On reconsideration, the House refused to adopt the motion to order the bill to third reading.

On motion of Mr. Flummerfelt, the bill was recommitted to the Committee on Judiciary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 145, Relative to state library.

Also, passed Senate bill No. 28, To establish and create a state board of health and bureau of vital statistics.

Also, passed House joint resolution No. 3, Relative to disposing of the quarantine station at Port Townsend.

Also, passed Senate bill No. 127, To amend section 28 of the common school act, approved March 26, 1890.

Also, passed House bill No. 104, An act providing employment for the convicts in the state penitentiary at Walla Walla, and making an appropriation therefor.

Also, passed Senate bill No. 57, To fix the time of commencement of the term of office of state offices.

The president has signed enrolled Senate concurrent resolution No. 15, Relative to visiting the state insane asylums at Steilacoom and Medical Lake, and Senate concurrent resolution No. 17, asking for the appointment of Hon. Henry Failing, of Portland, Oregon, secretary of the treasury.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 128, entitled "An act to make time checks bear interest from the date of issue," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Strike out the word "two" in the fourth line of section 1, and insert in lieu thereof the word "ten."

Strike out, in the fifth line of section 1, the word "month," and insert in lieu thereof the word "annum."

Add to section 1, at the end thereof, the words "and shall be negotiable as bills of exchange by endorsement and delivery, whether drawn in a negotiable form or not."

Strike out, in the first line of section 3, the words "attempt to violate or evade," and insert in lieu thereof the words "violation of."

And your committee further recommends that said bill, as amended, do pass.

A. W. FRATER, Chairman.

On motion of Mr. Wyman, the report of committee was adopted.

House bill No. 128, An act to make time checks bear interest from date of issue, was read second time.

On motion of Mr. Reinhardt, the rules were suspended, and the bill was considered engrossed, and was read third time and passed by the following vote, to wit: Yeas 52, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Hunsaker, Hutchinson, Lawton, Lehman, Megler, Metcalfe, McKay, McKnight, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Plummer, Ragsdale, Reinhardt, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Taylor, Tiffany, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Messrs. Anderson of Mason, Andrews, Barlow, Berry, Bothell, De Steiguer, Farrish, Holt, Johnson, Jones, Kennedy, McClure, Meany, Murray, Powell, Putney, Reitze, Smyth, Snively, Spinning, Thalman, Tillotson, Troy, Tyler, and Yeomans, were absent and not voting.

On motion of Mr. Sharpstein, the title of the bill was amended by inserting the words "negotiable and" after the words "time checks."

The title of the bill, as amended, was agreed to.

The speaker signed Senate concurrent resolutions Nos. 15 and 17 in open session of the House.

On motion of Mr. Walker, the House adjourned at 4:15 P. M. until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTY-SIXTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 11, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Farrish, Johnson, Meany, Murray, Powell, Smyth, Snively, Spinning, Thalman, and Tyler; excused.

The journal of yesterday was read, and approved as read.

PETITIONS, MEMORIALS, ETC.

Mr. Troy presented a petition from citizens of Clallam county, asking for a judge of the superior court for Clallam county.

Mr. Fellows presented resolutions from Latah Farmers' Alliance No. 101, of Spokane county, and a petition from the farmers alliance et al., asking for the passage of laws regulating freights and fares.

Mr. Gandy presented a telegram from members of the bar of Spokane, asking for an additional judge of the superior court for Spokane county.

REPORTS OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 100, entitled "An act to amend section 342 of chapter 32 of the Code of

Washington, relating to property exempt from levy and sale under attachment and execution," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Walker, the report was adopted, and House bill No. 100 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 165, entitled "An act regulating the terms of superior court by judges who preside in two or more counties," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Berry, the report was adopted, and House bill No. 165 was indefinitely postponed.

On motion of Mr. Taylor, the Committee on Education was instructed to report House bill No. 36, An act to repeal section 32 of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," back to the House not later than to-morrow, February 12.

Mr. Sharpstein moved that House bill No. 16, An act requiring railroad corporations to fence their tracks," be made a special order for Friday, the 13th inst., at 2 o'clock P. M.

Mr. Garretson moved to amend the motion so as to take the bill up with House bill No. 42, An act requiring railroads in this state to be fenced, and prescribing rules and regulations therefor, and prescribing the powers duties and responsibilities of certain officers and others in relation thereto, and providing penalties for violation of the same.

The motion as amended by Mr. Garretson was adopted.

INTRODUCTION AND FIRST READING OF BILLS.

The joint committee on fisheries introduced House bill No. 195, A bill for an act to regulate salmon and sturgeon fishing in the rivers and waters of this state and over which it has concurrent jurisdiction, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Collins introduced House bill No. 196, An act to appropriate \$480.00 for the insurance against fire of the capitol building and the state library, which was read first time by title, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Mr. Sharpstein introduced House bill No. 197, An act in relation to school warrants, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Public Revenue and Taxation.

Mr. Dysart introduced House bill No. 198, An act to amend section 17 of an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections, which was read first time by title, and ordered printed; referred to Committee on Privileges and Election.

Mr. Jones introduced House bill No. 199, An act to amend section 6 of an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," which was read first time by title, and ordered printed; referred to Committee on Public Revenue and Taxation.

Senate bill No. 28, An act to create and establish a board of health and bureau of vital statistics in the State of Washington, which was read first time by title, and referred to Committee on Medicine, Surgery and Pharmacy.

Senate bill No. 57, An act to fix the time of the commencement of the term of office of state officers, was read first time by title, and referred to Committee on Privileges and Elections.

Senate bill No. 127, An act to amend section 28 of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890, was read first time by title, and referred to Committee on Education.

Senate bill No. 145, An act to amend section 3 of an act entitled "An act relating to the state library," approved March 27, 1890, and declaring an emergency, was read first time by title, and referred to Committee on State Library, Public Buildings and Grounds.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 11, 1891.

MR. SPEAKER:

The president of the Senate has signed enrolled House bill No. 21, To create a state board of horticulture.

Also, signed enrolled House memorial No. 9, For the relief of Peter G. Stewart.

The Senate has passed Senate joint resolution No. 1, Asking congress to establish a gun factory on Puget Sound.

Also, passed House memorial No. 8, Asking congress to build a ship canal from lakes Washington, Union, and Sammamish to Puget Sound.

Also, passed Senate bill No. 66, Authorizing and empowering boards of county commissioners to sell and convey property belonging to their respective counties.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 86, entitled "An act to secure to workmen the payment of wages in lawful money," respectfully reports the bill back to the House with the recommendation that it be amended by adding, at the end of section 4, the following:

"The provisions of this act shall not apply to any company, corporation or persons or their agents employing laborers to work on farms. And further, shall not apply to any company, corporation or other employer of labor not employing at one time more than twenty-five laborers."

And we make no further recommendations.

A. W. FRATER, Chairman.

Mr. McKnight moved that the report be adopted.

Mr. Parcell moved to strike out the word "laborers" and insert the word "workingmen."

The amendment was adopted.

The report, as amended, was adopted.

House bill No. 172, A bill for an act to be entitled "An act providing for judges and additional judges for the superior courts in various counties in the State of Washington, special order for 11 o'clock A. M. to-day, was taken up, and was read second time.

On motion of Mr. Frame, House bills Nos. 14, 15, 19, 27, 43, 46, 64, 74, 95 and 102, for which House bill No. 172 is a substitute, were indefinitely postponed.

On motion of Mr. Berry, section 3 was amended by striking out the words "in the counties of Douglas and Okanogan, jointly, one superior judge."

On motion of Mr. Berry, section 4 was amended by striking out the words "the judge heretofore elected to preside over the superior courts for the counties of Lincoln, Okanogan, Douglas

and Adams shall be and remain during his term of office the judge of the superior courts for the counties of Lincoln and Adams.”

Mr. Godman moved to amend the bill by striking out all of section 2.

On motion of Mr. Plummer, the House adjourned, at 12:05, until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 11, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Farrish, Johnson, McKnight, Powell, Spinning, Thalman, and Wyman; excused.

The House resumed consideration of House bill No. 172.

Mr. Megler moved to amend the motion of Mr. Godman, to strike out all of section 1, so as to read: Strike out the word “King,” in section 1.

The House adopted the amendment to Mr. Godman's motion by the following vote, to wit: Yeas 37, nays 28.

Those who voted yea were: Messrs. Adams, Arrasmith, Bass, Bothell, Brock, Caughran, Chambers, Cushman, Fellows, Flummerfelt, Godman, Holt, Hutchinson, Lawton, Lehman, McClure, McKay, Megler, Metcalfe, Morse, Nevin, Painter, Palmer, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Smyth, Schricker, Taylor, Tyler, Walker, Walter, Wasson, and Yeomans.

Those who voted nay were: Messrs. Anderson of Mason, Anderson of Whatcom, Barlow, Berry, Collins, De Steiguer, Dysart, Frame, Frater, Gandy, Garretson, Hanson, Hunsaker, Jones, Meany, Miller, Pearson, Plummer, Reinhardt, Sharpstein, Smith, Snively, Tiffany, Tillotson, Troy, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Farrish, Johnson, Kennedy, McKnight, Moore, Murray, Parcell, Powell, Spinning, Thalman, and Wyman.

On motion of Mr. Tyler, the motion of Mr. Godman, as amended,

on motion of Mr. Megler, was further amended by striking out the word "Pierce."

On motion of Mr. Gandy, the motion of Mr. Godman, as amended, was further amended by striking out the words "each of" and "counties" and "and," and by inserting the word "county," in line 11.

The House refused to adopt Mr. Godman's amendment, as amended, by the following vote, to wit: Yeas 23, nays 44.

Those who voted yea were: Messrs. Arrasmith, Bass, Caughran, Chambers, Fellows, Flummerfelt, Garretson, Godman, Holt, Hutchinson, Lehman, McClure, Metcalfe, Nevin, Palmer, Ragsdale, Rockwell, Sharpstein, Smyth, Schricker, Taylor, Tyler, and Walter.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Berry, Bothell, Brock, Collins, Cushman, De Steiguer, Dysart, Frame, Frater, Gandy, Hanson, Hunsaker, Jones, Kennedy, Lawton, Meany, Megler, McKay, Miller, Morse, Murray, Painter, Parcell, Pearson, Plummer, Putney, Reinhardt, Ready, Reitze, Sallee, Smith, Snively, Tiffany, Tillotson, Troy, Wasson, Walker, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Farrish, Johnson, McKnight, Moore, Powell, Spinning, Thalman, and Wyman.

Mr. Garretson moved to amend section 1 by striking out the word "Clallam."

The House rejected the amendment.

Mr. Garretson moved to amend section 4 by inserting the words "and Clallam" after the word "Jefferson," in line 17.

The amendment was rejected.

On motion of Mr. Frater, the rules were suspended, and the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 62, nays 6.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Hanson, Holt, Hunsaker, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, Miller, Moore, Morse, Murray, Nevin, Painter, Parcell, Pearson, Plummer, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Taylor, Tiffany,

Tillotson, Tyler, Troy, Wasson, Walker, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Caughran, Garretson, Godman, Hutchinson, Palmer, and Sharpstein.

Those absent and not voting were: Messrs. Andrews, Farrish, Johnson, McKnight, Powell, Reinhardt, Spinning, Thalman, and Wyman.

The emergency clause was passed by the following vote, to wit: Yeas 57, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Hanson, Hunsaker, Hutchinson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, Miller, Moore, Morse, Murray, Parcell, Plummer, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Tiffany, Tillotson, Tyler, Troy, Wasson, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Bass, Godman, Holt, Palmer, and Taylor.

Those absent and not voting were: Messrs. Andrews, Farrish, Johnson, McKnight, Nevin, Painter, Pearson, Powell, Putney, Reinhardt, Sharpstein, Spinning, Thalman, Walker, and Wyman.

The title of the bill was agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House joint resolution No. 3, Relative to disposing of the quarantine station in Port Townsend, and procuring a more desirable situation, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 104, entitled "An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the copy of House memorial No. 8, To the senate and house of representatives of the United States in congress assembled, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House joint resolution No. 3, House memorial No. 8, and House bill No. 104, in open session of the House.

Mr. Hutchinson moved that House bill No. 65, "An act to create and organize the county of Big Bend, and declaring an emergency," be continued as a special order for Friday, February 13th, at 11 o'clock A. M.

The House rejected the motion by a divisional vote of 16 yeas to 27 nays.

The following report of the Committee on Counties and County Lines was read:

MR. SPEAKER:

Your Committee on Counties and County Lines, to whom was referred House bill No. 65, entitled "An act to create and organize the county of Big Bend, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be amended by striking out the words "the point where said line intersects the sixth standard parallel; thence east along said standard parallel between townships twenty-four and twenty-five to the line between ranges thirty-five and thirty-six; thence north along said range line to" after the word "to" in line 9 of section 1, and with this amendment we recommend that the bill do pass.

A. W. TIFFANY,

C. W. LAWTON,

G. W. MORSE,

I. N. CUSHMAN,

D. M. HOLT,

W. K. KENNEDY,

Committee.

On motion of Mr. Kennedy, the report was adopted.

House bill No. 65, "An act to create and organize the county of Big Bend, and declaring an emergency," was read second time.

Mr. Berry moved to amend by striking out the words "Big Bend" wherever they occur in the bill, and inserting in lieu thereof the word "Grant."

The House rejected the amendment by a divisional vote of 17 yeas to 22 nays.

Mr. Parcell moved that the House adjourn.

The House refused to adjourn.

Mr. Cushman moved that the rules be suspended, and that the bill be read third time and placed on final passage.

The reading of the petition on which the bill is based was called for.

The clerk read the petition.

Mr. Nevin moved that the House adjourn.

The House refused to adjourn.

The reading of the names signed to the petition was called for.

The clerk began reading the names.

Mr. Gandy moved that the House go into committee of the whole House for consideration of the bill.

The House refused to go into committee of the whole House.

The clerk resumed the reading of the names signed to the petition.

Mr. Schricker moved that the House adjourn.

The House refused to adjourn.

The clerk resumed the reading of the names signed to the petition.

Mr. Sallee moved that the House adjourn until 10 o'clock a. m. to-morrow.

The House adopted the motion to adjourn by the following vote, to wit: Yeas 33, nays 30.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Caughran, Cushman, Dysart, Fellows, Flummerfelt, Gandy, Hanson, Hutchinson, Hunsaker, Lehman, McClure, Moore, Murray, Nevin, Parcell, Sallee, Smyth, Snively, Schricker, Taylor, Tillotson, Troy, Tyler, Wasson, and Yancy.

Those who voted nay were: Messrs. Brock, Chambers, Collins, Frame, Frater, Garretson, Godman, Kennedy, Lawton, McKay, Meany, Megler, Metcalfe, Miller, Morse, Palmer, Plummer, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sharpstein, Smith, Tiffany, Walker, Walter, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, De Steigner, Farrish, Holt, Johnson, Jones, McKnight, Painter, Pearson, Powell, Reitze, Spinning, Thalman, and Wyman.

The House adjourned until 4:10 p. m.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTY-SEVENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, February 12, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Farrish, Powell, Spinning, and Thalman; excused.

The journal of yesterday was read and approved.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 11, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have the honor to inform you that I have this day transmitted to your sergeant-at-arms, for proper distribution, seventy-eight (78) copies of General Statutes of Washington, prepared by Hon. William Lair Hill, code commissioner.

This completes the compilation and revision of the Code of Washington under an act approved February 19, 1890, entitled "An act to appoint a commissioner to compile, rearrange and annotate the laws of Washington, and to provide for the publication and distribution thereof, and for payment therefor."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 11, 1891.

MR. SPEAKER:

The Senate has passed Senate memorial No. 9, Asking congress to build a ship railway around The Dalles and cascades of the Columbia river.

Also, passed Senate concurrent resolution No. 19, Relative to visiting the state school for defective youth at Vancouver.

Also, passed Senate concurrent resolution No. 18, Relative to visiting the penitentiary at Walla Walla.

Also, passed Senate bill No. 131, An act to regulate the condemnation of land for state purposes.

Also, passed House bill No. 94, An act making it unlawful for any judge or county officer to charge soldiers or seamen, or their widows, orphans, or legal representatives, fee for services relative to pensions.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

A communication from the Oregon legislature, relative to a joint committee of the Oregon and Washington legislatures considering some plan for the improvement of the Columbia river, was read.

Messrs. Hunsaker, Sharpstein and Berry were appointed as members of the joint committee provided for in House concurrent resolution No. 4.

The clerk was instructed to transmit the communication received from the Oregon legislature to the Senate at once, and to notify the Senate of the appointment of Messrs. Hunsaker, Sharpstein and Berry as members of the joint committee (provided for in House concurrent resolution No. 4), on the part of the House.

Mr. Hunsaker presented House concurrent resolution No. 13, Relative to joint committee on improvement of Columbia river employing a clerk.

On motion of Mr. Hunsaker, the House adopted the resolution.

The clerk was instructed to transmit the resolution to the Senate at once.

House bill No. 65, An act to create and organize the county of Big Bend, and declaring an emergency, under consideration at the hour of adjournment last night, was taken up.

Mr. Hutchinson moved to amend the motion of Mr. Cushman to "suspend the rules and read the bill the third time and place on final passage" so as to read "suspend the rules and take up House bill No. 114, An act to create and organize the county of Washington, and declaring an emergency.

The House adopted the amendment by a divisional vote of 30 yeas to 12 nays.

The House refused to adopt the motion as amended.

House bill No. 65 was read for information.

Mr. Kennedy moved that the rules be suspended and that the bill be read third time and placed on final passage.

The House rejected the motion.

On motion of Mr. Gandy, House bill No. 114 was read for information.

REPORT OF COMMITTEE ON COUNTIES AND COUNTY LINES.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to which was referred House bill No. 114, entitled "An act to create and organize the county of Washington, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. TIFFANY, Chairman.

Mr. Tillotson moved that House bill No. 65 be indefinitely postponed.

The motion was adopted by a divisional vote of 38 yeas to 19 nays.

On motion of Mr. Collins, House bill No. 114 was indefinitely postponed.

The committee appointed to investigate charges against Morris B. Sachs, judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, made the following report:

To the Honorable the House of Representatives of the State of Washington:

The committee appointed by your honorable body to investigate certain charges made against Morris B. Sachs, a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, to report to your honorable body recommendations relating thereto, beg leave to report as follows:

Your committee convened in the city of Port Townsend, in the county of Jefferson, on the morning of Monday, February 9, 1891, and there for the period of two days heard the testimony of witnesses in regard to said charges, and had summoned before it such witnesses, at the suggestion of the persons preferring the charges, and at the further suggestion of Judge Sachs and his counsel, and such further witnesses as seemed upon said examination advisable to the committee. The number of said witnesses examined was in all 26. Your committee further examined and considered various records of the superior court of said county of Jefferson; and having fully examined into the charges against said Morris B. Sachs as aforesaid, your committee begs leave to report that it finds as follows:

1. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend in the county of Jefferson in said state, to wit: On the — day of September, A. D. 1890, did engage in a game of faro then and there being

played for money and for checks the representatives of value, which said game was then and there in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Reception" by a person or persons whose names are unknown to the committee, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning and judgment and discretion, to the great disgrace of the administration of public justice, and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

2. That the said Morris B. Sachs, being a judge of the superior courts for the counties of Jefferson, Island, Kitsap, Jan Juan, and Clallam, in the State of Washington, unmindful of his oath of office, and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit: On the 9th day of December, A. D. 1890, did engage in a game of faro then and there being played for money and for checks the representatives of value, which said game was then and there in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend" by a person or persons whose names are unknown to the committee, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the public administration of justice and to the evil example of persons in office, by reason whereof the said Morris B. Sachs was then and there guilty of misbehavior, malfeasance, and delinquency in office.

3. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, to wit: On the 10th day of December, 1890, did engage in a game of faro then and there being played for money and for checks the representatives of value, which said game was then and there, in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the Reception, by a person or persons whose names are unknown to the committee, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

4. That the said Morris B. Sachs, being a judge of the superior courts for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit: On the 25th day of De-

ember, A. D. 1890, did engage in a game of faro then and there being played for money and for checks the representatives of value, which said game was then and there, in the county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the Townsend, by a person or persons whose names are unknown to the committee, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially, according to his best learning, judgment and discretion, to the great disgrace of the public administration of justice and to the evil example of persons in office, by reason whereof the said Morris B. Sachs was then and there guilty of misbehavior, malfeasance and delinquency in office.

5. That the said Morris B. Sachs, being a judge of the superior courts for the counties of Jefferson, Island, Kitsap, San Juan, and Clallam, in the State of Washington, unmindful of his oath of office, and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit: On Sunday, the — day of December, A. D. 1890, did engage in a game of faro then and there being played for money and for checks, the representatives of value, which said game was then and there in the county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend" by a person or persons whose names are unknown to the committee, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the administration of public justice, and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

6. That the said Morris B. Sachs, being a judge of the superior courts for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, unmindful of his duties as judge, and of the dignity and proprieties of his said office, and in violation of his oath of office, and in violation of the laws of the State of Washington, since the — day of November, A. D. 1890, at sundry places in the State of Washington, and within the counties of Jefferson and Clallam did demean himself in an immoral and disgraceful manner in this, that he, the said Morris B. Sachs, did then and there frequent public gambling houses where the game of faro and other gambling games were played publicly for money and checks, the representatives of value, and did then and there at times take part in managing said games, and did then and there consort with common gamblers, whereby he, the said Morris B. Sachs, has brought himself and his high office into disrepute, to the manifest injury of the morals of the youth and good citizens of the State of Washington and disgrace of the administration of justice, and is thereby guilty of misbehavior, misdemeanors, malfeasance and delinquency in office.

7. That the said Morris B. Sachs, being a judge of the said counties of Jefferson, Island, Kitsap, San Juan and Clallam, unmindful of his duties and of the proprieties of his office as such judge, and in violation of the

laws of the State of Washington, did on the — day of September, A. D. 1890, in the county of Jefferson, in the State of Washington, demean himself in an improper and disgraceful manner in this, that he, the said Morris B. Sachs, did then and there in said county, at a sale upon an execution issued out of his said court of the county of Jefferson in the case of Wm. Nathanson v. Max. Nathanson, which said sale was made by the sheriff of said Jefferson county upon the — day of September, A. D. 1890, purchase at said sheriff's sale \$560 worth of merchandise, which said merchandise said Morris B. Sachs bid off at said time, but gave his note for the same and did importune said sheriff to accept said note in payment of said merchandise in violation of the laws of the State of Washington, whereby he, the said Morris B. Sachs, both by purchasing at said sale, and upon a judgment rendered by said judge, has brought himself and his high office into disrepute to the manifest injury of the good citizens of the state, a disgrace to the administration of justice, and is thereby guilty of misbehavior, malfeasance and misdemeanor in office.

8. That Morris B. Sachs, being a judge of the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, did on the — day of September, A. D. 1890, in the case of the First National Bank of Port Townsend vs. Jago & Niblock, partners in trade, whose given names are unknown to your committee, entered a judgment in said case in favor of the First National Bank of Port Townsend, upon a promissory note given by the said firm of Jago & Niblock to one Henry Landes, assigned in blank to the First National Bank of Port Townsend, for a large sum of money, to wit: the sum of — dollars, and he, said Morris B. Sachs, then and there being related to Henry Landes in the second degree of consanguinity, and he, said Henry Landes, also being a president, director and stockholder of said First National Bank of Port Townsend; and

WHEREAS, The practice relating to impeachments and removals from office under the constitution of the State of Washington has not yet been settled, your committee respectfully recommends:

1. That the Judiciary Committee of this House be directed to investigate and report to the House the legal and correct method of procedure to impeach and remove Morris B. Sachs, judge as aforesaid of the superior courts of the counties of Jefferson, Island, Kitsap, San Juan and Clallam, and that said Judiciary Committee report to the House fully a method and manner of proceeding upon the facts found and stated hereinbefore, as may seem to the said committee proper and appropriate to said facts.

2. That said committee, should said committee find said facts sufficient in law to warrant proceedings to impeach said Morris B. Sachs, or to remove him from office, that it report to this House articles of impeachment or method of procedure to remove the said Morris B. Sachs from office, and to deal with him as may to said committee seem meet and proper under the law and facts so found.

And your committee doth further recommend that the following witnesses examined by your committee upon the investigation so ordered by

your honorable body, be paid, each, the usual witness fees of witnesses in the superior court, upon a statement to be made to the sergeant-at-arms by the chairman of your committee.

We further recommend that a duplicate transcript of the testimony of said witnesses be furnished to said Judiciary Committee.

Having fully performed the duties imposed upon it by the House, your committee respectfully asks to be excused.

Respectfully submitted this 12th day of February, A. D. 1891.

G. E. De STEIGUER, Chairman.

On motion of Mr. Walker, the report was adopted.

On motion of Mr. Plummer, the Judiciary Committee was instructed to report on the matters referred to it, relative to Judge Sachs, not later than Tuesday, February 17.

Mr. Young moved that the House adjourn until 1:30 P. M.

The House refused to adjourn.

House bills Nos. 20 and 127 were read for information.

On motion of Mr. Young, the House took a recess, at 12:15 P. M., until 2:30 P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, February 12, 1891. }
2:30 o'clock P. M.

The House was called to order at 2:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Farrish, Powell, Smith, Spinning, and Thalman.

The following communication was read:

FERN PRAIRIE, WASH., February 6, 1891.

To A. F. Shaw:

DEAR SIR—At a regular meeting of Wide West Grange No. 75, Patrons of Husbandry, to-day, the following resolution was adopted, and I was instructed to send a copy to you immediately:

Resolved, That Wide West Grange is opposed to the legislature of Washington appropriating two hundred and fifty thousand dollars, or any part of it, toward defraying the expenses of Washington's display at the world's fair.

Yours truly,

[SEAL.]

ALBERT CAVITT, Secretary.

The following invitation was read:

Mr. Speaker and House of Representatives:

The pleasure of your company, with ladies, is requested at Blaine, Washington, Saturday, February 14, 1891, to witness the completion of the International Railway, connecting the transcontinental lines of the United States with that of the Canadian provinces.

E. M. WILSON, General Manager,

E. L. COWGILL, Secretary,

J. J. DONOVAN, Chief Engineer,

Fairhaven & Southern Railroad.

On motion of Mr. Plummer, the chief clerk was instructed to acknowledge the receipt of the invitation, and to transmit the thanks of the House to the Fairhaven & Southern Railroad Company for the same.

Mr. Miller moved that when the House adjourn at noon to-morrow, it be to meet again on Monday, February 16, at 10 o'clock A. M.

The House rejected the motion.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., January 23, 1891.

MR. SPEAKER:

The president of the Senate has signed enrolled House bill No. 104, entitled "An act providing employment for the convicts in the state penitentiary and making an appropriation therefor."

Also, House joint resolution No. 3, Relative to disposing of the quarantine station at Port Townsend.

Also, House memorial No. 8, Relative to building a ship canal from Lake Washington to Puget Sound.

The Senate has passed Senate bill No. 44, Appropriating \$250 to procure from the office of the adjutant general of the United States army copies of the record of the volunteers who served in the war of the rebellion from the Territory of Washington.

Also, passed Senate bill No. 152, An act to create the county of Ferry, and declaring an emergency.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

SENATE CHAMBER,

OLYMPIA, WASH., February 7, 1891.

MR. SPEAKER:

The Senate has passed House concurrent resolution No. 13, Relative to clerk for the joint committee to visit the Columbia river improvements,

and appointed Senators Smith and Forsyth, on the part of Senate, as said committee.

Also, passed House bill No. 98, Requiring corporations owning lands in this state to file a certified copy of articles of incorporations with the county auditor.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

On motion of Mr. Ready, the House postponed action on House bills Nos. 20, 127 and 194 until 10:30 A. M. to-morrow.

Senate bill No. 66, An act authorizing and empowering boards of county commissioners to sell and convey property belonging to their respective committees, and declaring an emergency, was read first time by title and referred to Committee on Counties and County Lines.

Senate bill No. 44, An act appropriating \$250 to procure from the office of the adjutant general of the United States army, copies of the record of the volunteers who served in the war of the rebellion from the Territory of Washington, was read first time by title, and referred to Committee on Military Affairs.

Senate bill No. 131, An act to regulate the mode of proceeding to acquire and appropriate land, real estate and other property for public uses of the State of Washington, and prescribing the method of ascertaining and making compensation therefor, and declaring an emergency, was read first time by title, and referred to the Committee on State Library, Public Buildings and Grounds.

Senate bill No. 152, An act to create and organize the county of Ferry, and declaring an emergency, was read first time by title, and referred to Committee on County and County Lines.

Senate concurrent resolution No. 18, In relation to visiting penitentiary at Walla Walla, was read.

On motion of Mr. Megler, the House concurred in the resolution.

Senate concurrent resolution No. 19, In relation to visiting school for defective youth at Vancouver, was read.

On motion of Mr. Painter, the House concurred in the resolution.

Senate joint resolution No. 1, Relative to the establishment of a heavy ordnance factory on Puget Sound, was read first time, and referred to Committee on Military Affairs.

Senate memorial No. 9, Relative to a ship railroad around The

Dalles and Cascades, was read first time, and referred to Committee on Harbors and Navigable Waters.

House bill No. 51, An act to amend section 6 of an act entitled "An act to prescribe the duties and fix the compensation of the reporter of the supreme court," approved December 20, 1889, and declaring an emergency, special order for 2 o'clock p. m. to-day, was taken up, and was read third time, and passed by the following vote, to wit: Yeas 40, nays 31.

Those who voted yea were: Messrs. Anderson of Whatcom, Barlow, Caughran, Chambers, Collins, Cushman, De Steiguer, Fellows, Frame, Frater, Gandy, Garretson, Hanson, Johnson, Jones, Lehman, McKay, Meany, Megler, Morse, Murray, Painter, Parcell, Pearson, Plummer, Ragsdale, Reitze, Sallee, Smyth, Snively, Taylor, Tillotson, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Arrasmith, Bass, Berry, Bothell, Brock, Dysart, Flummerfelt, Godman, Holt, Hutchinson, Hunsaker, Kennedy, Lawton, McClure, McKnight, Metcalfe, Miller, Moore, Nevin, Palmer, Putney, Ready, Reinhardt, Rockwell, Sharpstein, Schricker, Tiffany, Troy, and Yeomans.

Those absent and not voting were: Messrs. Andrews, Farrish, Powell, Smith, Spinning, and Thalman.

The emergency clause was passed by the following vote, to wit: Yeas 53, nays 17, absent and not voting 7.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Barlow, Berry, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Hanson, Hunsaker, Johnson, Jones, Lehman, Meany, Megler, McClure, McKay, Miller, Morse, Murray, Painter, Palmer, Parcell, Pearson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Reitze, Sallee, Smyth, Taylor, Tiffany, Tillotson, Tyler, Troy, Wasson, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Mason, Arrasmith, Bass, Bothell, Brock, Godman, Holt, Hutchinson, Kennedy, Lawton, McKnight, Metcalfe, Moore, Nevin, Rockwell, Snively, and Schricker.

Those absent and not voting were: Messrs. Andrews, Farrish, Powell, Sharpstein, Spinning, Smith, and Thalman.

The title of the bill was agreed to.

On motion of Mr. Putney, House concurrent resolution No. 12, Relative to amending section 5 of article 16 of state constitution, was recommitted to Committee on Constitution and Revision.

The following report was read:

REPORTS OF STANDING COMMITTEES.

The Committee on Ways, Means and Claims made the following report:

MR. SPEAKER:

Your Committee on Ways, Means and Claims, to whom was referred certain bills of the secretary of state for expenses incurred prior to the convening of the present legislature, beg leave to report that they have carefully examined and audited the same and find them correct, and amounting in the aggregate to one thousand and eleven and $\frac{66}{100}$ dollars (\$1,011.66).

Finding there are no existing appropriations for the payment of the above amount found due, we submit a deficiency appropriation bill and recommend its passage. Respectfully,

J. E. GANDY, Chairman.

On motion of Mr. Painter, the report was adopted.

The Committee on Revenue and Taxation made the following reports:

MR. SPEAKER:

Your Committee on Revenue and Taxation, to which was referred House bill No. 110, entitled "An act authorizing and requiring the county treasurer of the several counties of the State of Washington to notify all taxpayers in their respective counties of the amount of their assessments and taxes," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

ALF. A. PLUMMER, Chairman.

On motion of Mr. Plummer, the report was adopted, and House bill No. 110 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Revenue and Taxation, to which was referred House bill No. 147, entitled "An act to amend an act entitled 'Assessment and collection of taxes, relative to delinquent taxes,'" respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. A. PLUMMER, Chairman.

On motion of Mr. Plummer, the report was adopted, and House bill No. 147 was indefinitely postponed.

The Committee on Forestry made the following report:

MR. SPEAKER:

Your Committee on Forestry, to which was referred House bill No. 144, entitled "An act to amend an act for the preservation of large game," together with a petition relating to the same subject, respectfully reports the bill, with the petition, back to the House with the recommendation that they be indefinitely postponed.

GEORGE BOTHELL, Chairman,
W. F. MCKAY,
FRANK L. MOORE,
SAMUEL BASS.

On motion of Mr. Yancy, the report was adopted, and House bill No. 144 was indefinitely postponed.

The Committee on Tide Lands made the following report:

MR. SPEAKER:

Your Committee on Tide Lands, to which was referred House bill No. 92, entitled "An act to amend an act entitled an act for the appraising and disposing of the tide and shore lands belonging to the State of Washington, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed, and that the substitute bill herewith presented do pass.

G. W. YANCY, Chairman.

On motion of Mr. Bothell, the report was adopted, and House bill No. 92 was indefinitely postponed.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred House bill No. 11, entitled "An act legalizing incorporations of municipal corporations of the fourth class, and delaring an emergency," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. MILLER, Chairman.

On motion of Mr. Miller, the report was adopted, and House bill No. 11 was indefinitely postponed.

House bill No. 122, An act to provide for the purchase of ground in the city of Olympia, and the erection of a building thereon for the use of the state, pending the erection of a permanent capitol building, and declaring an emergency, was reported back to the House with the Committee on State Library, Public Buildings and Grounds, with a majority and minority report.

On motion of Mr. Plummer, the bill and reports thereon were laid on the table subject to call of the House.

House bill No. 42, An act requiring railroads in this state to be fenced, and prescribing rules and regulations therefor, and prescribing the powers, duties and responsibilities of certain officers and their duties in relation thereto, and providing penalties for violation of the same, was reported back by the Committee on Railroads with amendments.

Mr. Wyman moved that the bill be ordered printed as proposed to be amended.

The House refused to order the bill printed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 13, 1891.

MR. SPEAKER:

The Senate has refused to concur in the amendments made by the House to Senate bill No. 24, Relative to fees of county clerks.

The Senate has refused to recede from the amendments made to House bill No. 77, An act making an appropriation for the per diem and expenses of the boards of county commissioners in selecting and appraising school lands, and appointed the following conference committee: Senators Kinnear, Owings, Drum, Vestal and Kneeland on the part of the Senate, and ask that the House appoint a similar committee.

The Senate has passed House bill No. 26, An act to prevent the driving of stock from their range, and providing penalty for violation of the same.

The Senate has passed Senate bill No. 124, An act for the protection of farmers, ranchmen and herders of cattle.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON EDUCATION.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education, to which was referred House bill No. 36, entitled "An act to repeal section 32 of an act entitled 'An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same,'" respectfully reports the bill back to the House with the recommendation that it do pass, by the following members of the committee.

J. W. FRAME,
E. P. McCLURE,
I. N. CUSHMAN,
J. L. SHARPSTEIN,
P. E. BERRY,
G. M. JOHNSON.

And that it do not pass, and that it be indefinitely postponed, by the following members of the committee.

E. S. MEANY,
J. E. GANDY,
S. J. SMYTH, Chairman.

Mr. Taylor moved the adoption of the majority report.

Mr. Tyler moved to amend Mr. Taylor's motion by striking out "majority report" and inserting "minority report."

The House rejected Mr. Tyler's amendment by a divisional vote of 19 yeas to 34 nays.

The House adopted the majority report by a divisional vote of 44 yeas to 16 nays.

Mr. Smyth moved that the House adjourn.

The House refused to adjourn.

On motion of Mr. Taylor, House bill No. 36 was made a special order for Monday, the 16th inst., at 2 o'clock P. M.

Mr. Plummer moved that a committee of conference on House bill No. 77 be appointed.

The motion was adopted, and Messrs. Frater, Snively, Plummer, Godman, and Megler were appointed as such committee on the part of the House.

Mr. Sharpstein moved that the Senate bills on the table, known as the W. Lair Hill code bills, be made a special order for to-morrow at 2 o'clock P. M.

The House adopted the motion.

On motion of Mr. Smyth, the House adjourned at 5 o'clock P. M. until 10 o'clock A. M. to-morrow.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTY-EIGHTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 13, 1891. }
10 o'clock A. M.

The House was called to order at 10 A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Berry, Farrish, Hunsaker, Powell, Sharpstein, Spinning, and Thalman; excused.

The journal of yesterday was read and approved.

Mr. Frame presented the following resolution, and moved its adoption:

WHEREAS, In the opinion of a large number of the members of this House, the assistant watchman is *not* receiving a fair, just and equal compensation in proportion to the services rendered, and the compensation received by other employes of this House: therefore, be it

Resolved, That he be allowed an additional per diem of \$1.50 from the commencement of his services in the House.

Mr. Tiffany moved that the resolution be laid on the table.

The House refused to lay the resolution on the table by the following vote, to wit: Yeas 26, nays 32.

Those who voted yea were: Messrs. Bass, Bothell, Caughran, Dysart, Fellows, Flummerfelt, Frater, Godman, Holt, McClure, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Ready, Rockwell, Schricker, Tiffany, Walker, Walter, and Yancy.

Those who voted nay were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Brock, Chambers, Collins, Cushman, Frame, Garretson, Hanson, Johnson, Jones, Lawton, Lehman, McKay, Meany, Palmer, Parcell, Pearson, Putney, Ragsdale, Reitze, Reinhardt, Smith, Smyth, Taylor, Troy, Tyler, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Berry, De Steiguer, Farrish, Gandy, Hutchinson, Hunsaker, Kennedy, Plummer, Powell, Sallee, Sharpstein, Snively, Spinning, Thalman, and Tillotson.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 13, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 82, entitled "An act in relation to prosecutions of criminal actions in justices' courts."

The Senate has passed Senate bill No. 19, An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor.

Also, passed Senate bill No. 16, An act authorizing corporations other than religious to hold and possess property.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker announced the appointment of Messrs. Yeomans and Sallee as members, on the part of the House, of the joint committee to visit the Washington school for defective youth.

The speaker signed Senate bill No. 82 in open session of the House.

House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency, special order for 10:30 A. M. to-day, was taken up.

The following report was read:

MAJORITY REPORT OF COMMITTEE ON RAILROADS.

MR. SPEAKER:

A majority of your Committee on Railroads, to whom was referred House bill No. 20, entitled "An act regulating fares and freights on railroads," respectfully reports the same back to the House with the recommendation that it be amended as follows:

Strike out the words "fares and" in the title of the bill.

Strike out all of section 1, and change numbers of sections to number consecutively.

Insert in first line of section 2, between figure "2" and word "all," the word "that."

Strike out in same section, line 11, the words "lots of twenty thousand pounds or," and insert after the word "load" the word "lots."

Also, strike out, in last line, all after the word "classes."

Strike out, in last line of section 3, the words "twenty thousand pounds," and insert in lieu thereof the words "only ten tons, any excess weight to be charged at the same rate per ton.

Insert, in line 6 of section 4, the words "in the State of Washington," between words "railroad" and "on."

Strike out, in line 3 of section 5, the words "or passengers."

Strike out the word "two," in line 17, between words "exceeding" and "hundred," and insert the word "five."

Also, strike out the words "said agent, or against" in line 19, and strike out the words "four times," line 21, and insert after the word "act," line 22, the words "together with attorney's fees and costs of suit."

Strike out, in section 7, the words "fares and," in line 2.

And that as amended the bill do pass.

J. M. READY, Chairman.

Mr. Ready moved that the majority report be adopted.

Mr. Tyler moved to amend Mr. Ready's motion to read "adopt the minority report of the Committee on Railroads, made to the House on the 10th inst."

On motion of Mr. Gandy, the House took a recess, at 12 o'clock noon, until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 13, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Bass, Berry, Farrish, Hunsaker, Powell, Reitze, Smith, Spinning, Thalman, and Yeomans.

Mr. Snively presented the following certificate, to wit:

CERTIFICATE OF ELECTION.

STATE OF WASHINGTON, COUNTY OF KITTITAS:

I, J. E. Frost, county auditor of the county of Kittitas and State of Washington, do hereby certify that at a special election held in said county and state, on the 7th day of February, A. D. 1891, William H. Peterson received the highest number of votes cast for the office of Representative to the legislature of the State of Washington for the Eighteenth district, in the county of Kittitas and State of Washington, and was therefore duly elected to said office, as appears from the official election returns and canvass on file in my office.

Witness my hand and official seal at Ellensburg, in said county, this 11th day of February, A. D. 1891.

[SEAL.]

J. E. FROST,

County Auditor, Kittitas County.

To William H. Peterson, Ellensburg, Wash.

Mr. Snively moved that Mr. Peterson be sworn as a member of the House.

The House adopted the motion, and Messrs. Snively and Rockwell escorted Mr. Peterson to the speaker's desk, where the oath of office was administered to him by the speaker.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 13, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 143, Prescribing certain duties of state and county officers—yeas 20, nays none.

Also, passed Senate bill No. 175, To provide for the purchase of Barton's Hand-Book and Legislative Manual for 1891-92 for the use and benefit of the state—yeas 22, nays none.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The House resumed consideration of House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency, which was under consideration at the time the noon recess was taken.

The roll was called on the adoption of Mr. Tyler's motion to amend Mr. Ready's motion, which was pending at the time the noon recess was taken.

The House refused to adopt the motion by the following vote, to wit: Yeas 2, nays 64.

Those who voted yea were: Messrs. Anderson of Mason, and Tyler.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Rockwell, Sallee, Schricker, Smyth, Snively, Taylor, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Bass,

Berry, Farrish, Hunsaker, Powell, Reitze, Sharpstein, Smith, Spinning, Thalman, and Yeomans.

On motion of Mr. Plummer, the House went into committee of the whole House for consideration of the bill.

Mr. Megler was called to the chair.

After being in session one hour the committee of the whole House rose and made the following report:

REPORT OF COMMITTEE OF THE WHOLE.

MR. SPEAKER:

The committee of the whole House has had House bill No. 20, "An act regulating fares and freights on railroads, and declaring an emergency," under consideration, and respectfully reports progress, and asks leave to sit again for consideration of the bill.

J. G. MEGLER, Chairman.

On motion of Mr. Plummer, the report was adopted.

On motion of Mr. Plummer, the House refused to recede from its amendments to Senate bill No. 24, An act regulating fees to be charged by county clerks as ex-officio clerks of the superior courts, and a committee of conference was asked for. Messrs. Snively, Caughran, Walker, Adams and Putney were appointed as such committee on the part of the House.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 94, entitled "An act making it unlawful for any judge or county officer to charge soldiers or seamen, or the widows, orphans or legal representatives thereof, any fees for services in matters pertaining to pensions or pension dues, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 94 in open session of the House.

Senate bill No. 19, An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 164, A bill for an act authorizing private corporations, other than religious, incorporated by the legislative assem-

bly of the Territory of Washington, prior to June 10, 1872, to hold, acquire, own and possess real and personal property to any extent that the said private corporations may seem meet, anything in the acts incorporating such private corporations to the contrary notwithstanding, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 124, An act for the protection of farmers, ranchers, herders of cattle, tavern keepers, and livery and boarding house stable keepers, and other persons, for herding, keeping, pasturing, feeding and caring for stock, and declaring an emergency, was read first time by title, and referred to Committee on Agriculture.

Senate bill No. 143, An act requiring state and county officers to administer oaths required in the execution of pension papers and vouchers free of charge, was read first time by title, and referred to Committee on Military Affairs.

Senate bill No. 175, An act to provide for the purchase of Barton's Legislative Hand-Book and Manual of the State of Washington for 1891 and 1892, for the use and benefit of the state and legislature and officials and others, and making an appropriation therefor, was read first time by title, and referred to Committee on Appropriations.

Mr. Murray moved that the House adjourn.

The House refused to adjourn.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 72, entitled "An act relating to proceedings to vacate or modify judgments in the courts in which they were rendered," etc., respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Mr. Gandy was called to the chair by the speaker.

Senate bill No. 72, An act relating to proceedings to vacate or modify judgments in the courts in which they were rendered, was read second time.

On motion of Plummer, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 55, nays 1.

Those who voted yea were: Messrs. Adams, Arrasmith, Bothell,

Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Johnson, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Reinhardt, Ready, Rockwell, Sallee, Schricker, Smyth, Taylor, Tiffany, Tillotson, Tyler, Troy, Walker, Walter, Wyman, Yancy, and Young.

Mr. Hutchinson voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Barlow, Bass, Berry, Collins, Farrish, Hunsaker, Kennedy, Moore, Ragsdale, Reitze, Sharpstein, Smith, Snively, Spinning, Thalman, Wasson, Yeomans, and Mr. Speaker.

The title of the bill was agreed to.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 73, entitled "An act relating to referees," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 73, An act relating to referees, was read second time.

On motion of Mr. Painter, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 53, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Godman, Hanson, Holt, Johnson, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ready, Rockwell, Sallee, Schricker, Smyth, Snively, Tiffany, Tillotson, Tyler, Troy, Walker, Walter, Wyman, Yancy, and Young.

Mr. Taylor voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Berry, Collins, Farrish, Garretson, Hun-

saker, Hutchinson, Kennedy, Moore, Pearson, Powell, Ragsdale, Reinhardt, Reitze, Sharpstein, Smith, Spinning, Thalman, Wasson, Yeomans, and Mr. Speaker.

The title of the bill was agreed to.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 75, entitled "An act relating to writs of mandate and prohibition, etc.," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 75, An act relating to writs of mandate and prohibition, amending section 689 of the Code of Washington of 1881, was read second time.

On motion of Mr. Painter, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 50, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Brock, Caughran, Chambers, Cushman, De Steiguer, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Hanson, Holt, Johnson, Jones, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Reinhardt, Ready, Rockwell, Sallee, Schricker, Smyth, Snively, Tiffany, Tillotson, Tyler, Troy, Walker, Walter, Wyman, Yancy, and Young.

Mr. Taylor voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Berry, Bothell, Collins, Dysart, Farrish, Godman, Hutchinson, Hunsaker, Kennedy, Meany, Moore, Nevin, Pearson, Powell, Ragsdale, Reitze, Sharpstein, Smith, Spinning, Thalman, Wasson, Yeomans, and Mr. Speaker.

The title of the bill was agreed to.

On motion of Mr. Walker, the House adjourned at 5 o'clock P. M.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

THIRTY-NINTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Saturday, February 14, 1891. }
 10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Bass, Berry, Farrish, Hunsaker, Johnson, Jones, Kennedy, Reitze, Reinhardt, Sharpstein, Thalman, Tillotson, Wyman, and Yeomans; excused.

The journal of yesterday was read and approved.

Mr. Painter moved that the House take up the regular order of business.

Mr. Hutchinson moved to amend Mr. Painter's motion so as to read "to go into committee of the whole house for consideration of House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency."

On motion of Mr. Ragsdale, the previous question was ordered.

The speaker announced that he had received information of the death of General W. T. Sherman of the Union States army and Admiral David D. Porter of the United States navy.

On motion of Mr. Sallee, the House adjourned, at 11:30 A. M., until 10:30 A. M. on Monday, as a mark of respect for General Sherman and Admiral Porter.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FORTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, February 16, 1891. }
10:30 o'clock A. M.

The House was called to order at 10:30 o'clock A. M.; the speaker in the chair.

The roll was called. All the members were present except Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Cushman, De Steiguer, Frater, Gandy, Garretson, Hunsaker, Jones, Kennedy, Meany, Pearson, Powell, Reitze, Rockwell, Sallee, Schricker, Smyth, Taylor, Thalman, Tillotson, Tyler, Walter, Wyman, and Yeomans.

The journal of Saturday was read, and approved as read.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 76, entitled "An act relating to proceedings supplementary to execution," etc., respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 76, A bill for an act relating to proceedings supplementary to execution, amending section 384 of the Code of Washington of 1881, as amended by an act entitled "An act to amend section 384 of the Code of Washington Territory, and to secure to the people of the territory the right of trial by jury," approved January 15, 1886, was read second time.

On motion of Mr. Chambers, the rules were suspended, and the bill was read third time.

The roll was called on the passage of the bill.

The bill failed to pass by the following vote, to wit: Yeas 37, nays 3.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Chambers, Dysart, Fellows, Flummerfelt, Frame, Hanson, Holt, Johnson, Lawton, Lehman, McClure, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Parcell, Peterson,

Putney, Ragsdale, Reinhardt, Ready, Sharpstein, Smith, Spinning, Tiffany, Troy, Wasson, Walker, Yancy, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Hutchinson, Megler, and Plummer.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Bothell, Brock, Caughran, Collins, Cushman, De Steiguer, Farrish, Frater, Gandy, Garretson, Godman, Hunsaker, Jones, Kennedy, Metcalfe, Moore, Palmer, Pearson, Powell, Reitze, Rockwell, Sallee, Schricker, Smyth, Snively, Taylor, Thalman, Tillotson, Tyler, Walter, Wyman, and Yeomans.

On motion of Mr. Plummer, a call of the House was ordered.

The roll was called, and Messrs. Adams, Barlow, Caughran, De Steiguer, Gandy, Garretson, Meany, Metcalfe, Pearson, Rockwell, Sallee, Schricker, Smyth, Tyler, and Walter were found to be absent without leave.

Mr. Putney moved that further proceedings under call of the House be dispensed with.

The House rejected the motion.

Mr. Plummer moved that the House adjourn until 2 o'clock p. m.

The House refused to adjourn.

On motion of Mr. Sharpstein, further proceedings under call of the House were dispensed with.

On motion of Mr. Plummer, the vote by which Senate bill No. 76 failed to pass, was reconsidered.

On reconsideration, the bill passed by the following vote, to wit: Yeas 46, nays none:

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Collins, Dysart, Farrish, Fellows, Flummerfelt, Frame, Godman, Hanson, Holt, Johnson, Lawton, Lehman, Megler, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Sharpstein, Smith, Snively, Spinning, Tiffany, Troy, Wasson, Walker, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Cushman, De Steiguer, Frater, Gandy, Garretson, Hunsaker, Hutchinson, Jones, Kennedy, Meany, Metcalfe, Pearson, Powell, Reitze, Rock-

well, Sallee, Schricker, Smyth, Taylor, Thalman, Tillotson, Tyler, Walter, Wyman, and Yeomans.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 77, entitled "An act declaring the rule of decisions in the State of Washington, etc.," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 77, An act declaring the rule of decision in the State of Washington, amending section 1 of the Code of 1881, was read second time.

On motion of Mr. Megler, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 43, nays 3.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Collins, Dysart, Farrish, Fellows, Frame, Hanson, Holt, Johnson, Lawton, Lehman, Megler, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Sharpstein, Smith, Spinning, Tiffany, Troy, Wasson, Walker, Yancy, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Flummerfelt, Godman, and Snively.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Cushman, De Steiguer, Frater, Gandy, Garretson, Hutchinson, Hunsaker, Jones, Kennedy, Meany, Metcalfe, Pearson, Powell, Reitze, Rockwell, Sallee, Schricker, Smyth, Taylor, Thalman, Tillotson, Tyler, Walter, Wyman, and Yeomans.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 78, entitled "An act concerning the construction of statutes," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 78, An act concerning the construction of statutes, was read second time.

On motion of Mr. Dysart, the rules were suspended, and the bill was read third time and passed by the following vote, to wit: Yeas 46, nays 1.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Collins, Dysart, Farrish, Fellows, Flummerfelt, Frame, Godman, Hanson, Holt, Johnson, Lawton, Lehman, Megler, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Sharpstein, Smith, Snively, Spinning, Tiffany, Troy, Wasson, Walker, Yancy, Young, and Mr. Speaker.

Mr. Hutchinson voted nay.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Cushman, De Steiguer, Frater, Gandy, Garretson, Hunsaker, Jones, Kennedy, Meany, Metcalfe, Pearson, Powell, Reitze, Rockwell, Sallee, Schriker, Smyth, Taylor, Thalman, Tillotson, Tyler, Walter, Wyman, and Yeomans.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 79, entitled "An act in relation to application for divorce, etc.," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 79, An act in relation to application for divorce, amending sections 2000, 2001, 2005, 2006, 2007, 2008, 2009, 2010, and 2012 of the Code of Washington of 1881, was read second time.

On motion of Mr. Hanson, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 40, nays 4.

Those who voted yea were: Messrs. Arrasmith, Berry, Chambers, Farrish, Fellows, Flummerfelt, Frame, Godman, Hanson, Holt, Johnson, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Sharpstein, Smith, Spinning, Tiffany, Troy, Wasson, Walker, Yancy, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Collins, Hutchinson, and Nevin.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Bothell, Brock, Caughran, Cushman, De Steiguer, Dysart, Frater, Gandy, Garretson, Hunsaker, Jones, Kennedy, Meany, Pearson, Powell, Reitze, Rockwell, Sallee, Schricker, Smyth, Snively, Taylor, Thalman, Tillotson, Tyler, Walter, Wyman, Yeomans, and Young.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 83, entitled "An act in relation to evidence in actions and judicial proceedings, and amending sections 391, etc., of the code of 1881," respectfully reports the bill back to the House with the recommendation that it be amended by striking out of the fourth line of the title of the bill the number "391," and inserting in lieu thereof the number "390;" and by striking out of section one the number "391," and inserting in lieu thereof the number "390," and that as amended the bill do pass.

A. W. FRATER, Chairman.

On motion of Mr. Megler, the amendments recommended by the Committee on Judiciary were adopted.

Senate bill No. 83, An act in relation to evidence in actions and judicial proceedings, and amending sections 391, 393, 406, 407, 408, 423, and 425 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 46, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Collins, Farrish, Fellows, Flummerfelt, Frame, Godman, Hanson, Holt, Johnson, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Sharpstein, Smith, Spinning, Tiffany, Troy, Wasson, Walker, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Cushman, De Steiguer, Dysart, Frater, Gandy, Garretson, Hunsaker, Hutchinson, Jones, Meany, Pearson, Powell, Reitze, Rockwell, Sallee,

Schricker, Smyth, Snively, Taylor, Thalman, Tillotson, Tyler, Walter, Wyman, and Yeomans.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 84, entitled "An act relating to appeals from justices' courts, and amending sections 1858, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 84, An act relating to justices' courts, and amending sections 1858, 1859, 1861, 1863, 1865 and 1914 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 44, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Collins, Dysart, Farrish, Fellows, Flummerfelt, Frame, Godman, Hanson, Holt, Johnson, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Morse, Murray, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ragsdale, Reinhardt, Ready, Sharpstein, Spinning, Tiffany, Troy, Wasson, Walker, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Cushman, De Steiguer, Frater, Gandy, Garretson, Hutchinson, Hunsaker, Jones, Meany, Moore, Nevin, Pearson, Powell, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Taylor, Thalman, Tyler, Tillotson, Walter, Wyman, and Yeomans.

The title of the bill was agreed to.

On motion of Mr. Megler, the clerk was instructed to report the passage of Senate bills Nos. 76, 77, 78, 79, 83 and 84 to the Senate at once.

On motion of Mr. Sharpstein, the remaining Senate bills, known as the W. Lair Hill code bills, were made a special order for Wednesday, the 18th instant, at 7 o'clock p. m.

PETITIONS, MEMORIALS, ETC.

Mr. Hutchinson presented a memorial from citizens of Lincoln county against the passage of any bill providing for the division of said county.

Mr. Fellows presented a petition from citizens of Spokane county, asking for the passage of House bill No. 150, A bill for an act to provide for the inspection and registration of horses, mules, sheep and neat cattle, sold, consumed, shipped or slaughtered within the State of Washington, and providing penalties for the violation thereof, and declaring an emergency; referred to Committee on Agriculture.

Mr. Lehman presented a petition from citizens of Spokane county, asking for the passage of House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency.

Mr. Young presented resolutions from Whelan Farmers' Alliance No. 40, of Whitman county, and a petition from members of the farmers' alliance et al., asking for the passage of laws regulating fares and freights on railroads.

Mr. Young presented a petition from citizens of Whitman county, asking for the amendment of the road laws; referred to Committee on Roads and Highways.

On motion of Mr. Ragsdale, the House adjourned.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, February 16, 1891. }
2 o'clock P. M. }

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Barlow, Flummerfelt, Hunsaker, Jones, Powell, Rockwell, Sallee, Taylor, Tyler, Wyman, and Yeomans; excused.

Mr. Smyth moved that House bill No. 36, An act to repeal section 32 of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," special order for 2 o'clock P. M. to-day, be postponed and made a special order for 2 o'clock P. M. Wednesday, the 18th inst.

The House refused to postpone the special order by a divisional vote of 13 yeas to 28 nays.

Mr. Gandy moved that House bill No. 36 be postponed as a special order until to-morrow at 2 o'clock p. m.

The House refused to postpone the special order by a divisional vote of 23 yeas to 28 nays.

House bill No. 36 was read second time.

On motion of Mr. Gandy, the rules were suspended and the bill was read a third time, and placed on final passage.

The House refused to pass the bill by the following vote, to wit: Yeas 39, nays 19.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Fellows, Flummerfelt, Frame, Frater, Hutchinson, Johnson, Lehman, McClure, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Schricker, Smith, Snively, Spinning, Tiffany, Troy, Walter, Wasson, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Caughran, De Steiguer, Dysart, Gandy, Garretson, Hanson, Lawton, Megler, Pearson, Ragsdale, Ready, Reitze, Reinhardt, Smyth, Thalman, Tillotson, Walker, and Yancy.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Farrish, Godman, Holt, Hunsaker, Jones, Kennedy, Meany, Metcalfe, Moore, Powell, Rockwell, Sallee, Sharpstein, Taylor, Tyler, Wyman, and Yeomans.

Mr. Ready moved that the House go into committee of the whole House for consideration of House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency.

The House adopted the motion, and Mr. Megler was called to the chair.

On rising, the committee of the whole made the following report:

REPORT OF THE COMMITTEE OF THE WHOLE.

MR. SPEAKER:

The committee of the whole House respectfully reports House bill No. 20, An act regulating fares and freights on railroads, and declaring an emergency, back to the House without amendment.

J. G. MEGLER, Chairman.

On motion of Mr. Megler, the report was adopted.

On motion of Mr. Snively, House bill No. 20 was made a special order for to-morrow at 11 o'clock a. m.

Mr. De Steiguer presented a remonstrance from the board of education of Seattle, protesting against the passage of the numerous normal school bills now before the legislature.

The remonstrance was referred to the Committee on State University and Normal Schools.

Mr. Fellows presented a memorial from citizens of Spokane county, asking for the passage of House bill No. 150; referred to Committee on Agriculture.

Mr. Snively presented a petition from citizens of Yakima county, asking that the lakes and rivers of the state be reserved for public use; referred to Committee on Water, Water Rights, and Irrigation.

Mr. Painter presented a petition from citizens of Walla Walla county, asking for the passage of House bill No. 150; referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES.

The Committee on Tide Lands made the following report:

MR. SPEAKER:

Your Committee on Tide Lands, to which was referred memorial from the Seattle chamber of commerce, regarding the disposition of money derived from the sale of tide lands in this state, respectfully reports the memorial back to the House with the recommendation that said memorial be indefinitely postponed.

G. W. YANCY, Chairman.

On motion of Mr. Bothell, the report was adopted, and the memorial was indefinitely postponed.

The Committee on Constitution and Revision report House joint resolution No. 4, Relative to amending section 2 of article II of the state constitution back to the House with the recommendation that it be indefinitely postponed.

The report and the resolution were laid on the table subject to the call of the House.

The Committee on Constitution and Revision made the following report:

MR. SPEAKER:

Your Committee on Constitution and Revision, to which was referred House concurrent resolution No. 12, a substitute for House concurrent resolution No. 11, Relative to amending section 5, article XVI, of the constitution of the State of Washington, respectfully reports the resolution back to the House with the recommendation that it be amended as follows: In lines 12 and 13 strike out the words "irrigation district" so that section 5 will then read: "Section 5. None of the permanent school fund

shall ever be loaned to private persons or corporations. but it may be invested in national, state, county, school district, or municipal bonds," and that the resolution as amended do pass, and we further recommend that the accompanying bill do pass in order to carry the resolution into effect.

A. H. GARRETSON, Chairman.

On motion of Mr. Garretson, the report was adopted.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to whom was referred Senate bill No. 66, entitled "An act authorizing and empowering boards of county commissioners to sell and convey property belonging to their respective counties, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Strike out, in section 2, line 4, all after the word "week" down to the word "such," in line 8, and insert in lieu thereof the following: "For the term of four weeks, in three different newspapers of such county, if there are three published in such county, and also place a notice in a conspicuous place in the court house for the same length of time," and that it do pass as amended.

A. W. TIFFANY, Chairman.

On motion of Mr. Tiffany, the report was adopted.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 158, entitled "An act authorizing private corporations, other than religious, incorporated by the legislative assembly of the Territory of Washington prior to June 10, 1872, to hold, acquire, own and possess real and personal property to an extent that the said private corporations may seem meet, anything in the acts incorporating such private corporation to the contrary notwithstanding," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted, and House bill No. 158 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 58, entitled "An act to fix the time for the meeting of the legislature," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

Senate bill No. 58, An act to fix the time for the meeting of the legislature, was read second time.

On motion of Mr. Snively, the rules were suspended, and the bill

was read third time, and passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Hanson, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McCluré, McKay, McKnight, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Flummerfelt, Godman, Holt, Hunsaker, Kennedy, Meany, Metcalfe, Moore, Powell, Reinhardt, Reitze, Rockwell, Sallee, Taylor, Tyler, and Yeomans.

The title of the bill was agreed to.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 164, entitled "An act authorizing corporations other than religious to hold and possess property," respectfully reports the bill back to the House with the recommendation that the same do pass.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the rules were suspended, and Senate bill No. 164, A bill for an act authorizing private corporations, other than religious, incorporated by the legislative assembly of the Territory of Washington, prior to June 10, 1872, to hold, acquire, own and possess real and personal property to any extent that the said private corporations may seem meet; anything in the acts incorporating such private corporations to the contrary notwithstanding, was read second and third time, and passed by the following vote, to wit: Yeas 58, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Hanson, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, McClure, McKay, McKnight, Miller, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Tillotson,

Troy, Wasson, Walker, Walter, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Collins, Godman, Holt, Hunsaker, Kennedy, Meany, Metcalfe, Moore, Nevin, Powell, Reinhardt, Reitze, Rockwell, Sallee, Taylor, Tyler, and Yeomans.

The title of the bill was agreed to.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 168, entitled "An act making county orders receivable for taxes," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Lawton, the report was adopted, and House bill No. 168 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 151, entitled "An act regulating the taking up, giving notice, and sale of estrays," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and House bill No. 151 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 191, entitled "An act to allow cities and incorporated towns in this state to re-assess property in local improvement districts where the improvements have been made, and the abutting owner or owners of property in the improvement district are enjoying the benefits thereof, and where from some defect or irregularity in the ordinance creating the improvement district, or where there has been any irregularity or defect in letting the contract, or in other respects, subsequent to the passage of the ordinance, or in levying the assessment, so that the same cannot be collected," respectfully reports the same back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and House bill No. 191 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 15, entitled "An act in relation to transfer of community real property," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Snively, the report was adopted, and Senate bill No. 15 was indefinitely postponed.

Mr. Tyler introduced (by request) House bill No. 200, An act to amend an act entitled "An act in relation to attachments and garnishments," which was read first time by title, and referred to Committee on Judiciary.

Mr. Tyler introduced (by request) House bill No. 200, An act to amend section 1 of an act entitled "An act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," of the laws of 1889-90, which was read first time by title, and referred to Committee on Judiciary.

The Committee on Ways, Means and Claims introduced House bill No. 202, An act to appropriate money to pay deficiencies in appropriations for expressage, furniture for and cleaning of capitol building, and for other expenses, which was read first time by title, and ordered printed.

The Committee on Tide Lands introduced House bill No. 203 (substitute for House bill No. 92), An act to amend section 8 of an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington," approved March 26, 1890, which was read first time by title, and ordered printed.

Mr. Jones introduced House bill No. 204, An act to provide for the registration of voters in precincts where an incorporated city or town, or any portion thereof, forms a part of a voting precinct, which was read first time by title, and ordered printed; referred to Committee on Privileges and Elections.

Mr. Jones introduced House bill No. 205, An act to amend an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections," approved March 19, 1890, which was read first time by title, and ordered printed; referred to Committee on Privileges and Elections.

Mr. McClure introduced House bill No. 206, An act to amend an act entitled "An act defining trespass on the public lands of the state, and providing punishment therefor," which was read first time by title, and ordered printed; referred to Committee on State Lands.

Mr. Ready introduced House bill No. 207, An act to enumerate the cases in which appeals may be taken from decisions of the

superior courts to the supreme court, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Megler introduced House bill No. 208, An act to be entitled an act to amend section 1188 of the Code of 1881 of the State of Washington, relating to the making of barrels, packages or cases containing fish, which was read first time by title, and ordered printed; referred to Committee on Fisheries.

Mr. Johnson introduced House bill No. 209, An act to amend section 2 of chapter 10 of the session laws of 1890, relating to fees and salaries of county officers, which was read first time by title, and ordered printed; referred to Committee on Fees and Compensation of State and County Officers.

Mr. Johnson introduced (by request) House bill No. 210, An act to establish and locate the Washington state school of horticulture and college of higher mathematics on Shaw island, in San Juan county, creating a board of commissioners for its control, and making an appropriation therefor, which was read first time by title, and ordered printed; referred to Committee on Agriculture.

Mr. Cushman introduced House bill No. 211, An act to prohibit the use of railroad or other transportation company's passes by public officers of the state, and fixing penalties for the same, which was read first time by title, and ordered printed; referred to Committee on Railroads.

Mr. Plummer introduced House bill No. 212, An act authorizing the employment of legal representatives of the state at Washington, D. C., and to provide for compensation of such, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Shaw introduced House bill No. 213, An act in relation to execution of death penalty, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Hutchinson introduced (by request) House bill No. 214, An act for the protection of employes, which was read first time by title, and ordered printed; referred to Committee on Labor and Labor Statistics.

Mr. Hutchinson introduced (by request) House bill No. 215, An act entitled "An act in relation to the liability of employers to make compensation for personal injuries suffered by employes in their service," which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Chambers introduced House bill No. 216, An act to provide for the survey and improvement of the capitol grounds and the erection of a building thereon for the use of the state pending the erection of a permanent capitol building, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Mr. Bothell introduced House bill No. 217, An act regulating the business of logging, which was read first time by title, and ordered printed; referred to Committee on Forestry.

Mr. Sharpstein introduced House bill No. 218, An act to authorize the establishment of public libraries in cities, which was read first time, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Mr. Painter introduced House bill No. 219, An act regulating the manufacture and sale of jute fabrics and brick at the Washington penitentiary, and making an appropriation for the purchase of material, which was read first time by title, and ordered printed; referred to Committee on Penitentiary.

Mr. Painter introduced House bill No. 220, An act appropriating money for the improvement of the Washington penitentiary, which was read first time by title, and ordered printed; referred to Committee on Penitentiary.

Mr. Putney introduced House bill No. 221, An act to protect occupants and improvers of real estate under color of title, which was read first time by title, and ordered printed; referred to Committee on State Lands.

Mr. Dysart gave notice that to-morrow he would move a reconsideration of the vote by which the House refused to pass House bill No. 36 to-day.

Mr. Gandy presented House concurrent resolution No. 14, Relative to an adjournment of the legislature on the day of Gen. Sherman's funeral.

On motion of Mr. Gandy, the House adopted the resolution, and the clerk was instructed to transmit the same to the Senate at once.

On motion of Mr. Painter, the rules were suspended, and House concurrent resolution No. 12, Relative to an amendment to section 5 of article XVI of the state constitution was taken up.

On motion of Mr. Snively, the resolution was made a special order for 10:30 A. M. to-morrow.

Mr. Hanson presented the following resolution:

Resolved, That the special committee appointed to investigate the charge of bribery is authorized and instructed to take any and all evidence from any source whatever, tending to show that money or the equivalent of money was used or attempted to be used to buy votes in the late senatorial contest, whether the same relate to the specific charge made by the member from Stevens county or otherwise.

Mr. Snively moved the adoption of the resolution.

The House adopted the resolution by the following vote, to wit: Yeas 47, nays 1.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Gandy, Hanson, Hutchinson, Johnson, Jones, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Schricker, Smith, Smyth, Snively, Spinning, Thalman, Walker, Walter, Wyman, Young, and Mr. Speaker.

Mr. Tiffany voted nay.

Those absent and not voting were: Messrs. Adams, Andrews, Barlow, Berry, Bothell, De Steiguer, Dysart, Frater, Garretson, Godman, Holt, Hunsaker, Kennedy, Meany, Miller, Plummer, Powell, Ready, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Taylor, Tillotson, Troy, Tyler, Wasson, Yancy, and Yeomans.

REPORT OF STANDING COMMITTEE.

The Committee on Penitentiary made the following report:

MR. SPEAKER:

Your Committee on Penitentiary, to which was referred House bill No. 117, entitled "An act to provide for the transportation of prisoners to the state penitentiary," respectfully reports the bill back to the House with the recommendation that in section 2, lines 5 and 6, the words "or by some person appointed by the sheriff as his deputy or guard for that purpose," be stricken out, and recommend the bill do pass as amended

J. C. PAINTER, Chairman.

On motion of Mr. Painter, the report was adopted.

House bill No. 117, An act to provide for transportation of prisoners to the state penitentiary, was read second time.

The speaker called Mr. Gandy to the chair.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to which was referred House bill

No. 85, entitled "An act to appropriate money to cover the deficiency for maintaining the state penitentiary to January first, eighteen hundred and ninety-one," respectfully reports the bill back to the House with the recommendation that it do pass.

J. G. MEGLER, Chairman.

House bill No. 85, An act to appropriate money to cover the deficiency for maintaining the state penitentiary to January, 1891, was read second time.

On motion of Mr. Painter, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 46, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Gandy, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Megler, Metcalfe, McClure, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Putney, Ragsdale, Schricker, Smith, Smyth, Spinning, Thalman, Tiffany, Tyler, Troy, Walker, Walter, Wyman, and Young.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Berry, Bothell, De Steiguer, Dysart, Frater, Garretson, Godman, Hanson, Hunsaker, McKay, McKnight, Meany, Miller, Peterson, Plummer, Powell, Ready, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Snively, Taylor, Tillotson, Wasson, Yancy, Yeomans, and Mr. Speaker.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 42, entitled "An act to amend section 324 of chapter 29 of the Code of Washington, relating to the revival and continuance of judgments," respectfully reports the bill back to the House with the recommendation that the same be amended by adding to the end of section one the following: "*Provided further*, That this act shall not apply to any judgments now in existence until one year from the time this act takes effect," and that as amended it do pass.

A. W. FRATER, Chairman.

On motion of Mr. Smith, the report was adopted.

Senate bill No. 42, An act to amend section 324 of chapter 29 of the Code of Washington, relating to the revival and continuance of judgments, was read second time.

Senate bill No. 125, A bill for an act relating to the civil juris-

diction of justices courts, amendatory of section 1710 of the Code of Washington, approved November 28, 1883, was read second time.

House bill No. 133, An act to amend sections 3095 and 3098 of the Code of Washington, relating to official count of election returns, was read second time.

House bill No. 152, An act confirming sheriffs' deeds made by the successor in office of sheriffs who have sold land in pursuance of law but have not made deeds therefor, was read second time.

On motion of Mr. Kennedy, the clerk was instructed to issue a certificate to Mr. Wm. H. Peterson for \$36.20 for mileage in coming to and going from this session of the legislature.

The Committee on State Lands made the following report:

MR. SPEAKER:

Your Committee on State Lands, to which was referred Senate memorial No. 2, Relative to public land donations, respectfully reports the memorial back to the House with the recommendation that it be indefinitely postponed.

M. M. GODMAN,
U. L. COLLINS,
SAMUEL BASS,
E. P. McCLURE,
GEO. BOTHELL,
W. T. MCKAY,
L. WALTER,
Committee.

On motion of Mr. Megler, the report was adopted, and Senate memorial No. 2 was indefinitely postponed.

The Committee on Harbors and Navigable Waters made the following report:

MR. SPEAKER:

Your Committee on Harbors and Navigable Waters, to which was referred Senate bill No. 60, entitled "An act to cede the jurisdiction of the State of Washington to the United States of America over land needed for the improvement of rivers and harbors, and for the purchase and condemnation thereof," respectfully reports the bill back to the House with the recommendation that it do pass.

A. WASSON, Chairman.

Senate bill No. 60, An act to cede the jurisdiction of the State of Washington to the United States of America over land needed for the improvement of rivers and harbors, and for the purchase and condemnation thereof, was read second time.

On motion of Mr. Megler, the rules were suspended, and the bill

was read third time, and passed by the following vote, to wit: Yeas 44, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Bothell, Brock, Chambers, Cushman, Farrish, Fellows, Frame, Gandy, Hanson, Holt, Johnson, Jones, Lawton, Lehman, Megler, Metcalfe, McClure, McKay, McKnight, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Schricker, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Walker, Walter, Wyman, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Berry, Caughran, Collins, De Steiguer, Dysart, Flummerfelt, Frater, Garretson, Godman, Hunsaker, Hutchinson, Kennedy, Meany, Miller, Plummer, Powell, Reinhardt, Ready, Reitze, Rockwell, Sallee, Sharpstein, Taylor, Tillotson, Tyler, Wasson, Yancy, Yeomans, and Young.

The title of the bill was agreed to.

The Committee on Harbors and Navigable Waters made the following report:

MR. SPEAKER:

Your Committee on Harbors and Navigable waters, to whom was referred Senate memorial No. 7, Relative to the improvement of the Colville river, respectfully reports the memorial back to the House with the recommendation that it do pass.

A. WASSON, Chairman.

Senate memorial No. 7, Relative to the improvement of the Colville river, was read the second time.

On motion of Mr. Walker, the rules were suspended, and the memorial was read third time, and passed by the following vote, to wit: Yeas 44, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Bothell, Brock, Chambers, Cushman, Farrish, Fellows, Flummerfelt, Frame, Gandy, Hanson, Holt, Johnson, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Schricker, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Walker, Walter, Wyman, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Arrasmith, Barlow, Bass, Berry, Caughran, Collins, De Steiguer, Dysart, Frater, Garretson, Godman, Hutchinson, Hunsaker, Kennedy, Miller, Moore, Murray, Nevin, Plummer, Powell, Ready, Reitze, Rein-

hardt, Rockwell, Sallee, Sharpstein, Taylor, Tillotson, Tyler, Wasson, Yancy, Yeomans, and Young.

On motion of Mr. Megler, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FORTY-SECOND DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, February 17, 1891. }
10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Hunsaker, Powell, Reinhardt, Taylor, and Yancy; excused.

The journal of yesterday was read and approved.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1891.

MR. SPEAKER:

The president has signed House bill No. 94, entitled an act making it unlawful for any county judge or officer to charge soldiers or seamen, or the widows, orphans or legal representatives thereof, any fee for services in matters pertaining to pension dues, and declaring an emergency."

The Senate has passed House bill No. 108, An act for the protection of sea gulls, with title amended; yeas 21, nays 0.

Also, passed Senate bill No. 180, To enable cities and towns to validate certain warrants, etc.; yeas 20, nays 0.

Also, passed Senate bill No. 181, Authorizing cities and towns to submit to voters therein propositions to fund indebtedness, etc.; yeas 21, nays 0.

Also, passed Senate bill No. 46, An act to regulate warehousemen and others, and to declare the effect of warehouse receipts; yeas 22, nays 0.

Also, passed House concurrent resolution No. 14, Relative to death of General W. T. Sherman; unanimously.

Also, passed Senate concurrent resolution No. 20, Relative to conference with United States Surveyor General Cavanaugh concerning state granted and school lands.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

House concurrent resolution No. 12, special order for 10:30 A. M. to-day, was taken up.

The resolution was read second time.

Mr. Young moved to lay the resolution on the table until 11 o'clock A. M. Friday, the 20th inst.

The House refused to lay on the table.

On motion of Mr. Sharpstein, the rules were suspended, and House concurrent resolution No. 12 was read third time, to wit:

Be it resolved by the House of Representatives, the Senate concurring, That section 5 of article XVI of the constitution of the State of Washington be amended to read as follows: Section 5, None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, school district or municipal bonds.

The resolution was adopted by the following vote, to wit: Yeas 63, nays 4.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Hutchinson, Johnson, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Reitze, Rockwell, Schricker, Sharpstein, Smith, Smyth, Spinning, Thalman, Tillotson, Troy, Wasson, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. De Steiguer, Murray, Tiffany, and Tyler.

Those absent and not voting were: Messrs. Andrews, Barlow, Kennedy, McKnight, Powell, Reinhardt, Sallee, Snively, Taylor, and Yancy.

Mr. Holt presented a remonstrance from citizens of Whitman county, protesting against the passage of any bill dividing Whitman county in any way.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties and County Lines made the following reports:

MAJORITY REPORT.

MR. SPEAKER:

Your Committee on Counties and County Lines, to whom was referred House bill No. 176, entitled "An act to create and organize the county of Sherman, respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

C. W. LAWTON,
I. N. CUSHMAN,
A. V. RAGSDALE,
D. M. HOLT.

MINORITY REPORT.

We, the undersigned, a minority of the Committee on Counties and County Lines, do not concur in the report of the committee, and would respectfully report the bill back without recommendation.

A. W. TIFFANY,
C. W. MORSE.

Mr. Tillotson moved the adoption of the majority report.

Mr. Walter moved to amend Mr. Tillotson's motion to read: "Make House bill No. 176 a special order for Friday, the 20th inst., at 2 o'clock P. M.

The House rejected Mr. Walter's amendment.

The House adopted Mr. Tillotson's motion, and House bill No. 176 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Counties and County Lines, to which was referred Senate bill No. 152, entitled "An act to create and organize the county of Ferry, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. TIFFANY, Chairman.

On motion of Mr. Collins, the report was adopted, and Senate bill No. 152 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Counties and County Lines, to which was referred House bill No. 175, entitled "An act to create and organize the county of Palouse, respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. TIFFANY, Chairman.

Mr. Gandy moved the adoption of the report of the committee.

On motion of Mr. Moore, Mr. Gandy's motion was laid on the table.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 26, entitled "An act to prevent the driving of stock from their range, and providing penalty for the violation of the same," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 13, Relative to clerk for joint committee on Columbia river improvement, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills, respectfully reports that the enrolled copy of House bill No. 98, entitled "An act requiring corporations owning lands in this state to file a certified copy of articles of incorporation with county auditor, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House concurrent resolution No. 13, and House bills Nos. 26 and 98 in open session of the House.

Mr. Sharpstein presented the following resolution, and moved its adoption, to wit:

Resolved, That the speaker be requested to telegraph, in the name of this state, to our senators and representatives in congress requesting them to use all possible efforts to secure the concurrence of the senate of the United States in the provision making an appropriation of four hundred thousand dollars for the construction of a portage railway around The Dalles of the Columbia, as a matter of present relief.

On motion of Mr. Sharpstein, the rules were suspended, and the House adopted the resolution.

Mr. Dysart moved that the rules be suspended, and that the House reconsider the vote by which it refused to pass House bill No. 36 yesterday.

The House refused to suspend the rules.

House bill No. 20, An act regulating fares and freights on railroads, special order for 11 o'clock A. M. to-day, was taken up.

Mr. Ready moved the adoption of the amendments recommended by the Committee on Railroads. (See proceedings of 13th inst.).

On motion of Mr. Snively, the yeas and nays were ordered on the motion to adopt the report of the Committee on Railroads.

The House adopted the report by the following vote, to wit: Yeas 46, nays 23.

Those who voted yea were: Messrs. Arrasmith, Bass, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, Miller, Moore, Nevin, Painter, Palmer, Parcell, Peterson, Ragsdale, Ready, Rockwell, Sharpstein, Smith, Smyth, Snively, Spinning, Tiffany, Tyler, Troy, Walter, Yeomans, and Young.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Barlow, Caughran, De Steiguer, Frater, Johnson, McKay, McKnight, Morse, Murray, Pearson, Putney, Reitze, Sallee, Schricker, Thalman, Tillotson, Walker, Wasson, Wyman, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Berry, Hunsaker, Jones, Plummer, Powell, Reinhardt, Taylor, and Yancy.

Mr. Tyler moved to amend the bill by inserting the following new section, to wit:

SEC. —. From and after the passage of this act it shall be unlawful for any railroad company or other common carrier engaged in the transportation of passengers or property wholly by railroad or wholly by water, or partly by railroad and partly by water, to make any discrimination in rates between shippers, or to give drawbacks or rebates on freight in any manner whatever when the same is transported wholly within the State of Washington, it being the intention of this act that rates shall be uniform, and the same to all under similar circumstances and conditions. It shall also be unlawful for said corporations to exercise discrimination in distributing cars, as between corporations and individuals, or in any way whatever, it being the intention of this act that all shippers shall have equal rights in this respect over said transportation lines. Any company violating the provisions of this act shall be fined not exceeding five hundred (\$500) dollars for each and every offense, and the injured party shall have a right of action against said railroad company or corporation operating said railroad, and be entitled to recover damages for all injuries suffered by such action.

On motion of Mr. Snively, the yeas and nays were ordered on the adoption of Mr. Tyler's amendment.

The House rejected the amendment by the following vote, to wit: Yeas 27, nays 44.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Barlow, Caughran, Chambers, Dysart, Frame, Frater, Garretson, McClure, McKay, Megler, Morse, Murray,

Painter, Pearson, Plummer, Putney, Reitze, Schricker, Spinning, Thalman, Tillotson, Tyler, Walker, Wasson, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Arrasmith, Bass, Berry, Bothell, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Gandy, Godman, Hanson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Metcalfe, McKnight, Miller, Moore, Nevin, Palmer, Parcell, Peterson, Ragsdale, Ready, Rockwell, Sallee, Sharpstein, Smith, Smyth, Snively, Tiffany, Troy, Walter, Wyman, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Brock, Hunsaker, Powell, Reinhardt, Taylor, and Yancy.

On motion of Mr. Plummer, section 3 was amended by striking out the words "by the Northern Pacific Railroad in the State of Washington."

Mr. Snively moved that the bill be considered engrossed, and be read third, and placed on final passage.

On motion of Mr. Walker, the House adjourned at 12:15 P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, February 17, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Hunsaker, Reinhardt, Taylor, and Yancy; excused.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, February 16, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN— I have this day approved and signed House bill No. 21, entitled "An act to create a state board of horticulture, and appropriate money therefor, and declaring an emergency."

And House bill No. 59, entitled "An act to provide for the payment of bailiffs of the superior courts."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1891.

MR. SPEAKER:

The president of the Senate has signed enrolled Senate bill No. 2, entitled "An act declaring Labor Day a legal holiday."

The Senate has indefinitely postponed House bill No. 13, An act in relation to civil actions against the state.

Has passed House bill No. 134, substitute for House bills Nos. 22 and 61, An act in relation to trade marks. Yeas 22, nays 0.

The Senate has indefinitely postponed House bill No. 53, An act providing for the appointment of official stenographers for the superior courts of the state, and fixing their compensation and duties.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The House resumed consideration of House bill No. 20, An act regulating freights on railroads, and declaring an emergency, which was under consideration at the time of adjournment.

The question before the House being the motion of Mr. Snively, to read the bill third time and place on final passage, Mr. Plummer raised the point of order that it would require a suspension of the rules to pass the bill to third reading to-day.

The speaker ruled the point of order not well taken.

Mr. Plummer appealed from the decision of the chair.

The House sustained the decision of the chair.

The House rejected Mr. Snively's motion.

Mr. De Steiguer moved to amend section 2 by striking out the words "one-half" and inserting the word "one" in line 26, and by striking out "one-fourth" and inserting the words "one-half" in line 28; and by inserting after the word "part" in line 29, the words "*Provided*, That the total rate for any distance not greater than five hundred miles, shall not exceed twenty-five cents per hundred pounds from the point of shipment."

Mr. Garretson moved that the bill and pending amendments be re-committed to Judiciary Committee, with instructions to report the same back to the House at 10 o'clock A. M. to-morrow.

The House refused to re-commit the bill.

The House adopted the amendment offered by Mr. De Steiguer by a divisional vote of 30 yeas to 28 nays.

Mr. Tyler moved to amend section 2 by striking out the words "class C shall not exceed three cents per hundred pounds for the

first ten miles, and not exceed two cents per hundred pounds for the second ten miles, and not exceed three-fourths of one cent per hundred pounds for each additional ten miles, or fractional part thereof, unless the fractional part be less than six miles, in which case the rate shall not exceed one-half cent per hundred pounds for such fractional part," and by inserting the words "classes C and" before "D" in line 23.

The House rejected the amendment.

Mr. Caughran offered the following as a substitute for sections 1, 2, 3 and 4 of the bill, and moved its adoption, to wit:

SECTION 1. No individual, company or corporation owning, operating, managing or leasing any railroad or part of a railroad in the State of Washington, shall charge for or receive a greater or higher rate for carrying wheat, barley, oats, rye, potatoes, hay or lime than 85 per centum of the rates that were charged or received by said railroad for carrying articles or commodities on the first day of January, 1891.

SEC. 2. The maximum rates of freights on all railroads in the State of Washington for carrying all articles or commodities other than wheat, barley, oats, rye, potatoes, or hay, shall not exceed the rates that were actually charged by said railroads respectively on the first day of January, 1891.

The House rejected the amendment.

Mr. Frater moved to amend section 2 by inserting the words "and fifty cents" after the word "dollars," in line 8, and striking out the words "one dollar and seventy-five" and inserting the words "two dollars and fifty," in lines 13 and 14; and by striking out the words "class F shall not exceed two dollars per car load for the first ten miles, and not exceed one dollar per car load for the second ten miles, and not exceed seventy-five cents per car load for each additional ten miles or fractional part thereof, unless the fraction be less than six miles, in which case the rate shall not exceed fifty cents per car load for such fractional part."

The amendments were adopted.

Mr. Frater moved to amend section 3 by inserting the words "class F" after the word "classes," in line 4.

The amendment was adopted.

On motion of Mr. Plummer, the bill was ordered printed as amended.

On motion of Mr. Gandy, the House took up House bill No. 190, A bill for an act to amend sections 1, 7 and 12 of an act entitled "An act to protect salmon and other food fishes in the

State of Washington, and upon all waters upon which this state has jurisdiction and concurrent jurisdiction," approved February 11, 1890, and declaring an emergency to exist, special order for 2 o'clock P. M.

The bill was read second time by title.

On motion of Mr. Megler, the bill was considered engrossed, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 57, nays 4.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Berry, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Godman, Holt, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Spinning, Thalman, Tiffany, Tillotson, Tyler, Wasson, Walker, Wyman, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Garretson, Hanson, and Yeomans.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bass, Bothell, Caughran, De Steiguer, Hutchinson, Hunsaker, Ready, Reinhardt, Sharpstein, Snively, Taylor, Troy, Walter, Yancy, and Young

The emergency clause was passed by the following vote, to wit: Yeas 61, nays 3.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Godman, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Meany, Megler, Metcalfe, McClure, McKay, McKnight, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Spinning, Thalman, Tiffany, Tillotson, Tyler, Wasson, Walker, Wyman, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Garretson, and Hanson.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, De Steiguer, Hunsaker, Lehman, Reinhardt, Sharpstein, Snively, Taylor, Troy, Walter, Yancy, and Young.

The title of the bill was agreed to.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 134, entitled "An act in relation to trade marks," has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 14, Relative to death of Gen. W. T. Sherman, has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 134 and House concurrent resolution No. 14 in open session of the House.

Mr. Dysart moved that the House reconsider the vote by which it refused to pass House bill No. 36 yesterday.

Mr. Tillotson moved that the House adjourn.

The House refused to adjourn.

On motion of Mr. De Steiguer, the yeas and nays were ordered on the adoption of the motion to reconsider.

The House adopted the motion to reconsider by the following vote, to wit: Yeas 49, nays 22.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Godman, Holt, Hutchinson, Johnson, Jones, Kennedy, Lehman, Megler, Metcalfe, McClure, McKnight, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ready, Rockwell, Sallee, Schricker, Smith, Spinning, Tiffany, Troy, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Barlow, Bass, Caughran, De Steiguer, Gandy, Garretson, Hanson, Lawton, McKay, Meany, Miller, Pearson, Powell, Ragsdale, Reitze, Smyth, Thalman, Tillotson, Tyler, and Wasson.

Those absent and not voting were: Messrs. Andrews, Hunsaker, Reinhardt, Sharpstein, Snively, Taylor, and Yancy.

On motion of Mr. Spinning, the reconsideration of the vote on House bill No. 36 was made the special order for Friday, the 20th instant, at 2 o'clock P. M.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following reports:

To the Speaker, and House of Representatives:

Your Committee on Judiciary, to which was referred the report and findings of the special committee appointed to investigate the charges against Morris B. Sachs, judge of the superior court of Jefferson, Clallam, Kitsap, Island, and San Juan counties, beg leave to report as follows: That upon consideration of the report of special committee, and hearing argument of counsel, we find that there is sufficient cause for the removal of the said Morris B. Sachs, by joint resolution, as provided in section 9, article 4 of the constitution.

Your committee therefore recommend that a special committee of five be appointed by the House, to act with a like committee of the Senate to prepare a joint resolution to be submitted to the House and Sénate, removing the said Morris B. Sachs from office, as provided by the constitution.

A. W. FRATER, Chairman.

On motion of Mr. Lawton, the report was adopted.

On motion of Mr. Plummer, the following resolution was adopted, to wit:

House concurrent resolution No. 15.

Resolved by the House, the Senate concurring, That a joint committee of five, three on the part of the House and two on the part of the Senate, be appointed to frame joint rules governing the joint action of the House and Senate in considering matters of removal from office under the provisions of section 9, article 4 of the state constitution.

The House adjourned at 4:50 P. M. on motion of Mr. Tyler.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FORTY-THIRD DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 18, 1891. }
10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs.

Anderson of Mason, Andrews, Bass, Snively, Taylor, Troy, and Yancy; excused.

The journal of yesterday was read, and approved as read.

Mr. Peterson was appointed as a member of the Committees on Corporations other than Municipal and Railroads, Rules and Orders, State, County and Municipal Indebtedness, Water, Water Rights and Irrigation, and Mileage and Contingent Expenses.

Messrs. Smyth, Meany and Frater were appointed as members of a joint special committee on the part of the House, to prepare joint rules governing the joint action of the House and Senate in considering matters of removal from office under the provisions of section 9 of article 4 of the state constitution.

The following telegram was read:

WASHINGTON, D. C., February 17, 1891.

To Hon. Amos F. Shaw, Olympia:

The securing of an appropriation for construction of portage railway at The Dalles shall have every aid in my power. We must have an open river from the international boundary line to the sea.

JNO. L. WILSON.

PETITIONS, MEMORIALS, ETC.

Mr. Hunsaker presented a petition from members of the farmers' alliance, asking for the passage of a law regulating freights and fares on railroads.

Mr. Rockwell presented a petition from citizens of Kitsap and Mason counties, asking for the passage of a law providing for changing boundary lines between counties; referred to Committee on Counties and County Lines.

REPORTS OF STANDING COMMITTEES.

The Committee on Agricultural College and School of Science made the following reports:

MR. SPEAKER:

Your Committee on Agricultural College and School of Science, to which was referred House bill No. 6, entitled "An act locating the Washington State Agricultural College and School of Science," respectfully reports the bill back to the House with the recommendation that it do not pass.

G. W. MORSE, Chairman.

On motion of Mr. Morse, the report was adopted.

MR. SPEAKER:

Your Committee on Agricultural College and School of Science, to whom was referred House bill No. 126, entitled "An act providing for

the establishment of an agricultural college in the State of Washington, respectfully reports the bill back to the House with the recommendation that it do not pass.

G. W. MORSE, Chairman.

On motion of Mr. Morse, the report was adopted.

MR. SPEAKER:

Your Committee on Agricultural College and School of Science, to whom was referred House bill No. 101, entitled "An act to amend sections 1 and 4 of an act entitled 'An act to create a commission of technical instruction, and to establish a state agricultural college and school of science, and to declare an emergency,' approved March 28, 1890," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

G. W. MORSE, Chairman.

On motion of Mr. Gandy, the report was adopted, and House bill No. 101 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Agricultural College and School of Science, to whom was referred House bill No. 106, entitled "An act to create a commission of technical instruction and to establish a state school of science at or near Spokane Falls, Spokane county, State of Washington, respectfully reports the bill back to the House with the recommendation that it do not pass.

G. W. MORSE, Chairman.

On motion of Mr. Gandy, the report was adopted.

MR. SPEAKER:

Your Committee on Agricultural College and School of Science, to whom was referred House bill No. 78, entitled "An act providing for the establishment of an agricultural college in the state of Washington, and county of Whitman, and for a commission to locate the same," respectfully reports the bill back to the House with the recommendation that it do not pass.

G. W. MORSE, Chairman.

On motion of Mr. Adams, the report was adopted.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred Senate bill No. 124, entitled "An act entitled an act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, and livery and boarding house stable keepers and other persons, for herding, keeping, pasturing, feeding and caring for stock, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

JOSEPH ARRASMITH, Chairman.

The Committee on Privileges and Elections made the following report:

MR. SPEAKER:

Your Committee on Privileges and Elections, to which was referred House bill No. 185, entitled "An act providing for the election and provid-

ing the duties of electors of president and vice president of the United States," respectfully reports the bill back to the House with the recommendation that it do pass.

GEORGE DYSART, Chairman.

The Committee on Medicine, Surgery and Pharmacy made the following report:

MR. SPEAKER:

Your Committee on Medicine, Surgery and Pharmacy, to which was referred House bill No. 189, entitled "An act to regulate the professional charges of physicians, surgeons and obstetricians, and provide a penalty for the violation thereof," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. H. CHAMBERS, Chairman.

On motion of Mr. Plummer, the report was adopted, and House bill No. 189 was indefinitely postponed.

The Committee on Roads and Highways made the following report:

MR. SPEAKER:

Your Committee on Roads and Highways, to which was referred House bill No. 148, entitled "An act to amend sections 1 and 2 of an act entitled 'An act to authorize county commissioners to issue bonds for road purposes,'" respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed; and recommend that the substitute for House bill No. 148, herewith submitted, do pass.

P. E. BERRY, Chairman.

On motion of Mr. Berry, the report was adopted, and House bill No. 148 was indefinitely postponed.

House bill No. 108, A bill for the protection of sea gulls, was received from the Senate with the title amended so as to read, "An act for the protection of sea gulls."

On motion of Mr. Gandy, the House concurred in the Senate amendment.

Mr. Gandy moved that House bills Nos. 6, 78, 106 and 126 be taken from the table and indefinitely postponed.

Mr. Hutchinson moved to amend Mr. Gandy's motion by striking out "126."

The yeas and nays were ordered on the adoption of Mr. Hutchinson's amendment to Mr. Gandy's motion.

The House adopted the amendment by the following vote, to wit: Yeas 41, nays 26.

Those who voted yea were: Messrs. Anderson of Whatcom, Barlow, Berry, Caughran, Chambers, Cushman, Dysart, Flummerfelt,

Frame, Frater, Garretson, Godman, Hutchinson, Hunsaker, Johnson, Lawton, McClure, McKnight, Megler, Metcalfe, Miller, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Tiffany, Tillotson, Tyler, Walter, and Wyman.

Those who voted nay were: Messrs. Adams, Arrasmith, Bothell, Brock, Collins, Farrish, Gandy, Holt, Jones, Kennedy, Lehman, McKay, Meany, Moore, Morse, Plummer, Powell, Putney, Reitze, Reinhardt, Thalman, Walker, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bass, De Steiguer, Fellows, Hanson, Ragsdale, Snively, Taylor, Troy, and Yancy.

The House refused to adopt Mr. Gandy's motion as amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 18, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 91, An act to amend section 165 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency; yeas 21, nays 0.

Also, passed Senate bill No. 68, An act relating to the proper ventilation of coal mines, and prescribing the manner of appointment of inspectors; yeas 20, nays 0.

Also, passed Senate bill No. 147, To amend the code relating to liens; yeas 23, nays 0.

Also, passed Senate bill No. 205, Providing for special verdicts, special findings of jury, etc.

Also, passed Senate bill No. 140, An act amending certain sections of the code relative to the common school system.

The president of the Senate has signed enrolled Senate bill No. 81, Amending the code.

Also, Senate concurrent resolution No. 19, To examine the penitentiary at Walla Walla.

Also, Senate concurrent resolution No. 18, Relative to school for defective youth.

Also, House bill No. 98, For corporations owning land to file a certified copy of articles of incorporation.

Also, House bill No. 26, To prevent the driving of stock from the range, etc.

Also, House concurrent resolution No. 13, Relative to clerk for Joint Committee on Columbia River Improvement.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bill No. 81 and Senate concurrent resolutions Nos. 18 and 19 in open session of the House.

Mr. Frame moved that the House adopt the resolution providing for increasing the pay of the assistant watchman, presented by him on the 13th inst.

Mr. Young moved as a substitute that the assistant watchman be allowed \$1.50 per day from the date of his election for extra services performed by him.

On motion of Mr. Sharpstein, the yeas and nays were ordered on the adoption of the substitute offered by Mr. Young,

The House adopted Mr. Young's substitute by the following vote, to wit: Yeas 49, nays 17.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Berry, Brock, Caughran, Collins, Cushman, Dysart, Fellows, Frame, Frater, Garretson, Hanson, Hunsaker, Johnson, Jones, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Plummer, Putney, Ragsdale, Reinhardt, Rockwell, Sallee, Smith, Smyth, Spinning, Thalman, Tiffany, Walker, Walter, Wasson, Wyman, Yeomans, and Young.

Those who voted nay were: Messrs. Chambers, Farrish, Flummerfelt, Gandy, Godman, Holt, Kennedy, Moore, Murray, Painter, Peterson, Powell, Schricker, Sharpstein, Tillotson, Tyler, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Bass, Bothell, De Steiguer, Hutchinson, Lawton, Ready, Reitze, Snively, Taylor, Troy, and Yancy.

On motion of Mr. Tyler, the following resolution was adopted, to wit:

WHEREAS, By a resolution passed February 16th, the scope of the investigation of the Clarke-Metcalfe committee was greatly increased; and

WHEREAS, The report of said committee in said Clarke-Metcalfe case is likely to be greatly delayed by this increase in its duties: therefore, be it

Resolved, That this House instruct the said committee to file its report in said case at 2 o'clock P. M. Monday next.

On motion of Mr. Plummer, House bills Nos. 6, 78, 106, 126, and 170 were made a special order for Monday, February 23, 1891, at 3 o'clock P. M.

INTRODUCTION AND FIRST READING OF BILLS.

The Committee on Fisheries introduced House joint resolution No. 6, Relative to habits of fish, which was read first time.

Mr. Adams introduced House joint resolution No. 7, Relative to the name of Mt. Rainier, which was read first time.

The Committee on Fisheries introduced House memorial No. 10, Relative to fishing industry, which was read first time.

Mr. Young introduced House memorial No. 11, Relative to duty on grain bags, which was read first time.

The Committee on Roads and Highways introduced House bill No. 222, An act to amend section 2 of an act entitled "An act for the preservation of large game," approved February 6, 1891, which was read first time by title; referred to Committee on Printing and Supplies.

Mr. Smyth introduced House bill No. 223, An act to amend an act entitled "An act for the preservation of large game," approved February 6, 1891, which was read first time by title, and referred to Committee on Printing and Supplies.

Mr. Jones introduced House bill No. 224, An act providing a penalty for selling or offering to sell, for purchasing or offering to purchase, a registration certificate issued under the provisions of the registration or election laws, which was read first time by title, and ordered printed; referred to the Committee on Privileges and Elections.

Mr. Jones introduced House bill No. 225, An act providing compensation for county auditors and county treasurers for official services performed after office hours, which was read first time by title, and ordered printed; referred to Committee on Fees and Compensation of State and County Officers.

Mr. Godman introduced House bill No. 226, An act to amend section 3303 of the code of 1881, in relation to the descent of real property, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Godman introduced House bill No. 227, An act to amend section 1 of an act entitled "An act to provide for prosecuting public offenses on information," approved January 27, 1890, which was

read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Rockwell introduced House bill No. 228, An act to prevent the destruction of forests by fire on public lands, which was read first time by title, and ordered printed; referred to Committee on Forestry.

Mr. Miller introduced (by request) House bill No. 229, An act to amend section 1 of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890, and to amend the title of said act, which was read first time by title, and ordered printed; referred to Committee on Education.

Mr. Meany introduced House bill No. 230, An act to protect innocent purchasers of community real property, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Spinning introduced House bill No. 231, An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants, which was read first time by title, and ordered printed; referred to Committee on Agriculture.

Mr. Gandy introduced House bill No. 232, An act to provide for the appointment of a state veterinary surgeon and prescribing his duties, which was read first time by title, and ordered printed; referred to Committee on Medicine, Surgery and Pharmacy.

Mr. Hanson introduced House bill No. 233, An act in relation to community property, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Adams introduced House bill No. 234, An act authorizing the incorporation of detective associations and defining their powers, duties and liabilities, which was read first time by title, and ordered printed; referred to Committee on Corporations other than Municipal and Railroads.

Mr. Sharpstein introduced House bill No. 235, An act to encourage the establishment and to aid in the maintenance of law libraries in the several counties of the State of Washington, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Senate bill No. 46, An act to regulate warehousemen, wharfmen,

gers, commission men, and others of like character and employment, and to declare the effect of warehouse receipts, and providing penalties for violations of this act, was read first time by title, and referred to Committee on Agriculture.

Senate bill No. 68, An act in relation to the proper ventilation and safety of coal mines, and prescribing the manner of inspection, was read first time by title, and referred to Committee on Mines and Mining.

Senate bill No. 69, An act to amend section 105 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, was read first time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 140, An act to amend sections 3, 4, 11, 12, 14, 16, 19, 20, 24, 28, 30, 34, 35, 37, 38, 52, 53, 54, 61, 62, 63, 64, 65, 66, 67, 68, 71, and 88 of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27th, 1890, was read first time by title and referred to Committee on Education.

Senate bill No. 147, An act to amend section 1975 of the Code of Washington, relating to liens, was read first time by title and referred to Committee on Judiciary.

Senate bill No. 180, An act to enable cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency to exist, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 181, An act authorizing cities and towns to submit to the voters therein propositions to fund indebtedness of such cities and towns by the issuing of bonds therefor, at the same election at which the previous attempted incurring of such indebtedness, or any part thereof, may be ratified, was read first time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 205, An act providing for special verdicts and further providing for special findings of the jury upon particular questions of fact to be stated in writing, and for recording findings so made with the verdict, etc., was read first time by title, and referred to Committee on Judiciary.

Senate Concurrent resolution No. 20, Relative to a conference.

with the United States surveyor general regarding survey of public lands, etc., was read.

On motion of Mr. Garretson, the House concurred in the resolution.

On motion of Mr. Spinning, Senate bill No. 53, "An act to provide for the publication, distribution and sale of the supreme court reports of the State of Washington, and declaring an emergency," was made a special order for 3 o'clock P. M. Friday, the 20th inst.

On motion of Mr. Megler, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 18, 1891. }
2 o'clock P. M. }

The House was called to order at 2 o'clock P. M., the speaker in the chair.

The roll was called; all the members present except Messrs. Andrews, Caughran, De Steiguer, Palmer, Plummer, Sallee, Snively, Spinning, Taylor, and Yancy, excused.

Mr. Ready moved that the rules be suspended, and that House bill No. 20, An act regulating freights on railroads, and declaring an emergency, be taken up.

The House refused to suspend the rules.

The following communication was read:

HEADQUARTERS GEO. H. THOMAS POST, No. 5, }
DEPARTMENT WASHINGTON AND ALASKA. }
OLYMPIA, WASHINGTON, February 18, 1891. }

To the Speaker and House of Representatives of the State of Washington:

Geo. H. Thomas Post, No. 5, would be pleased to have you join with them in a memorial service, sacred to the memory of our deceased commander, Comrade William T. Sherman, to be held at Olympia Theater on Thursday, 2 o'clock P. M., February 19, 1891. All members are invited to meet at the post headquarters, in Temple Flat, and unite in the march to the theater, especially the old soldiers. Post meeting at 12:30 P. M. sharp. Seats are reserved for those who wish to go to the theater direct, and cards of admission will be furnished to you to-day.

Sincerely yours in F. C. and L.

W. H. ROBERTS, Post Commander.
R. B. CRANDALL, Acting Adjutant.

On the motion of Mr. Sharpstein, the House accepted the invitation.

REPORT OF JOINT COMMITTEE ON WORLD'S FAIR.

The joint committee on world's fair made the following report:

MR. SPEAKER:

The joint committee on world's fair, to which was referred House bill No. 54, entitled "An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the world's Columbian exposition of 1893, and to provide for the levy and collection of a tax, and to create a fund therefor; to provide for the expenditure of such fund, and to declare an emergency," begs leave to report the bill back to the House with numerous amendments, and recommends the passage of the bill with the amendments herewith submitted, to wit:

Amend the title by striking out all after the figures "1893."

Amend section 3 by striking out the words "out of the state treasury" in lines 3 and 4.

Strike out all of section 8, and substitute therefor the following:

SEC. 8. To carry out the purposes and provisions of this act, the sums of \$50,000 for the year 1891 and \$50,000 for the year 1892 are hereby appropriated out of any money in the state treasury not otherwise appropriated, and the state treasurer is directed to pay the money to the treasurer of said commission from time to time on the requisition of said commission, signed by its president and secretary, and approved by the state auditor, and accompanied by estimates of the expenses to the payment of which the money so drawn is to be applied; and the state printer is hereby authorized to do what printing may be required by the said commission.

Strike out all of sections 9 and 10.

E. S. MEANY,

Chairman of House Committee.

J. H. LONG,

Chairman of Senate Committee.

I do not concur in the foregoing report.

JOHN L. SHARPSTEIN.

Mr. Meany moved that the report be adopted and that the bill be made a special order for 2 o'clock p. m., on Monday, the 23rd inst.

The House refused to adopt the motion.

On motion of Mr. Megler, the bill was made a special order for Monday, the 23rd inst., at 7 o'clock p. m.

The following telegram was read:

WASHINGTON, D. C., February 18, 1891.

HON. AMOS F. SHAW:

No such house amendment, and not likely to be; I will gladly support it if I have opportunity. See letter.

JOHN B. ALLEN.

On motion of Mr. Ready, House bill No. 20, An act regulating

freights on railroads, and declaring an emergency, was made a special order for 3 o'clock p. m. to-day.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House concurrent resolution No. 1, Relative to an amendment to section 1 of article 8 of the state constitution, respectfully reports the resolution back to the House with the recommendation that the same do not pass; and further recommends that an amendment can be proposed reforming the entire section.

J. M. READY, Acting Chairman.

House joint resolution No. 1, Relative to amending section 1 of article 8 of the state constitution, was read second time.

Mr. Powell moved to amend the resolution by striking out "two per cent." and inserting the words "one per cent."

Mr. Hunsaker moved to amend Mr. Powell's amendment by striking out "one per cent." and inserting the words "one-half per cent."

The House adopted Mr. Hunsaker's amendment to Mr. Powell's amendment.

The House adopted Mr. Powell's amendment as amended.

Mr. Thalman moved that the resolution be indefinitely postponed.

The House refused to indefinitely postpone.

On motion of Mr. Meany, the rules were suspended, and the resolution was read third time, and placed on final passage.

The House refused to pass the resolution, by the following vote, to wit: Yeas 25, nays 40.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Chambers, Collins, Cushman, Fellows, Frater, Gandy, Hanson, Jones, Lehman, McKay, Megler, Metcalfe, Morse, Painter, Pearson, Powell, Ragsdale, Reinhardt, Smyth, Tillotson, Walker, Walter, and Wyman.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Barlow, Bass, Berry, Bothell, De Steiguer, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Lawton, McClure, McKnight, Meany, Miller, Moore, Murray, Nevin, Parcell, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smith, Thalman, Tiffany, Tyler, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Brock, Caughran, Kennedy, Palmer, Plummer, Ready, Sallee, Snively, Spinning, Taylor, Troy, and Yancy.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 10, 1891.

MR. SPEAKER:

The Senate has passed Senate memorial No. 10, Relative to the death of General Sherman, and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

On motion of Mr. Anderson, of Mason, the rules were suspended, and the following Senate memorial was adopted by a unanimous rising vote:

SENATE MEMORIAL NO. 10.

Resolved by the Senate, the House concurring, In the death of William Tecumseh Sherman the State of Washington, in common with every other State of the Union, loses her first citizen — the last of the group that made her sovereignty possible. Springing from Puritan blood, he inherited the civic virtues of that side of our composite type. Love of liberty and a profound respect for municipal authority constituted the basis of his character. He became a soldier, losing neither. When the supreme test came, he deserted his office of military instructor in a Louisiana school, and, without a shadow of doubt, tendered his welcome services to the Union cause. Comprehending the force of Napoleon's maxim, "When you set out to take Vienna, take Vienna," he urged the muster of an army at the outset. With that wonderful preception, to lesser men pre-science, he computed, without pen or pencil, the task of putting out the fire. His foresight became history. As he advanced in rank he grew in capacity, until he became the military genius of his country. The splendor of conquest was not his star. To him armies were only instruments, battles were incidents. It was the philosophy of conquest that concerned him — the fruits of the sword, not its glories. His "March to the sea" was not the trail of personal triumph, but the swing of the "Splendid yeomanry who conquered for English liberty at Naseby, Worcester, and Marston Moore." His supreme courage and consummate skill were only equaled by his magnanimity to a conquered foe. He was not a soldier of the feudal type. He was the "commander, comrade and friend," found only in our Republic. "His ear was near the heart-beat of his soldiers." He was moulded in simplicity. His stratagem was the stratagem of war. He knew no deceit, no shame. As was said of a great contemporary, he needs no epitaph but his name — WILLIAM TECUMSEH SHERMAN.

Mr. Frater presented the following resolution, to wit:

HOUSE CONCURRENT RESOLUTION No. 16.

Resolved, That the House appoint a committee of five, to act with a like committee on the part of the Senate, to prepare joint resolutions for

the removal of Morris B. Sachs, superior court judge, from office, as provided by section 9, article 4, of the constitution.

On motion of Mr. Frater, the House adopted the resolution.

Messrs. Berry, Sharpstein, De Steiguer, Dysart and Godman were appointed as members of a joint special committee on the part of the House to prepare a joint resolution for the removal from office of Morris B. Sachs, judge of the superior court for the counties of Jefferson, Clallam, San Juan, Island, and Kitsap.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 18, 1891.

MR. SPEAKER:

House concurrent resolution No. 16, Relating to preparing a joint resolution for the removal of Morris B. Sachs, superior judge, has passed unanimously, and Senators Forrest, McCroskey, Clough, Long and Van Houten were appointed on the part of the Senate.

Also, passed House concurrent resolution No. 15 unanimously, Relative to appointment of committee to frame joint rules regarding removal from office. Senators Dyer and Vestal have been appointed on the part of the Senate.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 20, An act regulating freight on railroads, special order for 3 o'clock P. M., was taken up.

On motion of Mr. Miller, section 2 was amended by striking out the words "for the second ten miles, and not exceed one cent per hundred pounds," in lines 25 and 26.

On motion of Mr. Frater, the bill was amended by inserting the following new section between sections one and two, to wit:

SEC. —. From and after the approval of this act, it shall be unlawful for any railroad company or other common carrier engaged in the transportation of freight, to make any discrimination in rates between shippers, or to give drawbacks or rebates on freights in any manner whatever, to individuals or corporations shipping to the same points. It shall also be unlawful for said corporation to exercise discrimination in distributing cars, as between individuals and corporations, or in any way whatever, it being the intention of this act that all shippers shall have equal rights in this respect over all transportation lines within the State of Washington.

Mr. Fellows moved to amend section 2 by striking out the words "one cent," and inserting "one-half cent," in line 25.

The House rejected the amendment.

On motion of Mr. Sharpstein, the following new section was adopted, to be inserted as section 5 of the bill, to wit:

SEC 5. It shall not be lawful for any individual, corporation or lessee, owning or operating any railroad in this state, to hereafter charge, demand or receive any greater rate for transporting freight than that charged by such individual, corporation or lessee for the same service on December 1, 1890.

Mr. Anderson, of Mason, moved that the House adjourn.

The House refused to adjourn.

Mr. Sharpstein moved that the following substitute for section 1 be adopted, to wit:

SECTION 1. That all freights enumerated in this section hereafter transported upon any railroad or part of a railroad in the State of Washington, are hereby divided and classified into five special classes, to be designated as classes A, B, C, D and E. Class A shall comprise agricultural implements, wagons and farming machinery in car loads; class B shall comprise cattle, horses, hogs, sheep and all live stock in car loads; class C shall comprise lime, salt, stucco and cement in lots of twenty thousand pounds, or car loads; class D shall comprise all grain, hay, flour, potatoes, flax seed, corn meal, oat meal and mill stuff in car load lots; class E shall comprise lumber, lath, shingles and cordwood in car loads.

The yeas and nays were ordered on the adoption of the substitute.

The House adopted the substitute by the following vote, to wit: Yeas 50, nays 12.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKnight, Metcalfe, Miller, Moore, Morse, Nevin, Painter, Parcell, Pearson, Peterson, Powell, Putney, Ready, Reinhardt, Rockwell, Schrieker, Sharpstein, Smith, Walter, Wasson, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Mason, Brock, Frame, McKay, Murray, Reitze, Smith, Thalman, Tiffany, Tyler, Walker, and Wyman.

Those absent and not voting were: Messrs. Andrews, Barlow, Caughran, Dysart, Meany, Megler, Palmer, Plummer, Ragsdale, Sallee, Snively, Spinning, Taylor, Tillotson, Troy, and Yancy.

On motion of Mr. Sharpstein, section 3 was amended by striking

out the words "No individual, company or corporation owning, operating, managing or leasing any railroad in the state of Washington, shall receive a greater or higher rate for carrying any freight under the four general classes and class F, named in the first section of this act, than was charged for carrying freight in said four general classes on the 1st day of December, 1890;" and inserting the words "It shall be unlawful for any individual, company or corporation owning, operating, managing or leasing any railroad or part of a railroad in this state to charge, demand, collect or receive any greater sum for the transportation, carrying or conveying of any other property or freight than that enumerated and classified in the special classes in section 1 of this act, on or over any railroad in this state, than that charged by said railroad company for the carriage of such property or freights on the first day of December, 1890. No greater proportionate charge shall be made on railroads hereafter constructed in this state for the transportation or conveying of any other property or freight than that enumerated and classified in special classes in section 1 of this act than the charge made by the nearest other railroad companies in the state on December 1, 1890, for like service under similar circumstances."

On motion of Mr. Sharpstein, section 2 was amended by inserting the words "for the total distance" after the word "pounds" in line 22 of the bill as amended and printed on the 17th inst.

On motion of Mr. Frater, the title of the bill was amended to read "An act regulating freights and preventing discrimination on railroads, and declaring an emergency."

Mr. Ready moved that the bill be considered engrossed and read third time, and placed on final passage.

Mr. Walker moved that the House adjourn.

The House refused to adjourn.

Mr. Ready's motion was adopted, and the bill was read third time.

Mr. McKnight moved that the House adjourn.

The House refused to adjourn.

On motion of Mr. Collins, a call of the House was ordered.

The roll was called, and Messrs. Dysart and Palmer were found to be absent without leave.

On motion of Mr. Gandy, further proceedings under call of the House were dispensed with.

The roll was called on the passage of the bill. The House re-

fused to pass the bill, by the following vote, to wit: Yeas 31, nays 35.

Those who voted yea were: Messrs. Anderson of Mason, Arrasmith, Bass, Bothell, Brock, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Godman, Holt, Hunsaker, Kennedy, Lehman, Metcalfe, Miller, Moore, Nevin, Painter, Peterson, Rockwell, Sharpstein, Smith, Tyler, Walter, Yeomans, and Young.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Barlow, Berry, Chambers, Collins, Gandy, Hanson, Hutchinson, Johnson, Jones, Lawton, McClure, McKay, McKnight, Meany, Megler, Morse, Murray, Parcell, Pearson, Powell, Putney, Ready, Reitze, Reinhardt, Schricker, Smyth, Thalman, Tiffany, Tillotson, Walker, Wasson, Wyman, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Caughran, Dysart, Plummer, Ragsdale, Sallee, Snively, Spinning, Taylor, Troy, and Yancy.

On motion of Mr. Ready, the House reconsidered the vote by which it refused to pass the bill.

On motion of Mr. Megler, the bill was ordered engrossed and ordered printed as amended.

On motion of Mr. Sharpstein, the bill was made a special order for Tuesday, the 24th inst., at 2 o'clock P. M.

On motion of Mr. Walker, the House adjourned at 5 o'clock P. M. until 7 o'clock P. M.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 18, 1891. }
7 o'clock P. M.

The House was called to order at 7 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy; excused.

Mr. Sharpstein moved that rule No. 54 be suspended during all sessions held after 6 o'clock p. m., during the remainder of this term of the legislature.

The House rejected the motion.

Messrs. McClure, Tiffany and Peterson were appointed a committee on the part of the House, to arrange for the attendance of the members of the legislature at the memorial exercises, to be held under the auspices of the G. A. R. to-morrow, in memory of Gen. Sherman.

On motion of Mr. Yeomans, the sergeant-at-arms was granted leave of absence until Monday.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled Bills made the following reports.

MR. SPEAKER:

Your Committee on Enrolled bills respectfully reports that the enrolled copy of House concurrent resolution No. 16, In relation to the removal of Morris B. Sachs, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 108, entitled "An act for the protection of sea gulls," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 15, Relative to appointment of committee to frame joint rules relative to matters of removal from office, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 108 and House concurrent resolutions Nos. 15 and 16 in open session of the House.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 111, entitled "An act in relation to sheriffs," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 111, An act in relation to sheriffs, was read third

time by section, and passed by the following vote, to wit: Yeas 46, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Godman, Hanson, Holt, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Garretson, Hutchinson, Hunsaker, Kennedy, McClure, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 102, entitled "An act relating to the proceedings to obtain possession of property during the pendency of any action for the recovery thereof, and amending section 152 of the code of '81," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 102, An act relating to the proceedings to obtain possession of personal property during the pendency of an action for the recovery thereof, and amending section 152 of the code of 1881, was read third time and passed by the following vote, to wit: Yeas 48, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fel-

lows, Frater, Hutchinson, Kennedy, McKnight, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 101, entitled "An act relating to proceedings against persons who violate injunctions, and amending section 168 of the Code of 1881," respectfully reports the bill back to the House with the recommendation that the same be amended by inserting after the title the enacting clause, as follows: "Be it enacted by the Legislature of the State of Washington," and that after being so amended it do pass.

A. W. FRATER, Chairman.

On motion of Mr. Gandy, the amendment recommended by the committee was adopted.

Senate bill No. 101, An act relating to the proceedings against persons who violate injunctions, and amending section 168 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 49, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Kennedy, McKnight, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 108, entitled "An act relating to the time within which actions may be commenced, and amending section 25 of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 108, An act relating to the time within which actions may be commenced, and amending section 25 of the Code of 1881, was read third time, and passed by the following vote, to wit: Yeas 48, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Kennedy, Metcalfe, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Thalman, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 109, entitled "An act relating to the powers and duties of clerks of courts," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 109, An act relating to the powers and duties of clerks of courts," was read for information.

On motion of Mr. Berry, the bill was recommitted to the Committee on Judiciary.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 103, entitled "An act relating to arrest and bail in civil actions," respectfully reports the bill back to the House with the recommendation that it pass.

A. W. FRATER, Chairman.

Senate bill No. 103, An act relating to arrest and bail in civil actions, and amending sections 115, 116, 124, 126 and 131 of the Code of Washington of 1881, was read third time, and placed on final passage.

The House refused to pass the bill by the following vote, to wit: Yeas 34, nays 17.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Bothell, Brock, Chambers, Cushman, Dysart, Flummerfelt, Frame, Gandy, Godman, Hanson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Moore, Painter, Putney, Reitze, Smyth, Tiffany, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Berry, Collins, Farrish, Garretson, Holt, Hutchinson, Megler, Metcalfe, Miller, Nevin, Pearson, Peterson, Rockwell, Schricker, Sharpstein, Thalman, and Wasson.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Kennedy, Morse, Murray, Palmer, Parcell, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Tillotson, Troy, Taylor, Tyler, Walker, and Yancy.

Mr. Sharpstein moved to reconsider the vote by which the bill failed to pass.

The House adopted the motion.

On motion of Mr. Megler, the bill was re-committed to the Committee on Judiciary.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 106, entitled "An act relating to the place of trial of actions and proceedings, and amending sections 50, etc., of the Code of '81," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 106, An act relating to the place of trial of actions and proceedings, and amending sections 50 and 53 of the Code of 1881, was read third time, and passed by the following vote, to wit: Yeas 50, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason,

Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 109, entitled "An act in relation to the powers and duties of clerks of courts," respectfully reports the bill back to the House with the recommendation that it be amended by striking out the word "is" in line 5, and that when so amended it do pass.

A. H. GARRETSON, Acting Chairman.

Senate bill No. 109, An act in relation to the powers and duties of clerks of courts, was read third time, and passed by the following vote, to wit: Yeas 50, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 107, entitled "An act with relation to parties to civil actions and proceedings, and amending sections 12, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 107, An act with relation to parties to civil actions and proceedings, and amending sections 12 and 15 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 50, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 86, entitled "An act in relation to the effects of judgments of other states and territories, and amending section 739 of the Code of 1881, respectfully reports the bill back to the House with the recommendation that the bill do pass.

A. W. FRATER, Chairman.

Senate bill No. 86, An act in relation to the effect of judgments of other states and territories, and amending section 739 of the Code of 1881, was read third time by sections, and passed by the following vote, to wit: Yeas 48, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Godman, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Schricker, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 87, entitled "An act in relation to proceedings in the nature of ne exeat, and amending sections 637, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 87, An act in relation to proceedings in the nature of ne exeat, and amending sections 637, 638 and 642 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 48, nays none.

Those who voted yea were: Messrs. Adams, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Kennedy, Morse, Murray, Nevin, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 85, entitled "An act relating to judgments upon promissory notes and similar instruments," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 85, An act relating to judgments upon promissory notes and similar instruments, was read third time, and passed by the following vote, to wit: Yeas 47, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore,

Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, Collins, De Steiguer, Fellows, Frater, Kennedy, Morse, Murray, Nevin, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 88, entitled "An act relating to proceedings upon habeas corpus," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 88, An act relating to proceedings upon habeas corpus, was read third time, and passed by the following vote, to wit: Yeas 48, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Godman, Kennedy, Morse, Murray, Nevin, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 89, entitled "An act relating to actions to abate nuisance, and amending section 606 of the code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 89, An act relating to actions to abate nuisances, and amending section 606 of the code of 1881, was read third time, and passed by the following vote, to wit: Yeas 47, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Murray, Nevin, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 90, entitled "An act in relation to the appropriation of property by corporations," respectfully reports the bill back to the House with the commendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 90, An act in relation to the appropriation of property by corporations, was read third time, and passed by the following vote, to wit: Yeas 47, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Painter, Parcell, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Morse, Murray, Nevin, Palmer, Pearson, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

Your Committee on Judiciary, to which was referred Senate bill No. 93, entitled "An act in relation to the enforcement of judgments by execution, and amending sections 228, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

On motion of Mr. Sharpstein, Senate bill No. 93 was recommitted to the Committee on Judiciary.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 91, entitled "An act relating to proceedings in cases of forcible entry or forcible detainer of lands," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 91, An act relating to proceedings in cases of forcible entry or forcible detainer of lands, was read third time, and passed by the following vote, to wit: Yeas 47, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Meany, Morse, Murray, Palmer, Pearson, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 92, entitled "An act relating to claims of third persons to property taken upon execution or attachment, and amending sections 350, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 92, An act relating to claims of third persons to property taken upon execution or attachment, and amending sections 350 and 352 of the Code of 1881, was read third time, and passed by the following vote, to wit: Yeas 47, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Meany, Morse, Murray, Palmer, Pearson, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No 95, entitled "An act relating to the taking and entry of judgments, and amending sections 301, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 95, An act relating to the taking and entry of judgments, and amending sections 301 and 302 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 46, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fel-

lows, Frater, Gandy, Kennedy, Meany, Morse, Murray, Palmer, Pearson, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 96, entitled "An act relating to exceptions, and amending section 260 of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 96, An act relating to exceptions, and amending section 260 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 47, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcel, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steigner, Fellows, Flummerfelt, Frater, Gandy, Kennedy, Meany, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 97, entitled "An act in relation to arbitration and award, and amending sections 266 and 269 of the Code of '81," respectfully reports the bill back to the House with the recommendation that it be amended by inserting after the title the enacting clause, as follows: "Be it enacted by the legislature of the State of Washington;" and that as amended it do pass.

A. W. FRATER, Chairman.

Senate bill No. 97, An act in relation to arbitration and award, and amending sections 266 and 269 of the Code of Washington of

1881, was read third time, and passed by the following vote, to wit: Yeas 46, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Meany, Moore, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Schricker, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 98, entitled "An act relating to trial by jury, and amending section 232, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it be amended by inserting after the title the usual enacting clause, "Be it enacted by the legislature of the State of Washington," and that as amended the bill do pass.

A. W. FRATER. Chairman.

On motion of Mr. Sharpstein, the amendment recommended by the committee was adopted.

Senate bill No. 98, An act relating to trial by jury, and amending sections 232, 234 and 244 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 46, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Godman, Kennedy, Meany, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 100, entitled "An act relating to motions to dissolve or modify injunctions, and amending section 169 of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 100, An act relating to motions to dissolve or modify injunctions, and amending section 169 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 49, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Smith, Snively, Spinning, Taylor, Tillotson, Tyler, Troy, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 99, entitled "An act in relation to receivers," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 99, An act in relation to receivers, was read third time, and passed by the following vote, to wit: Yeas 48, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Bass, Barlow, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 112, entitled "An act in relation to the powers of courts and judicial officers," respectfully reports the bill back to the House with the recommendation that it be amended by transposing sections 7 and 8, and that as amended the bill do pass.

A. W. FRATER, Chairman.

On motion of Mr. Meany, the report was adopted.

Senate bill No. 112, An act in relation to the powers of courts and judicial officers, was read third time, and passed by the following vote, to wit: Yeas 49, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 104, entitled "An act relating to pleadings in civil actions, and amending section 76, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it be amended by inserting after the title the enacting clause, as follows: "Be it enacted by the legislature of the State of Washington," and that as amended, the bill do pass.

A. W. FRATER, Chairman.

On motion of Mr. Sharpstein, the amendment recommended by the committee was adopted.

Senate bill No. 104, An act relating to pleadings in civil actions, and amending sections 76, 77 and 109 of the Code of Washington of 1881, was read third time, and passed by the following vote, to wit: Yeas 48, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Cushman voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 110, entitled "An act relating to attorneys," respectfully reports the bill back to the House with the recommendation that the enacting clause be amended by inserting after the word "of," the words "the state of;" and that as amended it do pass.

A. W. FRATER, Chairman.

On motion of Mr. Sharpstein, the report was adopted.

Senate bill No. 110, An act relating to attorneys, was read third time, and passed by the following vote, to wit: Yeas 48, nays none.

Those who voted yea were: Messrs. Adams, Anderson of What-

com, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Morse, Murray, Palmer, Pearson, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 119, entitled "An act defining crimes and declaring their punishment, and amending Code of 1881," respectfully reports the bill back to the House with the recommendation that the same be amended as follows:

Amend the title by inserting after the word "and," in the third line, the word "amending."

Amend section 4 by striking out the word "of," in the fourth line, and inserting in lieu thereof the word "over."

Strike out section 23 and insert in lieu thereof the following: "Every person who shall bribe or attempt to bribe, or offer any present, bribe or reward to any judge, justice of the peace, juror, commissioner, referee, auditor, arbitrator, or person summoned as a juror, or member of the legislature, for the purpose of influencing him in the exercise of any of the powers in him vested, or the performance of any duty of him required, shall, on conviction thereof, be imprisoned in the county jail any length of time not exceeding one year, and fined in any sum not exceeding two thousand dollars, or fined only."

Amend section 41 by adding to the end of the first line the words "at any time;" and after the word "March," in the third line, strike out the words "of each year."

Amend section 42 by striking out of the fifth line of said section the words "this act," and insert in lieu thereof "the act hereby amended;" and your committee recommend that said bill as amended do pass.

A. W. FRATER, Chairman.

On motion of Mr. Meany, the amendments recommended by the committee were adopted.

Senate bill No. 119, An act defining certain crimes and declaring their punishment, and amending the Code of Washington of 1881,

was read third time, and passed by the following vote, to wit: Yeas 49, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitz, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Morse, Murray, Palmer, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Judiciary Committee made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 114, entitled "An act in relation to legal holidays," respectfully reports the bill back to the House with the recommendation that the bill do pass.

A. W. FRATER, Chairman.

Senate bill No. 114, An act in relation to legal holidays, was read third time, and passed by the following vote, to wit: Yeas 49, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Kennedy, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 118, entitled "An act relating to new trials, and amending section 282 of the Code of 1881, and repealing section 279, etc., of the Code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 118, An act relating to new trials, and amending section 282 of the Code of 1881, and repealing section 279 and 280 of the Code of Washington of 1881, was read third time and passed by the following vote, to wit: Yeas 45, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Miller, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Metcalfe voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Godman, Kennedy, Moore, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

Mr. Flummerfelt moved that the House adjourn.

The House refused to adjourn.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 105, entitled "An act relating to the manner of commencing civil actions," respectfully reports the bill back to the House with the recommendation that section three be amended by adding after the word "auditor," in the first subdivision of said section, the words, "if against the state, to the governor."

Also, insert after the title, the usual enacting clause, as follows: "Be it enacted by the legislature of the State of Washington."

Also that it be further amended by striking out all of section 6; and section 7 shall be No. 6, and section 8 shall be No. 7, and that as amended the said bill do pass.

A. W. FRATER, Chairman.

On motion of Mr. Meany, the amendments recommended by the committee were adopted.

Senate bill No. 105, An act relating to the manner of commencing civil actions, was read third time, and passed by the following vote, to wit: Yeas 44, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Garretson, Godman, Kennedy, Miller, Moore, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 115, entitled "An act in relation to magistrates," respectfully reports the bill back to the House with the recommendation that it be amended by striking out the word "county" in line 2 of section 2, and inserting the word "superior" in lieu thereof, and that as amended the bill do pass.

A. W. FRATER, Chairman.

On motion of Mr. Sharpstein, the report was adopted.

Senate bill No. 115, An act in relation to magistrates, was read third time, and passed by the following vote, to wit: Yeas 47, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Godman, Kennedy, Moore, Morse, Murray, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 113, entitled "An act in relation to juries," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 113, An act in relation to juries, was read third time, and passed by the following vote, to wit: Yeas 45, nays none.

Those who voted yea were: Messrs. Adams, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Godman, Hanson, Kennedy, Moore, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 116, entitled "An act relating to holding sessions of courts," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

Senate bill No. 116, An act relating to holding sessions of courts, was read third time, and passed by the following vote, to wit: Yeas 46, nays none.

Those who voted yea were: Messrs. Adams, Anderson of What-

com, Berry, Bothell, Brock, Chambers, Collins, Cúshman, Dysart, Farrish, Flummerfelt, Frame, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Nevin, Painter, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Caughran, De Steiguer, Fellows, Frater, Gandy, Godman, Kennedy, Moore, Morse, Murray, Palmer, Plummer, Powell, Ragsdale, Ready, Reinhardt, Sallee, Smith, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Walker, Walter, and Yancy.

The title of the bill was agreed to.

On motion of Mr. Bothell, the House adjourned at 10 o'clock P. M.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FORTY-FIFTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 20, 1891. }
10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Adams, Andrews, Gandy, McClure, Meany, Nevin, Plummer, Reitze, Spinning, and Young; excused.

The journal of Wednesday was read and approved as read.

On motion of Mr. Garretson, House concurrent resolution No. 10 was ordered printed.

PETITIONS, MEMORIALS, ETC.

Mr. Sharpstein presented a memorial from citizens of Walla Walla county, remonstrating against the passage of House bill No. 162, An act providing for the inspection of illuminating oils, and for the appointment of a state inspector and deputy inspectors, and fixing their compensation; referred to Committee on Insurance.

Mr. Ragsdale presented a petition and resolutions from the Local Insurance Union of Spokane Falls, asking for the amendment of the law in regard to taxing insurance companies; referred to Committee on Public Revenue and Taxation.

Mr. Ready presented a petition from citizens of Kittitas county, asking for the passage of House bill No. 69, An act to prevent the spread of Chinese, Canada or bull thistles, and providing penalties for violation thereof.

Mr. Berry presented resolutions adopted by Waterville Farmers' Alliance No. 136, of Douglas county, and a petition from members of the farmers' alliance et al., asking for the passage of laws regulating freights on railroads.

REPORTS OF STANDING COMMITTEES.

The Committee on Federal Relations and Immigration made the following report:

MR. SPEAKER:

Your Committee on Federal Relations and Immigration, to which was referred House bill No. 132, entitled "An act to apportion the State of Washington into congressional districts," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

E. L. POWELL, Chairman.

On motion of Mr. Powell, the report was adopted, and House bill No. 132 was indefinitely postponed.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 116, entitled "An act to repeal sections 42 and 41 of an act to provide for the organization, maintenance and discipline of the militia of the State of Washington, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed, and that the substitute submitted herewith do pass.

A. W. FRATER, Chairman.

On motion of Mr. Sharpstein, the report was adopted, and House bill No. 116 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 153, entitled "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 201, entitled "An act relating to estates of insolvent debtors and amending section one of an act entitled 'An act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,'" approved March 6, 1890, respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Frater, the report was adopted and House bill No. 201 was indefinitely postponed.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs, to whom was referred petition introduced by Mr. Smith, of Okanogan county, relating to organization of a company of cavalry militia, respectfully reports the same back to the House with the recommendation that said petition be referred to the adjutant general of the State of Washington.

I. N. CUSHMAN, Chairman.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education, to which was referred House bill No. 173, entitled "An act to require attendance of all persons between the ages of nine and fourteen years at some public or private school or schools in the State of Washington," respectfully reports the bill back to the House with the recommendation that it do not pass and be indefinitely postponed.

S. J. SMYTH, Chairman.

On motion of Mr. Tiffany, the report was adopted, and House bill No. 173 was indefinitely postponed.

The following report was read:

To the President of the Senate and Speaker of the House of Representatives:

Your joint committee appointed under joint resolution, to prepare joint rules and mode of procedure for the removal of any judge of any court of record, attorney general, or any prosecuting attorney of the State of Washington, as provided for in section 9, article 4, of the constitution of the State of Washington, have had the matter referred to in said

resolution under consideration, and now respectfully herewith submit such joint rules and mode of procedure and recommend their adoption.

TRUSTEN P. DYER,
SAMUEL VESTAL,

Committee on part of the Senate.

S. J. SMYTH,

A. W. FRATER,

Committee on part of the House of Representatives.

Following is a copy of the joint rules and mode of procedure reported by the committee:

JOINT RULES AND MODE OF PROCEDURE for the Senate and House of Representatives of the Legislature of the State of Washington for the removal of any judge of any court of record, attorney general or any prosecuting attorney of the State of Washington, as provided for in section 9, article 4, of the constitution.

RULE 1. When proceedings have been commenced for the removal of any judge of any court of record, attorney general or prosecuting attorney of any county, as provided for in section 9, article 4, of the constitution of the State of Washington, for incompetency, corruption, malfeasance or delinquency in office, or any other sufficient cause stated in such charges, said charges and said resolution, upon its adoption, shall be spread upon the journals of both houses of the legislature, and the house in which said charges shall originate shall make a certified copy of such charges so presented against said officer accused, properly attested by the certificate of the presiding officer and the secretary or clerk of said house, together with a notice notifying said officer accused to appear before said legislature at such time (the time to be stated in said notice) to answer such charges, and upon failure so to do the same shall be deemed taken as confessed; which certified copy, as aforesaid, shall be served upon the officer so accused by the sergeant-at-arms of the house in which said charges originated, either by delivering to him in person a copy thereof or by leaving the same at his usual place of abode with some person of suitable age and discretion.

RULE 2. When proceedings have been commenced, as in rule one, herein, and process has been served upon the officer so accused, upon the return day thereof the Senate and House of Representatives shall meet in joint convention in the hall of the House of Representatives, at the time stated in said notice issued to the officer accused, which shall not be more than four days after service of process upon such officer so accused, for the consideration of said matter.

RULE 3. The sergeant-at-arms at the time of service of the charges and notice on the accused to appear and answer said charges, shall also subpoena all necessary witnesses on behalf of the prosecution to appear on the return day of the said notice so served on the accused, and the said officer so accused, shall, if he elects, place in the hands of the sergeant-at-arms at the time said notice is served upon him, if personally served, or on the request of any one in his behalf, a list of his witnesses,

and the sergeant-at-arms shall subpoena said witnesses to appear upon the return day of said notice.

RULE 4. The president of the Senate, and in his absence the speaker of the House, shall preside over the deliberations of the joint convention, and the clerk and secretary of the respective Houses shall each keep a record of the proceedings.

RULE 5. The presiding officer of the joint convention shall appoint one or more stenographers and clerks as may be in the employ of either house, to make a full and complete report of the proceedings.

RULE 6. If the officer so accused shall, at the time fixed for his appearance, appear before the joint convention, the charges shall be first read to him by the clerk or secretary of the convention, and he shall then be required by the presiding officer to file his answer immediately to said charges, unless said answer shall have been theretofore filed.

RULE 7. If the officer so accused shall plead either in denial or avoidance of the charges preferred, the evidence shall then be heard by the joint convention. The said convention being the sole judges of all questions relating to the introduction or competency of the evidence, which questions shall first be decided by the presiding officer subject, however, to appeal by any member, seconded by five members thereof of the convention.

RULE 8. The accused officer and the legislature may each be represented by council, subject to such restrictions as the convention may, in its discretion, impose, but in the final argument two speeches only shall be allowed on each side, which shall be limited to two hours on each side, the prosecution to have the opening and closing argument.

RULE 9. At the close of the proceedings hereinbefore provided for in said joint convention, the same shall be dissolved on motion.

RULE 10. On the dissolution of the joint convention each House shall separately vote upon a joint resolution providing for the removal of the officer accused from his office; the House of Representatives to vote upon said resolution first, and if three-fourths of the members elected to said House shall vote for the removal of said accused from office, the result of said vote with the resolution shall immediately be certified to the Senate, which shall forthwith consider the same and take action thereon, and if three-fourths of the members elected to the Senate shall in turn vote for the removal of said accused from office, the result, with the resolution, shall be immediately certified back to the House of Representatives, and a copy of the resolution with the action of the two Houses upon it, shall then be certified to the governor of the state for his information and action in the premises.

RULE 11. If the resolution, on final vote, fail to receive the vote of three-fourths of the members elected to either house, the result shall be certified to the other house, and the matter shall go no further, but shall be considered as finally disposed of.

On motion of Mr. Sharpstein, the joint rules were adopted by the House.

On motion of Mr. Megler, the joint rules were ordered printed.
The following report was read:

To the Honorable the Senate and House of Representatives of the State of Washington:

We, your joint committee appointed to prepare resolutions in relation to the removal of Judge Morris B. Sachs, judge of the superior court of the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, respectfully report the resolution hereto attached as a proper resolution to be adopted, preferring charges against said judge.

Respectfully submitted.

E. B. HYDE, Chairman Senate Committee.

P. E. BERRY, Chairman House Committee.

Following is a copy of the resolutions reported by the committee:

RESOLUTIONS PREFERRING CHARGES AGAINST JUDGE SACHS.

Resolved, That Morris B. Sachs, judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, State of Washington, be and hereby is charged by the Legislature of the State of Washington as follows:

1. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit: On the — day of September, A. D. 1890, did engage in a game of faro then and there being played for money and for checks, the representatives of value, said game was then and there, in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Reception," by a person or persons unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his office faithfully and impartially and according to his best learning and judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

2. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit, on the 9th day of December, 1890, did engage in a game of faro, then and there being played for money and for checks, the representatives of value, which said game was then and there, in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend," by a person or persons whose names are unknown to this legislature, which said con-

duct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the public administration of justice and to the evil example of persons in office, by reason whereof the said Morris B. Sachs was then and there guilty of misbehavior, malfeasance and delinquency in office.

3. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit, on the 10th day of December, 1890, did engage in a game of faro then and there being played for money and for checks, the representatives of value, which said game was then and there, in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Reception," by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

4. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit, on the 25th day of December, A. D. 1890, did engage in a game of faro then and there being played for money and for checks, the representatives of value, which said game was then and there, in the county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend," by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially according to his best learning, judgment and discretion, to the great disgrace of the public administration of justice and to the evil example of persons in office, by reason whereof the said Morris B. Sachs was then and there guilty of misbehavior, malfeasance and delinquency in office.

5. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit, on the first day of the week, commonly called Sunday, the — day of December, A. D. 1890, did engage in a game of faro then and there being played for money and for checks, the representatives of value, which said game was then and there, in the county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend," by a person or persons

whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

6. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, unmindful of his duties as judge and of the dignities and proprieties of his said office, and in violation of his oath of office, and in violation of the laws of the State of Washington, since the — day of November, A. D. 1889, at sundry places in the State of Washington, and within the counties of Jefferson and Clallam, did demean himself in an immoral and disgraceful manner in this, that he, the said Morris B. Sachs, did then and there frequent public gambling houses where the game of faro and other gambling games were played publicly for money and checks, the representatives of value, and did then and there at times take part in managing said games, and did then and there consort with common gamblers, whereby he, the said Morris B. Sachs, has brought himself and his high office into disrepute, to the manifest injury of the morals of the youth and good citizens of the State of Washington and disgrace of the administration of justice, and is thereby guilty of misbehavior, misdemeanors, malfeasance and delinquency in office.

7. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, unmindful of his duties and of the proprieties of his office as such judge, and in violation of the laws of the State of Washington, did on the — day of September, A. D. 1890, in the county of Jefferson, in the State of Washington, demean himself in an improper and disgraceful manner, in this, that he, the said Morris B. Sachs, did then and there in said county at a sale upon an execution issued out of his said court of the county of Jefferson in the cases of the First National Bank of Port Townsend against Max. Nathanson, and William Nathanson vs. Max. Nathanson, which sale was held by the sheriff of said Jefferson county, upon the — day of September, 1890, purchase at said sheriff's sale \$560.00 worth of merchandise, which said merchandise said Morris B. Sachs, bid off at said time, but gave his note for the same, without paying the price therefor; and did importune said sheriff to accept said note in payment of said merchandise, in violation of the laws of the State of Washington, and did importune said First National Bank and one John Trumble, the attorney thereof, to delay the enforcement of the payment of said note, whereby he, the said Morris B. Sachs, by his acts as aforesaid, has brought himself and his high office into disrepute, to the manifest injury of the good citizens of the State of Washington, a disgrace to the administration of justice, and is thereby guilty of misbehavior, malfeasance and misdemeanor in office.

8. That Morris B. Sachs, being a judge of the counties of Jefferson,

Island, Kitsap, San Juan and Clallam in the State of Washington, did on the — day of September, A. D. 1890, in the case of the First National Bank of Port Townsend vs. Jago and Niblock, partners in trade, whose given names are unknown to this legislature, entered a judgment in said case in favor of the First National Bank of Port Townsend upon a promissory note given by the said firm of Jago & Niblock, to one Henry Landes, assigned in blank to the First National Bank of Port Townsend, for a large sum of money, to wit, the sum of — dollars, and he, the said Morris B. Sachs, then and there being related to said Henry Landes in the second degree of consanguinity, and he, said Henry Landes, also being a president, director and stockholder of said First National Bank of Port Townsend.

And be it further resolved, That the foregoing charges are made in order that said Morris B. Sachs, judge of the superior court of the counties of Jefferson, Kitsap, Island, San Juan and Clallam, be found guilty of the same, or if the same are not denied may be removed from his said office, under section 9 of article 4 of our constitution.

And be it further resolved, That said Morris B. Sachs, judge as aforesaid, be required to appear and answer said charges on Tuesday, the 24th day of February, 1891, at 7:30 P. M., or the same will be taken as confessed.

On motion of Mr. Berry, the report and resolutions were adopted.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 20, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 202, entitled "An act to provide for the building of armories for the N. G. W.," etc. Yeas 18, nays 2.

Also, passed Senate concurrent resolution No. 21, Relative to consultation by Committees on State School and Granted Lands of the two houses with the attorney general of the state.

Also, passed Senate bill No. 71, An act relating to the improvement of the harbors and water ways in the state, etc. Yeas 18, nays 5.

Also passed Senate bill No. 171, substitute for Senate bill No. 39, Relative to incorporation of bar associations, etc. Yeas 26, nays none.

Also, passed Senate bill No. 122, An act authorizing county commissioners to build bridges across navigable streams. Yeas 20, nays none.

Also, passed Senate bill No. 128, Relative to removal of a case for trial from before one judge of a superior court to another, with an emergency clause. Yeas 21, nays none. But failed to pass the emergency clause.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 18, 1891.

To the Honorable the Senate and House of Representatives of the State of Washington:

GENTLEMEN—I have the honor to transmit herewith, for such action as you may deem proper, copy of a letter from the secretary of the Senate of the legislature of Kansas, together with copy of concurrent resolution adopted by both houses relative to a commercial congress.

I have the honor to be

Your obedient servant,
CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

The communication received with the governor's message was referred to Committee on Agriculture.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 19, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 26, entitled "An act to prevent the driving of stock from their range, and providing penalty for the violation of the same," and House bill No. 104, entitled "An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor."

I have the honor to be

Your obedient servant,
CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 19, 1891.

To the honorable the Senate and House of Representatives of the State of Washington:

GENTLEMEN—In accordance with section 11, article 3 of the constitution, I beg to submit herewith a list of pardons, reprieves and remissions of fines made by Governor Ferry and myself between November 28, 1889, and February 13, 1891, inclusive.

I have the honor to be

Your obedient servant,
CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

LIST OF PARDONS, REPRIEVES AND REMISSIONS OF FINES, Made by the Governor of Washington, between November 28, 1889, and February 13, 1891, inclusive.

<i>Date of sentence.</i>	<i>Name.</i>	<i>Charge.</i>	<i>Date of remission.</i>	<i>Particulars.</i>
1889. Nov. 6....	Quaife, Walter E.....	Assault and battery upon his wife, Sadie C. Quaife.....	1889. Nov. 28....	Before Claudius M. Rivers, J.P., Seattle precinct, King county: fined \$300 and costs, \$9.20; committed to jail for 154 days, or until said fine and costs should be sooner paid. Remission urged by James Kiefer, (deputy prosecuting attorney,) Claudius M. Rivers, J.P., Sheriff McGraw, Deputy Sheriff McKinley, County Jailor A. M. Ryan, Chief of Police J. C. Mitchell, Roger S. Greene and leading citizens of Seattle.
1890. Jan. 23...	Risk, Robert.....	Simple assault upon H. C. Bishop.....	1890. Mar. 20....	Sentenced to 30 days' imprisonment and fined \$300. Portion of fine remaining unsatisfied by imprisonment remitted upon Risk's paying costs of \$49.85. Remission recommended by county clerk, sheriff and prominent citizens of Seattle.
April 1....	Anderson, Richard....	Murder.....	May 12....	Reprieve granted, (prisoner to be hanged for murder in the first degree on May 23, 1890,) until Friday, July 25, 1890, at 12 o'clock, meridian in order that the case may be tried before the Supreme Court.
April 1....	Anderson, Richard....	Murder.....	July 16....	A second reprieve granted to enable prisoner to have a hearing before the next session of the Supreme Court, from July 16th until September 25th, 1890.
Oct. 15....	Gardner, William	Assault.....	1891. Jan. 27....	Fine of \$1,000 and costs, \$372.25, remitted; also release from imprisonment in default of payment of said fine and costs. Said assault was purely accidental.
1889. July --...	Allen, Minnie.....	Burglary.....	1890. Jan. 3....	Sentenced to four (4) years' imprisonment. Pardon granted on account of prisoner being <i>enroute</i> , and expecting to be confined within a few weeks. Pardon recommended by commissioners of the penitentiary, warden and physicians.
1890. Mar. 14....	Watson, William.....	Burglary.....	Mar. 15....	Sentenced to one (1) year's imprisonment. Penniless, when he stole a box of crackers valued at ninety (90) cents, to assuage pangs of hunger. Pardon recommended by judge of superior court, sheriff, prosecuting attorney, witnesses, jurors, and leading citizens of Seattle.

LIST OF PARDONS, REPRIEVES AND REMISSIONS OF FINES — *Concluded.*

<i>Date of sentence.</i>	<i>Name.</i>	<i>Charge.</i>	<i>Date of remission.</i>	<i>Particulars.</i>
1886. Jan. 16...	Richards, Gilbert.....	Rape.....	1890. Aug. 5.....	Sentenced to seven (7) years' imprisonment. Pardon granted on petition signed by 147 leading citizens of Lewis county, good conduct during confinement and failing health.
1888. Oct. 17...	Serfling, Frank C.....	Robbery.....	Dec. 19.....	Sentenced to three (3) years' imprisonment. Pardon granted for following reasons: <i>First</i> , On petition of judge of court and prosecuting attorney. <i>Second</i> , Having served more than two-thirds of his term. <i>Third</i> , Exemplary conduct during imprisonment. <i>Fourth</i> , Support of son is necessary for the maintenance of his aged parents.
1890. April 23...	Head, James Frank...	Larceny.....	Dec. 29.....	Sentenced to imprisonment for one (1) year. Foreman of grand jury, prosecuting attorney and citizens of Douglas county unite in petition for pardon. Warden of penitentiary certifies as to uniformly good conduct of prisoner during confinement, and physician certifies that he is dying of consumption, and has but a few days to live.
1888. Feb. 19...	Diamond, Harry.....	Burglary.....	Dec. 29.....	Sentenced to nine (9) years' imprisonment. Evidence against prisoner purely of a circumstantial nature. Confession made by parties guilty of this crime to warden of penitentiary induces a reasonable presumption of innocence of prisoner.
1890. Dec. 4...	Loomis, Harry W..... (alias Harry Watson.)	Burglary.....	1891. Jan. 12.....	Sentenced to five (5) years' imprisonment. Letters and petitions on file in executive office clearly show that prisoner is not guilty.
1886. Jan. —...	Jennings, Peter.....	Burglary.....	Jan. 22.....	Sentenced to six (6) years' imprisonment. Pardon recommended by Judge Hoyt, and warden and other officers of the penitentiary. Prisoner has completed all but eight (8) months of his term of imprisonment.
1890. Oct. 16...	Arbuckle, Maud.....	Assault and battery upon one Patrick Connors.....	Feb. 13.....	Sentenced to one (1) year's imprisonment. Since October 4, 1890, has been in close confinement in county jail of Thurston county, resulting in her becoming sick and infirm. From papers and petition on file in executive office it would appear that said assault was committed in self-defence.

Sta. 22.—HOUSE.

STATE OF WASHINGTON.

INTRODUCTION AND FIRST READING OF BILLS.

The Committee on Judiciary introduced House bill No. 236 (substitute for House bill No. 116), An act to amend section 42 of an act entitled "An act to provide for the organization, maintenance and discipline of the militia of the State of Washington," approved March 27, 1890; read first time by title and ordered printed.

Mr. Sharpstein introduced House bill No. 237, An act in relation to separate property, and to protect titles thereto, which was read first time by title and ordered printed; referred to Committee on Judiciary.

Mr. Sharpstein introduced House bill No. 238, An act requiring railroad employes to report stock killed or found dead along the track of railroads, which was read first time by title and ordered printed; referred to Committee on Railroads.

Mr. Smith introduced House bill No. 239, An act to provide for a miners' lien, which was read first time by title and ordered printed; referred to Committee on Mines and Mining.

Mr. Megler introduced House bill No. 240, An act to protect and promote the fishing industry of the State of Washington, and to collect money from certain persons engaged in said industry, to be used to protect and promote the same, which was read first time by title and ordered printed; referred to Committee on Fisheries.

Mr. Walker introduced House bill No. 241, An act to provide for fees and compensation of the county clerk, ex officio clerk of the superior court, which was read first time by title and ordered printed; referred to Committee on Fees and Compensation of State and County officers.

Mr. Yeomans introduced House bill No. 242, An act to provide for the permanent survey of lands and the establishment of lost corners, and repealing all conflicting laws, which was read first time by title and ordered printed; referred to Committee on Judiciary.

Mr. Wasson introduced House bill No. 243, An act regulating and fixing railroad freight rates of Washington, which was read first time by title, and ordered printed; referred to Committee on Railroads.

Senate bill No. 71, An act relating to the improvement of harbors and water ways in the State of Washington, and providing funds therefor, was read first time by title, and referred to Committee on Harbors and Navigable Water.

Senate bill No. 202, An act to provide for the building of armories for the National Guard of Washington, and to authorize the levying of a special county tax therefor, was read first time by title, and referred to Committee on Military Affairs.

Senate bill No. 122, An act authorizing county commissioners to build bridges across navigable streams, was read first time by title, and referred to Committee on Roads and Highways.

Senate bill No. 128, An act authorizing the removal of a case for trial from before one judge of the superior court to another, and declaring an emergency to exist, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 171, An act relative to incorporation of bar associations, was read first time by title, and referred to the Committee on Judiciary.

Senate concurrent resolution No. 16, Relative to furnishing county attorneys with copies of certain laws, was read.

On motion of Mr. Chambers, the House concurred in the resolution.

Senate concurrent resolution No. 21, Relative to Committees on State Lands consulting with attorney general, was read.

On motion of Mr. Megler, the House concurred in the resolution.

REPORTS OF STANDING COMMITTEES.

The Committee on Indian Affairs made the following report:

MR. SPEAKER:

Your Committee on Indian Affairs, to which was referred House bill No. 139, entitled "An act to provide for taking a census on the Colville Indian Reservation, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

L. REINHARDT, Chairman.

House bill No. 139, An act to provide for taking a census on the Colville Indian Reservation, and declaring an emergency, was read second time.

On motion of Mr. Smith, the rules were suspended, and the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 56, nays none.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Lawton, Lehman, McKay, McKnight, Megler,

Metcalfe, Miller, Moore, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Reinhardt, Rockwell, Schricker, Smith, Smyth, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Andrews, Caughran, De Steiguer, Dysart, Gandy, Jones, Kennedy, McClure, Meany, Murray, Nevin, Plummer, Ready, Reitze, Sallee, Sharpstein, Snively, Spinning, Taylor, Tyler, and Yancy.

The emergency clause was adopted by the following vote, to wit: Yeas 56, nays none.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Hanson, Holt, Hutchinson, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Andrews, Berry, Caughran, De Steiguer, Dysart, Gandy, Godman, Hunsaker, Kennedy, McClure, Meany, Murray, Nevin, Plummer, Ragsdale, Ready, Reitze, Spinning, Taylor, Yancy, and Yeomans.

On motion of Mr. Megler, the title was amended by inserting the words "and making an appropriation therefor" after the word "reservation."

The title as amended was agreed to.

The Committee on State Lands made the following report:

MR. SPEAKER:

Your Committee on State Lands, to whom was referred House memorial No. 3, respectfully reports the same back to the House with the recommendation that the same be adopted.

M. M. GODMAN,
E. P. MCCLURE,
GEORGE BOTHELL,
U. L. COLLINS,
W. F. MCKAY,
L. WALTER,

Committee.

House memorial No. 3, Relative to granted lands, was read second time.

On motion of Mr. Megler, the rules were suspended and the memorial was read third time, and passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, De Steiguer, Frater, Gandy, Jones, Kennedy, McClure, Meany, Nevin, Plummer, Ragsdale, Ready, Reitze, Smyth, Spinning, Walker, Yancy, and Young.

The Committee on Ways, Means and Claims made the following report:

MR. SPEAKER:

Your Committee on Ways, Means and Claims, to whom was referred Senate bill No. 47, entitled "An act for the relief of L. E. Moore," respectfully reports the bill back to the House with the recommendation that it do pass.

J. E. GANDY, Chairman.

Senate bill No. 47, An act for the relief of Lindley E. Moore, was read second time.

On motion of Mr. Megler, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 58, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Sallee, Schricker, Sharpstein, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow,

De Steiguer, Dysart, Gandy, Hutchinson, Kennedy, McClure, Meany, Moore, Nevin, Plummer, Ready, Reitze, Reinhardt, Rockwell, Smith, Spinning, Yancy, and Young.

The title of the bill was agreed to.

Mr. Berry presented the following resolution and moved its adoption, to wit:

WHEREAS, The sergeant-at-arms has been excused until next Tuesday, and

WHEREAS, It is necessary that the assistnat sergeant-at-arms start to Port Townsend, Washington, to serve proper notice on Morris B. Sachs, as contemplated in resolutions heretofore adopted, therefore be it

Resolved, That E. L. Suter be appointed to discharge the duties of sergeant-at-arms during the absence of the assistant sergeant-at-arms.

The House refused to adopt the resolution.

On motion of Mr. Hanson, the House took a recess at 12 o'clock noon until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 20, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Bothell, Frater, Gandy, Hutchinson, McClure, Meany, Nevin, Putney, Reitze, Tillotson, and Young; excused.

House bill No. 36, An act to repeal section 32 of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," being before the House on reconsideration of the vote by which the bill failed to pass on the 16th inst., the roll was called on the passage of the bill.

The bill failed to pass by the following vote, to wit: Yeas 32, nays 29.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Brock, Collins, Cushman, Farrish, Fellows, Flummer-

felt, Frame, Godman, Hunsaker, Johnson, Lehman, McKnight, Moore, Morse, Murray, Painter, Palmer, Parcell, Peterson, Plummer, Rockwell, Sallee, Schricker, Sharpstein, Smith, Spinning, Taylor, Tiffany, Walter, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Bass, Caughran, Chambers, Dysart, Garretson, Hanson, Holt, Jones, Kennedy, Lawton, McKay, Megler, Metcalfe, Miller, Pearson, Powell, Ragsdale, Reinhardt, Smyth, Snively, Thalman, Troy, Tyler, Walker, Wasson, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Barlow, Berry, Bothell, De Steiguer, Frater, Gandy, Hutchinson, McClure, Meany, Nevin, Putney, Ready, Reitze, Tillotson, Wyman, and Yancy.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 20, 1891.

MR. SPEAKER:

The Senate has adopted as amended the joint rules and mode of procedure for the removal of any judge of any court, etc. The amendment is in rule 8, striking out "two hours" and inserting "one hour."

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

On motion of Mr. Plummer, the House refused to concur in the Senate amendments to the joint rules.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills respectfully reports that the engrossed copy of House bill No. 20, entitled "An act regulating freights and preventing discrimination on railroads, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly engrossed.

Respectfully submitted.

O. E. YOUNG, Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 124, entitled "An act prescribing the qualifications of locomotive engineers," respectfully reports the bill back to the House with a substitute, and recommends that said substitute do pass.

J. M. READY, Chairman.

On motion of Mr. Ready, the report was adopted.

House bill No. 171 (substitute for House bill No. 124), An act prescribing the qualifications of locomotive engineers, was read second time.

Mr. Tyler moved that the bill be indefinitely postponed.

The House refused to indefinitely postpone the bill.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 58, entitled "An act confirming sheriffs' deeds made by the successor in office of sheriffs who have sold land in pursuance of law, but have neglected to make deeds therefor," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed, and recommend that the substitute offered herewith do pass.

J. M. READY, Acting Chairman.

On motion of Mr. Sharpstein, the report was adopted, and House bill No. 58 was indefinitely postponed.

House bill No. 152 (substitute for House bill No. 58), An act confirming sheriffs' deeds made by the successor in office of sheriffs who have sold land in pursuance of law, but have neglected to make deeds therefor, was read for information.

On motion of Mr. Snively, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 63, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Ragsdale, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Taylor voted nay.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Dysart, Frater, Gandy, Hutchinson, Meany, Nevin, Putney, Reitze, Reinhardt, Tillotson, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 20, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 196, Relative to forcible entry and forcible detainer. Yeas 21, nays none.

The Senate has receded from its amendment to rule No. 8 of joint rules and mode of procedure for removal of any judge of any court, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 141, entitled "An act to amend an act entitled an act to amend sections 2539, 2540 and 2543, chapter 196 of the Code of Washington Territory, relating to estrays; also to amend sections 2541 and 2542 of the Code of Washington on same subject," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. W. FRATER, Chairman.

On motion of Mr. Tiffany, the report was adopted, and House bill No. 141 was indefinitely postponed.

Senate bill No. 53, An act to provide for the publication, distribution and sale of the supreme court reports of the State of Washington, and declaring an emergency, was read third time, and passed by the following vote, to wit: Yeas 59, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Ragsdale, Ready, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, Farrish, Frater, Gandy, Hutchinson, Kennedy, Meany, Nevin, Putney, Reitze, Reinhardt, Sharpstein, Spinning, Tillotson, Wasson, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 61, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Murray, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Ragsdale, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Frater, Gandy, Hutchinson, Meany, Nevin, Painter, Putney, Reitze, Reinhardt, Spinning, Taylor, Tillotson, Wyman, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 30, entitled "An act creating and establishing municipal courts in cities of the State of Washington having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor," respectfully reports the bill back to the House with the recommendation that the same be amended, as follows:

Strike out the first subdivision of section 2, relating to jurisdiction in all civil actions.

Strike out at the end of section 3 the following: "And for the purpose of exercising the same, said courts and the judges thereof shall have all the powers of the superior courts and the superior judges."

Strike out at the end of section four the words, "change of venue may be taken from the municipal court in the same manner and for the same causes as from the superior court to the superior court of the proper county," and insert in lieu thereof, "change of venue may be taken from the municipal court to the proper justice court within said state for the same causes and in the same manner as change of venue may be taken from one superior court to another."

Strike out the last sentence of section 6, as follows: "All civil process issued from said court shall be served by the sheriff of the county, or any of his deputies."

Strike out the first sentence of section 10, and the word "and" beginning the next sentence, as follows: "All process in civil actions from said

court shall be substantially the same in form as in the superior court, save the necessary change as to title, venue, etc. And."

Strike out all of section 12.

Strike out all of section 13.

Strike out of the second line of section 14 the word "supreme" and insert in lieu thereof the word "superior;" also strike out the last clause of said section, as follows: "But the superior court shall have no appellate or revisory jurisdiction over the municipal courts."

And your committee recommends that said bill do pass as amended.

A. W. FRATER, Chairman.

On motion of Mr. Garretson, the amendments recommended by the Committee on Judiciary were adopted.

House bill No. 30, Creating and establishing municipal courts in cities of the State of Washington having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor, was read second time.

On motion of Mr. Garretson, section 14 (section 12 as amended) was amended by striking out the word "superior" and inserting the word "justices" in line 4, and by striking out the word "supreme" and inserting the word "superior" in line 5.

Mr. Caughran moved to amend by striking out the words "by the city" and inserting the words "as other costs are paid" in line 7.

On motion of Mr. Caughran, a call of the House was ordered.

The roll was called, and Messrs. Kennedy, Ready, and Wasson were found to be absent without leave.

On motion of Mr. Sharpstein, further proceedings under the call of the House were dispensed with.

The House rejected Mr. Caughran's amendment.

On motion of Mr. Sharpstein, the bill was considered engrossed, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 63, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein,

Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Taylor voted nay.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Frater, Gandy, Hutchinson, Jones, Meany, Murray, Nevin, Reitze, Tillotson, Walter, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 61, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Frater, Gandy, Hutchinson, Jones, Meany, Moore, Murray, Nevin, Ragsdale, Reitze, Taylor, Tillotson, Walter, and Yancy.

The title of the bill was agreed to.

The Committee on Medicine, Surgery and Pharmacy made the following report:

MR. SPEAKER:

Your Committee on Medicine, Surgery and Pharmacy, to whom was referred House bill No. 119, entitled "An act to amend sections three (3) and eight (8) of an act entitled 'An act to regulate the practice of medicine and surgery in the State of Washington, and to license physicians and surgeons, to punish all persons violating the provisions of this act, and to repeal all laws in conflict herewith, and declaring an emergency,'" respectfully report the bill back to the House with the recommendation that it do pass.

A. H. CHAMBERS, Chairman.

House bill No. 119, An act to amend sections three (3) and eight (8) of an act entitled "An act to regulate the practice of medicine and surgery in the State of Washington, and to license physicians and surgeons, to punish all persons violating the provisions of this act, and to repeal all laws in conflict herewith, and declaring an emergency," was read second time.

Mr. Godman moved to amend section 2 by inserting the words "practicing as such, nor to any one using massage, but who uses no internal remedies" after the word "dentist" in line 20.

Mr. Sharpstein moved to amend Mr. Godman's amendment by striking out all after the word "such."

The House rejected Mr. Sharpstein's amendment to Mr. Godman's amendment.

The House adopted Mr. Godman's amendment.

Mr. Walker moved to amend section 3 by striking out "ten dollars" and inserting "five dollars."

The House rejected the amendment.

Mr. Garretson moved to amend section 2 by striking out the words "append the letters M. D. or M. B. to his or her name or," in lines 14 and 15.

The House rejected the amendment.

Mr. Garretson moved to amend section 2 by inserting the words "or specialist," after the word "dentist," in line —.

The House rejected the amendment.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 20, 1891.

MR. SPEAKER:

The president of the Senate has signed enrolled House bill No. 108, entitled "An act for the protection of sea gulls."

House concurrent resolution No. 16, Resolution for the removal of Morris B. Sachs.

House bill No. 134, An act in relation to trade marks.

House concurrent resolution No. 15, Relative to appointment of committee to frame joint rules relative to matters of removal from office.

Senate bill No. 73, An act relating to referees.

Senate bill No. 164, An act authorizing corporations other than religious to hold and possess property.

Senate bill No. 58, An act to fix the time for the meeting of the legislature of the State of Washington.

Senate bill No. 78, An act concerning the construction of statutes.

Senate bill No. 75, An act relating to writs of mandate and prohibition, and amending section 58 of the Code.

Senate bill No. 76, An act relating to proceedings supplementary to execution, and amending the Code.

Senate bill No. 72, An act relating to proceedings to vacate or modify judgments, etc.

Senate bill No. 83, An act in relation to evidence, etc.
 Senate bill No. 77, An act declaring the rule of decision.
 Senate bill No. 84, Relating to appeals from justices' courts, etc.
 Senate bill No. 60, An act to cede jurisdiction, etc.
 Senate memorial No. 7, Relative to improvement of Colville river.
 Senate bill No. 79, Relative to application for divorce.
 The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed House bills Nos. 108 and 134, and House concurrent resolutions Nos. 15 and 16, and Senate bills Nos. 58, 60, 72, 73, 75, 76, 77, 78, 79, 83, 84, and 164, and Senate memorial No. 7, in open session of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 20, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 51, To prescribe the duties and fix the compensation of the reporter of the supreme court. Yeas 21, nays none; and the emergency clause, yeas 24, nays none.

Also, passed Senate bill No. 162, To amend an act relative to securing creditors a just division of the estates of those who convey to assignees. Yeas 19, nays none; emergency, yeas 23, nays none.

Also, passed Senate bill No. 127, substitute for Senate bill No. 133, Making an appropriation for the state reform school. Yeas 25, nays none.

Also, passed Senate bill No. 163, To amend sections 74, 86 and 87, and to repeal sections 88 and 89 of the code. Yeas 19, nays none.

Also, passed Senate bill No. 188, An act to amend the code, and relative to grand and petit jurors. Yeas 19, nays 3.

Also, passed Senate bill No. 166, An act to amend section 753 of the code of the state. Yeas 20, nays none.

Also, passed Senate joint resolution No. 1, Relative to a visit of the president to the Pacific coast.

The president has signed enrolled House concurrent resolution No. 14, Relative to the death of General Sherman.

Also, signed enrolled Senate concurrent resolution No. 20, Relative to conference with surveyor general concerning state granted lands.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

On motion of Mr. Bass, the House adjourned at 5 o'clock P. M.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FORTY-SIXTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday 21, 1891. }
10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Bothell, Farrish, Frater, Gandy, Nevin, Powell, Reitze, Spinning, Thalman, Tillotson, and Yancy. Excused.

The journal of yesterday was read and approved.

Mr. Tiffany presented a memorial from citizens of Whatcom county, remonstrating against the repeal or amendment of existing Sunday laws. Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred House bill No. 186, entitled "An act creating the office of warden of the poor in counties of the first, second and third classes, and providing for the appointment of the same," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. MILLER, Chairman.

On motion of Mr. Tiffany, the report was adopted, and House bill No. 186 was indefinitely postponed.

The Committee on Corporations other than Municipal made the following report:

MR. SPEAKER:

Your Committee on Corporations other than Municipal, to whom was referred House bill No. 17, entitled "An act relating to building, loan and saving associations doing a local business," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

W. D. TYLER, Chairman.

On motion of Mr. Tyler, the report was adopted, and House bill No. 17 was indefinitely postponed.

The Committee on Corporations other than Municipal, made the following report:

MR. SPEAKER:

Your Committee on Corporations other than Municipal, to which was referred House bill No. 60, entitled "An act to amend sections 6 and 33 of an act entitled 'An act relating to building, loan and saving associations doing a general business,' and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed, and that the substitute submitted herewith do pass.

W. D. TYLER, Chairman.

.On motion of Mr. Tyler, the report was adopted, and House bill No. 60 was indefinitely postponed.

.The Committee on Mines and Mining made the following report:

MR. SPEAKER:

Your Committee on Mines and Mining, to whom was referred Senate bill No. 68, entitled "An act relating to the ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors," respectfully reports the bill back to the House with the recommendation that it do pass.

JOHN L. METCALFE, Chairman.

INTRODUCTION AND FIRST READING OF BILLS.

The Committee on Corporations other than Municipal introduced House bill No. 244, An act to amend section 33 of an act entitled "An act relating to building, loan and savings associations doing a general business," and declaring an emergency, which was read first time by title, and ordered printed.

Mr. Wyman introduced House bill No. 245, An act to protect laborers who are compelled to sue to recover their wages, which was read first time by title, and ordered printed; referred to Committee on Labor and Labor Statistics.

Mr. Pearson introduced House bill No. 246, An act to create and establish a state board of insurance, prescribe its powers and duties, and to provide for cheap and safe insurance in this state against loss by fire, which was read first time by title, and ordered printed; referred to Committee on Insurance.

Mr. Spinning introduced House bill No. 247, An act granting to cities of the third class the power to vacate streets and alleys, and declaring an emergency, which was read first time by title and ordered printed; referred to Committee on Municipal Corporations.

Mr. Miller introduced House bill No. 248, An act to authorize cities and towns to borrow money for municipal purposes, and to

issue negotiable bonds therefor, which was read first time by title, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Snively introduced House bill No. 249, A bill for an act to repeal division VIII (including sections 59, 60, 61; 62, 63, 64, 65 and 66) of an act providing for the use of water for the purpose of irrigation, and providing for the condemnation of the right-of-way for ditches to carry water for such purposes, which was read first time by title, and ordered printed; referred to Committee on Water, Water Rights and Irrigation.

Mr. Adams introduced House bill No. 250, An act to amend section 1 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," which was read first time by title, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Young introduced House bill No. 251, An act providing for the laying out and opening of public highways, which was read first time by title, and ordered printed; referred to Committee on Roads and Highways.

Mr. Sallee introduced House bill No. 252, An act to prohibit prize fighting, with or without gloves, in the State of Washington, which was read first time by title, and ordered printed; referred to Committee on Education.

The Committee on State University and Normal Schools introduced House bill No. 253, An act providing for the location of the state normal school; read first time by title, and ordered printed.

The Committee on Tide Lands introduced House bill No. 254, A bill for an act to protect persons who have planted oysters upon tide and shore lands in this state prior to March 26, 1890; read first time by title, and ordered printed.

The Committee on Tide Lands introduced House bill No. 255, A bill for an act relating to tide and shore lands; read first time by title, and ordered printed.

Mr. McKnight introduced House bill No. 256, An act making eight hours a legal day's work in and around all coal mines in the State of Washington; read first time by title, ordered printed; referred to Committee on Labor and Labor Statistics.

Mr. Snively introduced House bill No. 257, A bill for an act to be entitled an act to amend sections 1, 2, 3, 4, 10, 11, 12, 15, 34,

35, 36, 37, 77 and 78 of an act entitled "An act providing for the organization and government of irrigation districts, and the sale of bonds arising therefrom, and declaring an emergency," approved March 20, 1890, and adding a new section called 46½, and declaring an emergency, was read first time by title; ordered printed; referred to Committee on Water, Water Rights and Irrigation.

Mr. Hunsaker introduced House bill No. 258, An act requiring persons, companies or corporations owning or controlling railroads co-terminus with or constructed around any obstructions to navigation in any of the waters of the state, or the boundaries thereof, to keep in good repair, and operate the same on a given compensation, and declaring an emergency; read first time by title; ordered printed; referred to Committee on Commerce.

Senate bill No. 162, An act to amend section 1 of an act entitled "An act to secure creditors a just division of the estate of debtors who convey to assignees for the benefit of creditors," approved March 6, 1890, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 163, An act to amend sections 74, 86, and 87, and to repeal sections 88 and 89 of the Code of Washington Territory, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 166, An act to amend section 753 of the Code of the State of Washington, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 188, An act to amend section 2080 of the Code of Washington as amended by an act entitled "An act to . . . amend section 2080 of chapter CLII of the Code of Washington Territory, as amended by an act entitled 'An act to amend section 2080 of chapter CLII of the Code of Washington Territory, relating to grand and petit jurors,' approved November 27, 1883; and also to amend section 2082 of chapter CLII of the Code of Washington Territory, and add to said chapter sections 2085¼ and 2085½, relating to grand and petit jurors," approved February 2, 1888, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 190, A bill for an act to amend section 3 of an act entitled "An act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such causes," approved March 22, 1890, and declaring an emergency, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 217, An act making an appropriation for the maintenance and improvement of the state reform school, was read first time by title, and referred to Committee on Reform School and School for Defective Youth.

Senate joint resolution No. 1, Relative to inviting the president of the United States to visit this state, was read first time.

On motion of Mr. Plummer, the rules were suspended, and the resolution was read second and third time, and passed by the following vote, to wit: Yeas 58, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, Fellows, Flummerfelt, Frame, Garretson, Hanson, Holt, Hutchinson, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Tiffany, Troy, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, De Steiguer, Dysart, Farrish, Frater, Gandy, Godman, Hunsaker, Kennedy, Nevin, Powell, Reitze, Spinning, Tillotson, Tyler, Walker, and Yancy.

On motion of Mr. Berry, the following resolution was adopted, to wit:

Resolved, That the sergeant-at-arms of the House be authorized, and he is hereby directed, to serve upon Morris B. Sachs, judge of the superior court of Jefferson, Clallam, San Juan, Island and Kitsap, a copy of the charges made against him, and he is further directed to subpoena witnesses for prosecution and defense.

Mr. Garretson presented House concurrent resolution No. 17, Relative to the appointment of a joint committee to investigate the state's title to the capitol grounds, etc.

The resolution was read.

On motion of Mr. Garretson, the resolution was adopted.

Mr. Plummer moved that all members absent at this morning's roll call be at once notified by telegraph to appear Tuesday, February 24, 1891, excepting Messrs. Andrews of King, Frater of Snohomish, and Tillotson of Pierce.

The House adopted the motion.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to which was referred House bill No. 187, entitled "An act to provide for taking territory from one county and transferring it to and making a part of another county," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

In line 8 of section 2, strike out the words "in at least one," and insert in lieu thereof the words "in three consecutive issues of one or more." Also, strike out in line 9 the words "at least two consecutive weeks," and insert the words "before the date for hearing such petition."

And recommend that it be referred to the Judiciary Committee for the purpose of inquiring into its legality.

A. W. TIFFANY, Chairman.

On motion of Mr. Tiffany, the report was adopted, and the bill was referred to Committee on Judiciary,

The Committee on Tide Lands made the following report:

MR. SPEAKER:

Your Committee on Tide Lands, to which was referred House bill No. 177, entitled "An act to regulate and restrict the sale of such tide or shore lands as are natural oyster beds, and to protect the rights of oyster men in oysters planted prior to March 26, 1890, and tide or shore lands within the state," respectfully report the bill back to the House with the recommendation that said bill be indefinitely postponed, and that in lieu of said bill the two bills herewith transmitted be placed upon the calendar of this House, without further commitment, and that the same do pass.

H. J. SNIVELY, Acting Chairman.

On motion of Mr. Jones, the report was adopted, and House bill No. 177 was indefinitely postponed.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 16, entitled "An act requiring railroad corporations to fence their tracks," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Chairman.

On motion of Mr. Sharpstein, the House refused to adopt the report of the committee.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 42,

entitled "An act requiring railroads in the state to be fenced, and prescribing rules, conditions and regulations therefor, and prescribing the powers, duties and responsibilities of certain officers and others in relation thereto, and providing penalties for violation of same," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Strike out the proviso in section 1. Strike out the word "and" in line 15, section 3, and insert in same line, after the word "mules," the words "and other live stock, excepting swine," and in line 21 strike out the word "double" and insert between the words "the" and "value," same line, the word "actual." Strike out in lines 21 and 22 the words "such cattle, horses or mules" and insert in lieu thereof the words "any of the aforesaid live stock," and strike out the word "any" in line 25, and insert after the word "suit," in same line, the words "and attorney fees," and also strike out the word "necessarily" in same line. Strike out in line 27 the word "a," and in line 28 strike out the words "of record." Strike out all after the word "aforesaid," in line 44, down to the end of the section. Strike out in line 1, section 4, the word "neglecting" and insert in lieu thereof the words "who shall fail or neglect." Insert in line 2 after the word "neglect" the words "or failure," and strike out in line 3 the words "one hundred" and insert "fifty." Strike out in line 15, section 5, the words "wilful neglect of duty" and insert the words "a misdemeanor." Add the following proviso to section 6: *Provided*, The provisions of this act shall not prevent the removal of fences for logging purposes, and said party or parties removing said fences shall be liable for all damages that may accrue by reason of the said fences."

And recommend that it do pass as amended.

J. M. READY, Chairman.

Mr. Ready moved that the report be adopted.

The House refused to adopt the report.

House bill No. 42, A bill for an act requiring railroads in this state to be fenced, and prescribing rules, conditions and regulations therefore, and prescribing the powers, duties and responsibilities of certain officers and others in relation thereto, and providing penalties for violations of the same, was read second time.

House bill No. 16, An act requiring railroad corporations to fence their tracks, was read second time.

On motion of Mr. Sharpstein, section 1 was amended by inserting the words "at all points where the right to fence exists" after the word "shall," in line 6.

On motion of Mr. Sharpstein, section 1 was amended by inserting the words "and private lands" after the word "crossing," in line 21.

On motion of Mr. Sharpstein, section 2 was amended by striking

out the words "the same have occurred" and inserting the words "notice in writing of which killing or damage has been given to officer, or ticket or station agent of the company liable for damage under this act," in line 4.

On motion of Mr. Sharpstein, section 1 was amended by inserting the word "lands" after the word "unenclosed," in line 10.

On motion of Mr. Sharpstein, section 1 was amended by inserting the words "or injured" after the word "killed," in line 32.

Mr. Miller moved to amend section 1 by inserting the words "together with a reasonable attorneys' fee" after the word "done," in line 35.

The House rejected the amendment.

Mr. Walker moved to amend section 1 by striking out the word "double" before the word "value," in line 34.

The House rejected the amendment.

Mr. Sharpstein moved that the rules be suspended, and that the bill be considered engrossed, and that it be read third time and placed on final passage.

On motion of Mr. Garretson, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday, February 21, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Farrish, Frater, Gandy, Garretson, Kennedy, Lawton, McKay, Nevin, Plummer, Powell, Reitze, Smith, Snively, Spinning, Taylor, Thalman, Tillotson, and Yancy; excused.

The House resumed consideration of House bill No. 16, An act requiring railroad corporations to fence their tracks.

The motion made by Mr. Sharpstein, that the rules be suspended, and that the bill be considered engrossed and read third time, and placed on final passage, was taken up.

Mr. Sharpstein moved to amend the motion so as to read, "considered engrossed and read third time."

The House rejected the amendment by the following vote, to wit: Yeas 24, nays 24.

Those who voted yea were: Messrs. Anderson of Whatcom, Bass, Chambers, Fellows, Frame, Godman, Hanson, Holt, Hunsaker, Johnson, McKnight, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Rockwell, Schricker, Sharpstein, Smith, Troy, Walter, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Arrasmith, Brock, Collins, Cushman, Dysart, Jones, McClure, Meany, Megler, Metcalfe, Miller, Putney, Ragsdale, Ready, Reinhardt, Sallee, Tiffany, Tyler, Walker, Wasson, Wyman, Yeomans, and Young.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Berry, Bothell, Caughran, De Steiguer, Farrish, Flummerfelt, Frater, Gandy, Garretson, Hutchinson, Kennedy, Lawton, Lehman, McKay, Moore, Murray, Nevin, Plummer, Powell, Reitze, Smyth, Snively, Spinning, Taylor, Thalman, Tillotson, and Yancy.

The House adopted the motion as originally made, by the following vote, to wit: Yeas 46, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Frame, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lehman, McClure, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Parcell, Pearson, Peterson, Putney, Ready, Rockwell, Sallee, Sharpstein, Smith, Tiffany, Troy, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Godman, Palmer, Schricker, Tyler, and Walter.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Farrish, Flummerfelt, Frater, Gandy, Garretson, Kennedy, Lawton, McKay, Nevin, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Smyth, Snively, Spinning, Taylor, Thalman, Tillotson, and Yancy.

The roll was called on the passage of the bill.

The bill failed to pass by the following vote, to wit: Yeas 34, nays 22.

Those who voted yea were: Messrs. Anderson of Whatcom,

Bass, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frame, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lehman, McClure, Meany, Metcalfe, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Rockwell, Schricker, Smith, Snively, Troy, Walter, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Arrasmith, Berry, DeSteiguer, Hanson, McKnight, Megler, Miller, Putney, Ragsdale, Ready, Reinhardt, Sallee, Sharpstein, Snively, Tiffany, Tyler, Walker, Wasson, Wyman, Yeomans, and Young.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, Brock, Caughran, Farrish, Frater, Gandy, Garretson, Kennedy, Lawton, McKay, Nevin, Plummer, Powell, Reitze, Smyth, Spinning, Taylor, Thalman, Tillotson, and Yancy.

Mr. Sharpstein moved that the House reconsider the vote by which the bill failed to pass.

The House adopted the motion to reconsider by the following vote, to wit: Yeas 36, nays 17.

Those who voted yea were: Messrs. Bass, Chambers, Cushman, Dysart, Flummerfelt, Frame, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, McKnight, Meany, Megler, Metcalfe, Moore, Murray, Painter, Palmer, Parcell, Peterson, Putney, Rockwell, Schricker, Sharpstein, Smith, Snively, Tiffany, Troy, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Brock, Collins, Fellows, Hanson, Lehman, McClure, Morse, Miller, Pearson, Ready, Reinhardt, Sallee, and Walker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, Caughran, De Steiguer, Farrish, Frater, Gandy, Garretson, Kennedy, Lawton, McKay, Nevin, Plummer, Powell, Ragsdale, Reitze, Smyth, Spinning, Taylor, Thalman, Tillotson, Tyler, and Yancy.

On motion of Mr. Sharpstein, the bill was placed upon the calendar as a bill upon third reading.

The following report was read, to wit:

To the Senate and House of Representatives of the Legislature of the State of Washington:

GENTLEMEN—Your special joint committee appointed to meet a similar committee from the legislature of the State of Oregon, and confer as

to the means of overcoming the obstructions to the navigation of the Columbia river, known as The Dalles and the Cascades, submit the following:

Your special joint committee met the Oregon joint committee, consisting of Senators Watkins and Moore, and Representatives Miller, McCoy and Henry, in the city of Portland, and had several free and full conferences. Our meetings were attended by committees from the water ways convention, recently held at Walla Walla, the chamber of commerce of Portland, the chamber of commerce of Astoria, and others. From these gentlemen much general and valuable information in relation to the Columbia river was obtained. Major Thomas H. Hanbury, United States engineer in charge of the government works, known as the canal and locks at the Cascades, who was especially invited to appear before the committee, imparted much definite knowledge. In brief, it was learned that the obstructions at the Cascades are of such a nature, and the country of such a character, that but three practical ways of overcoming them have yet been suggested: One by a canal and system of locks, which the United States government has been engaged in slowly constructing since 1876, and which will hardly be completed in the next ten years, if the system of making small appropriations for the prosecution of the work heretofore followed by congress is continued; second, the construction of a boat railway, for which surveys even have not yet been made; and third, by means of a portage railway, for which merely rough preliminary surveys have been made. The locks now in process of construction at the Cascades by the government are on the Oregon side, and are 90 feet wide and 462 feet long. They are next in size to those of the Sault Ste. Marie, in Michigan, which are the largest in the world. They were commenced in 1876, and \$1,877,000 have been appropriated for their construction. The engineers estimate that it will take them three years to finish them, and that they will cost \$1,700,000 more than has already been appropriated.

It was the unanimous opinion of the river men that when the Cascade locks and canals are completed, a portage railway around the Cascades will be practically valueless, because boats will then be enabled to run between The Dalles and the mouth of the Columbia.

It was suggested by Major Hanbury, that the government would and could build a portage tramway at the Cascades, finding its reward for the outlay in the decreased freights on material used in the construction of the locks at that point, and any work undertaken at The Dalles, as well as in the revenue from freights. He estimated the cost of such a road at about \$10,000, but stated that to make it available for public use the state would have to build the necessary inclines and wharf-boats at either end of the road. No estimate of their cost was given. The suggestion of Major Hanbury was that the legislatures of Washington and Oregon apply to the secretary of war to have such a road built and equipped, and for permission to build the necessary inclines, etc., connecting it with navigable water. He conveyed the impression that the secretary of war could order the work done to be paid for out of the appropriation for the

locks and canal. Without examining the appropriation law, which we have been unable to do, your committee is not prepared to pass its opinion upon the practicability of the suggestion made by Major Hanbury. It, however, has grave doubts. The Oregon legislature has appropriated \$60,000 for the purpose of endeavoring to construct less than a mile of railroad at the Cascades, on the Oregon side, from the landing at the upper end of the canal and locks to the lower end, with inclines, etc., in the hope of obtaining some relief from what are mildly styled "the extortionate freight charges of the U. P.," a corporation owning and operating a broad gauge railroad on the only practicable route on the Oregon side of the river, and which also owns and operates a narrow gauge railroad on the most practicable route on the Washington side. Each of these railroads are about six miles in length. The road on the Washington side is a narrow gauge road, with inclines to deep water at either end, wharf-boats, etc. The road on the Oregon side is a link in the main line of what is commonly called the "O. R. & N." It is estimated roughly that to build a proper portage railroad, with necessary inclines, wharf-boats and equipment, on the Washington side around the Cascades, would cost from \$250,000 to \$350,000. At The Dalles a more formidable situation exists, to surmount the natural obstructions there will require either a canal several miles in length with several locks, which must be cut out of the solid rock at a vast expense of time and treasure, or a boat railroad nearly a dozen miles long, which would cost about \$2,000,000, a portage railroad 11-14 miles long, which the government engineers, after making careful surveys, estimate the cost, with necessary inclines and equipment, at \$431,500. This road, the engineers say, can be built in one year, if the money necessary for its construction were appropriated in a lump sum by congress. This portage railroad must be built on the Washington side, because the nature of the country is such, there being high, almost perpendicular bluffs rising from the waters edge on the Oregon side, as to render its construction on that side so enormously difficult that the engineers did not deem it advisable to waste time and money in making a survey for one. It is proposed to connect the two portage railroads by the use of one or more transfers, or more properly speaking, ferry boats, so constructed that the cars, either loaded or empty, can be run on and off, and thus carried from one portage railroad to the other over an intervening stretch of 45 miles of open river, thus avoiding the labor and expense of repeated handling of freights.

Your special joint committee calls attention to the press report that the House Committee on Rivers and Harbors has recommended an appropriation of \$431,500 to build a portage railroad around The Dalles. The press report, however, expresses the opinion that the river and harbor bill will not become a law at this session of congress. If it does not, the labor of convincing a new congressional committee of the necessity of the proposed portage railroad will have to be done over, and the beginning of this great and beneficial national work delayed.

Your special joint committee left Olympia without either instructions from the legislature of Washington or an indication of a plan from the

legislature of Oregon. Nor was a definite, tangible plan submitted to it while absent. Our conferences were all verbal, without a well digested plan as a basis.

Your special joint committee were generally and verbally given to understand that the State of Oregon desired either that Washington build portage railroads with the help of Oregon, or that it allow Oregon to build and operate portage railroads in Washington. After a free discussion of these general ideas, the question of the legality of either proposition was submitted to a sub-committee, which, on the next day, after carefully considering the matter, submitted the following report:

To the Honorable Joint Committee of Washington and Oregon Legislatures:

GENTLEMEN—We, your committee appointed to report in regard to the authority which the State of Washington may exercise, and the rights it may confer on the State of Oregon in regard to the construction of railroads within the State of Washington, would respectfully submit the following:

First: The State of Washington cannot, in our opinion, confer on the State of Oregon the right to exercise within her limits the right of eminent domain.

Second: The State of Washington cannot pass any special law for the opening of any highway within the state unless the same extends into more than one county, and as at present advised, your committee construes the term highway to include railroads.

Third: The State of Washington cannot lawfully appropriate any money to be expended in internal improvements beyond her jurisdiction, and the State of Washington cannot become jointly associated with the State of Oregon, or any commission or association created by the State of Oregon, or otherwise, in the construction of any railroad, and cannot loan or extend her credit thereto.

In conclusion, we would say that we think we are justified in saying that the people of the State of Washington would be glad to join or become associated with Oregon in any practical enterprise having for its object the relief of the present situation. In our judgment, however, Washington as a state can only engage in the construction of a railroad extending into more than one county, and this road would be, and could only lawfully be, owned exclusively by that state.

Respectfully submitted.

(Signed) JOHN L. SHARPSTEIN,
P. E. BERRY,
P. B. JOHNSON,

Sub-committee.

This report, after a full debate and citation of authorities by the joint committee, was unanimously adopted. The Oregon committee, finding it impossible for Washington to cede jurisdiction over any portion of her territory to Oregon for the purpose of erecting, maintaining and operating a portage railroad, and that the physical character of the region, known as The Dalles of the Columbia, renders the construction of such a road on the Oregon side practically impossible, decided to recommend to the body they represented not to now undertake the work of constructing the proposed portage railway at that point.

After the legal matter was disposed of, the joint committees unanimously decided to recommend to their respective legislatures the adoption of the joint resolution instructing the senators of Oregon and Washington, and requesting the representatives of both states, to do all in their power to secure an appropriation for a portage railroad at The Dalles; and to further recommend each state legislature to appropriate \$100,000 to be expended in the construction of a transfer boat to carry loaded cars over the 45 miles between The Dalles and the Cascades, provided congress makes the necessary appropriation for the portage railway.

Your joint special committee sincerely regrets its inability to find authority in the constitution for making an appropriation for the construction of the much needed proposed portage railway around the obstructions to navigation of the Columbia river. They are, therefore, forced to content themselves with recommending the adoption of measures which, in their judgment, will have a tendency to relieve the citizens of eastern Washington in the high rates of freights now exacted from them by transportation companies.

We recommend the adoption of the following preamble and resolutions:

WHEREAS, the prosperity of the inhabitants of eastern Washington very largely depends upon the opening of the Columbia river to free navigation from its mouth to the international boundary, and

WHEREAS, the chief obstruction to the free navigation of the Columbia is found at The Dalles, and

WHEREAS, the government engineers estimate that it will cost \$431,500 to build and equip a portage railway around The Dalles and thereby make it possible to greatly reduce the freight charges on the exports and imports of eastern Washington and Oregon; therefore, be it

Resolved by the Legislature of the State of Washington, That the senators from the State of Washington be, and they are hereby instructed, and the representative be, and he is hereby requested, to use every means in their power to secure from congress an appropriation of \$431,500 for the construction of a portage railway around The Dalles of the Columbia, in accordance with the plans of the government engineer; and be it further

Resolved, That the governor be and he is hereby requested to cause copies of these preambles and resolutions, properly certified, to be transmitted to each of the senators and to the representative in congress from this state.

We further recommend the passage of Senate bill No. 121, entitled "An act authorizing owners of elevators, warehouses and mills to build connections with the railroads."

We further recommend the passage of the accompanying bill, entitled "An act requiring persons, companies or corporations owning or controlling railroads co-terminus with or constructed around obstructions to navigation in any of the waters of this state, or on the boundaries thereof, to keep in good repair and operate the same on a given compensation," and declaring an emergency.

We further recommend that 500 copies of this report and the bills recommended for passage be printed together for the use of the legislature and state officers.

All of which is respectfully submitted.

J. HUNSAKER,
JOHN L. SHARPSTEIN,
P. E. BERRY,
Members House joint committee.
T. J. SMITH,
C. E. FORSYTH,
Members on part of Senate.

On motion of Mr. Hunsaker, the report was adopted.

Mr. Parcell presented a petition from citizens of King county asking for the passage of Senate bill No. 19.

The following claims were presented and referred to Committee on Mileage and Contingent expenses:

Geo. Darrill, supplies.....	\$4 50
J. W. Horner, washing towels.....	60
P. E. Berry, mileage special committee.....	24 60
J. L. Sharpstein, mileage special committee.....	24 60
J. Hunsaker, mileage and expenses special committee.....	25 60
Butler & Ewell, repairs to House windows.....	5 00

The Committee on Fees and Compensation of State and County Officers made the following report:

MR. SPEAKER:

Your Committee on Fees and Compensation of State and County Officers, to which was referred House bill No. 143, entitled "An act to amend an act providing for the fees and salaries of county officers," respectfully report the bill back with the recommendation that it be referred to the Judiciary Committee, as we do not think it constitutional. If found by them to be constitutional, we recommend that it do pass with the following amendment, to wit: Strike out in line 19 the word "twenty-one" and insert in lieu thereof the word "twenty-six."

Respectfully.

A. G. HANSON, Chairman.

On motion of Mr. Putney, the report was adopted.

Mr. Megler was called to the chair.

Mr. Sharpstein introduced House bill No. 259, An act in relation to directors, trustees and commissioners of state institutions, which was read first time.

On motion of Mr. Shaw, the rules were suspended, and the bill was read second and third times, and passed by the following vote, to wit: Yeas 50, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frame, Hanson, Holt, Hunsaker, Johnson, Jones, Lehman, McClure, McKnight, Megler, Metcalfe, Miller, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Snively, Tiffany, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, Caughran, De Steiguer, Farrish, Frater, Gandy, Garretson, Godman, Hutchinson, Kennedy, Lawton, McKay, Meany, Moore, Nevin, Plummer, Powell, Reitze, Smyth, Spinning, Taylor, Thalman, Tillotsón, Tyler, and Yancy.

On motion of Mr. Wyman, the House adjourned at 4 o'clock P. M.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FORTY-EIGHTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, February 23, 1891. }
10 o'clock A. M.

The House was called to order at 10 A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson, of Mason, Andrews, Collins, Frater, Nevin, Ragsdale, Reitze, Spinning, Taylor, Tillotson, Tyler, and Yancy; excused.

The journal of Saturday was read, and approved.

PETITIONS, MEMORIALS, ETC.

Messrs. Hanson and Reinhardt presented a remonstrance from the chamber of commerce and citizens of Spokane Falls against the passage of House bill No. 162, An act providing for the inspection of illuminating oils, and for the appointment of a state inspector and deputy inspectors, and fixing their compensation.

Mr. De Steiguer presented a petition from the building trades council of Seattle, asking for the passage of Senate bill No. 19, An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor.

Mr. Parcell presented a petition from citizens of King county, asking for the passage of Senate bill No. 19.

Mr. Ready presented a petition from citizens of Kittitas county, asking for the passage of House bill No. 69, An act to prevent the spread of Chinese, Canada and Bull thistles, and providing penalties for violation thereof.

REPORTS OF STANDING COMMITTEES.

The Committee on Compensation and Fees of State and County Officers made the following report:

MR. SPEAKER:

Your Committee on Compensation and Fees of State and County Officers, to which was referred House bill No. 225, entitled "An act providing compensation for county auditors and county treasurers for official services performed after office hours," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. G. HANSON, Chairman.

On motion of Mr. Tiffany, the report was adopted, and House bill No. 225 was indefinitely postponed.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 171, entitled "An act relative to the incorporation of bar associations," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Tiffany, the report was adopted, and Senate bill No. 171 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 162, entitled "An act to amend section 1 of an act entitled 'An act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,'" approved March 6, 1890, respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and Senate bill No. 162 was indefinitely postponed.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 128, entitled "An act authorizing the removal of a case for trial from before one judge of the superior court to another, and declaring an emergency to exist," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and Senate bill No. 128, was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 112, entitled "An act to amend section 753 of the Code of Washington

providing for taking transcripts of judgment from justice courts to superior courts," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed, and that the substitute transmitted herewith do pass.

J. M. READY, Acting Chairman.

On motion of Mr. Painter, the report was adopted, and House bill No. 112 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 103, entitled "An act relating to arrest and bail in civil actions, and amending section 115, etc., of the Code of '81," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and Senate bill No. 103 was indefinitely postponed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 181, entitled "An act making all transfers of property with intent to cheat, hinder, delay or defraud creditors or other persons, void, and making all purchases by insolvent persons with intent not to pay, void, and providing that all persons who aid and assist in transferring property fraudulently conveyed, and all persons who aid and assist in selling and concealing property purchased without intent to pay for the same, liable for all the damage done, providing there shall be no exemption allowed on executions issued on judgments so obtained, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and House bill No. 181, An act making all transfers of property with intent to cheat, hinder, delay or defraud creditors or other persons, void, and making all purchases by insolvent persons with intent not to pay, void, and providing that all persons who aid and assist in transferring property fraudulently conveyed, and all persons who aid and assist in selling and concealing property purchased without intent to pay for the same, liable for all the damage done, providing there shall be no exemption allowed on executions issued on judgments so obtained, and declaring an emergency, was indefinitely postponed.

Conference committee on House bill No. 77 made the following report:

MR. SPEAKER:

Your committee upon conference, with instructions to settle the dis-

greement between the House and Senate upon House bill No. 77, respectfully beg leave to report that it has conferred with the Senate committee appointed to confer with it upon said disagreement upon the part of the Senate, and that said committees have unanimously agreed to recommend that the Senate do recede from its amendment to House bill No. 77; and we recommend that House bill No. 77 be returned to the Senate for action in accordance with the report of the committee on conference upon said bill upon the part of the Senate and House.

Respectfully submitted.

J. H. SNIVELY,

Acting Chairman of Conference Committee upon part House.

On motion of Mr. Hunsaker, the report was adopted by the House.

Mr. Plummer presented the following resolution, to wit:

HOUSE CONCURRENT RESOLUTION NO. 18.

Resolved by the House, the Senate concurring, That a committee of five, three on the part of the House and two on the part of the Senate, be appointed as managers in the proceedings against Morris B. Sachs, to conduct said case.

On motion of Mr. Plummer, the resolution was adopted.

Messrs. Snively, Berry, and Smyth were appointed as the committee on the part of the House to conduct the trial of Morris B. Sachs.

INTRODUCTION AND FIRST READING OF BILLS.

The Judiciary Committee introduced House bill No. 260 (substitute for House bill No. 112), An act in relation to taking transcripts of judgment from justices' courts to superior courts; read first time, and ordered printed.

Mr. Yeomans introduced House bill No. 261, An act to amend section 8 of an act entitled "An act to appoint a commissioner to compile, rearrange and annotate the laws of Washington, and to provide for the publication and distribution thereof, and for payment therefor," approved February 18, 1890; read first time by title.

On motion of Mr. Yeomans, the rules were suspended, and the bill was read second and third time, and passed by the following vote, to wit: Yeas 48, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Hanson, Hutchinson, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Peterson, Plummer, Ready, Rockwell, Sallee,

Schricker, Smith, Thalman, Tiffany, Troy, Walter, Walker, Was-son, Wyman, Yeomans, and Mr. Speaker.

Mr. Powell voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Bothell, Caughran, Collins, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Kennedy, Nevin, Pearson, Putney, Ragsdale, Reitze, Reinhardt, Sharpstein, Smyth, Snively, Spinning, Taylor, Tillotson, Tyler, Yancy, and Young.

The title of the bill was agreed to.

Mr. Megler introduced House bill No. 262, An act to establish a state fish hatchery, and making an appropriation therefor, which was read first time by title, and ordered printed; referred to the Committee on Fisheries.

Mr. Megler introduced House bill No. 263, An act relating to the payment of salaries of state officers, and declaring an emergency, which was read first time by title, and ordered printed; referred to Committee on Appropriations.

Mr. Jones introduced House bill No. 264, An act to repeal section 11 of an act prescribing rules and regulations for the execution of the trust arising under the act of congress "An act for the relief of the inhabitants of cities and towns upon the public lands, approved March 1, 1887," approved January 31, 1888, which was read first time by title, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Berry introduced (by request) House bill No. 265, An act to create a capitol building commission, defining its duties and fixing its compensation, which was read first time by title, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Mr. Sallee introduced House bill No. 266, An act providing for a commission to receive plans and elevations for state capitol building, and making an appropriation therefor, which was read first time by title, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Mr. Wyman introduced House bill No. 267, An act to amend section 2171 of the Code of Washington, relative to the local regulation of mining claims, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Smith introduced House bill No. 268, An act to amend section 2171 of the Statutes and Code of the State of Washington,

which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Smyth introduced House bill No. 269, An act to provide for the preservation of the mining records, and allow compensation therefor, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

On motion of Mr. Walker, the following resolution was adopted, to wit:

Resolved, That all committee clerks report at the clerk's desk each day at 9:30 A. M. for assignment to duty; any clerk failing to report shall not receive compensation for that day.

The following report was read, to wit:

MR. SPEAKER:

Your special committee appointed to serve with a like committee from the Senate to visit the state university at Seattle, to ascertain the present condition of the affairs of that institution, and to consider all matters pertaining to the state university, beg leave to report as follows:

On Friday, February 6th, we visited Seattle, and there met representatives of the city government, the Seattle chamber of commerce, the board of university regents, the faculty of the university, and a number of prominent citizens, including representatives of the original donors of the present university site. At a meeting of all these representatives, held at the Seattle chamber of commerce, all matters pertaining to the present needs and conditions of the university were freely discussed, and a number of committees were appointed to cooperate with the legislative committee. One of these committees was instructed to escort the legislative committee to the sites considered available near Seattle for the relocation of the university, another was instructed to secure quit claim deeds to the present site from all parties having any reversionary interest in the said present site, and another committee, of which Code Commissioner W. Lair Hill was made chairman, was instructed to ascertain if it was possible according to law to obtain the use of certain school land near Seattle for a new site for the university.

By the cooperation of these committees we succeeded—

First. In visiting land near West Seattle, a part of which it was said would be donated to the university, but such a donation would not exceed forty acres, and the committee decided that it was not desirable as a location of the university; and we also visited section 16, township 25 north, range 4 east of the Willamette meridian, which is a fractional school section comprising about 350 acres. It borders on Lake Washington and also on Lake Union, and is within six miles from the present site. The land slopes gradually from the water's edge to an elevation that makes it, in the minds of all members of your committee, a most appropriate site for the great institution which the state university of Washington should be. This site is easy of access. The line of the Seattle, Lake Shore & Eastern

Railway runs through the land, ferry boats on both lakes now run to landings near the said site, and an electric street railway is already graded to the site, and will be in operation in two months. All things considered, we believe that the said section would make a perfect university site.

Second. The city government has passed an ordinance authorizing the mayor and city clerk to give a quit claim deed to all the city's interest in the present site, and the original donors and their successors agreed to sign quit claim deeds. So that as soon as the university is relocated within a radius of six miles of the present site, the state will have good and absolute title to the present site.

Third. We find that there is no hindrance against setting aside school land for university purposes, providing interest on the appraised value of the school fund is paid annually from the university fund into the common school fund.

In addition to the above we found that the present site of the university is in the center of the city of Seattle, and it is estimated to be worth \$250,000 to \$300,000, and can be sold for that sum. The buildings now in use by the university are cramped and entirely inadequate for the uses of that institution. We believe it to be for the best interests of the university and of the state that the university be relocated within a radius of six miles from the present site. We herewith submit a bill covering our views in the matters in question, and we respectfully report it favorably for passage.

E. S. MEANY, Chairman.

On motion of Mr. Plummer, the report was adopted.

The joint committee on university introduced House bill No. 270, An act providing for the establishment, location, maintenance and support of the university of Washington, which was read first time by title.

On motion of Mr. Meany, the rules were suspended, and the bill was read a second time by title and ordered printed.

The claim of M. M. Godman, A. H. Anderson and E. S. Meany for \$15.40 each, for mileage in visiting state university, was referred to Committee on Mileage and Contingent Expenses.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to whom was referred House bill No. 88, entitled "An act to amend section 114 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' by providing for giving the casting vote in case of a tie, and declaring an emergency," and House bill No. 89, entitled "An act to amend section 118 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corpora-

tions, and declaring an emergency,' by providing for giving the mayor in cities of the third class the veto power, and for the passage of ordinances notwithstanding the veto thereof, and declaring an emergency," respectfully reports the following substitute, and recommend that the same do pass.

J. M. MILLER, Chairman.

MINORITY REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

MR. SPEAKER:

I would respectfully report adversely to the majority of the committee on the above bill in so far as the same confers upon mayors the power of veto, and would recommend that that portion of the bill granting said power be stricken out, and that said bill, when so amended, do pass.

J. M. MILLER.

On motion of Mr. Dysart, the majority report was adopted.

On motion of Mr. Miller, House bills Nos. 88 and 89 were indefinitely postponed.

House bill No. 184 (substitute for House bills Nos. 88 and 89), An act to amend sections 114 and 118 of an act passed by the legislature of the State of Washington, and approved on the 27th day of March, 1890, entitled "An act providing for the organization, classification, incorporation and government of municipal corporations; and declaring an emergency," was read second time.

Mr. Plummer moved to amend section 1 by striking out the words "and shall have a vote only in case of a tie in the vote of the other members present" after the word "council" in line 6.

On motion of Mr. Plummer, the bill was recommitted to the Committee on Municipal Corporations.

The Committee on Ways, Means and Claims made the following report:

MR. SPEAKER:

Your Committee on Ways, Means and Claims, to which was referred Senate bill No. 123, entitled "An act for the relief of L. P. Berry, agent," respectfully reports the bill back to the House with the recommendation that it do pass.

J. E. GANDY, Chairman.

Senate bill No. 123, An act for the relief of L. P. Berry, agent, was read second time.

On motion of Mr. Megler, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran,

Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Tiffany, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Chambers, Collins, Frame, Frater, Godman, Nevin, Putney, Ragsdale, Reitze, Snively, Spinning, Taylor, Thalman, Tillotson, Tyler, and Yancy.

The title of the bill was agreed to.

The Committee on State Library, Buildings and Public Grounds made the following report:

MR. SPEAKER:

Your Committee on State Library, Buildings and Public Grounds, to which was referred Senate bill No. 145, entitled "An act relating to state library," respectfully reports the bill back to the House with the recommendation that it do pass.

U. L. COLLINS, Chairman.

Senate bill No. 145, An act relating to state library, was read second time.

House bill No. 182, An act making it unlawful to catch or kill trout during certain months, or to take, catch or kill the same in any manner whatever other than by hook and line, providing a punishment, and declaring an emergency, was read second time.

On motion of Mr. Jones, the rules were suspended, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Thalman, Tiffany, Troy, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason,

Andrews, Collins, Frater, Godman, Johnson, Nevin, Putney, Ragsdale, Ready, Reitze, Snively, Spinning, Taylor, Tillotson, Tyler, Walter, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Thalman, Tiffany, Troy, Walker, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Collins, Frater, Godman, Hunsaker, Nevin, Putney, Ragsdale, Ready, Reitze, Spinning, Taylor, Tillotson, Tyler, Walter, Wyman, and Yancy.

The title of the bill was agreed to.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, February 23, 1891. }
2 o'clock P. M. }

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Frater, Garretson, Nevin, Ragsdale, Spinning, Taylor, Tillotson, Tyler, and Yancy; excused.

Mr. Anderson of Whatcom, moved that the rules be suspended, and that all bills on the table relating to normal schools be taken from the table for consideration.

The House refused to suspend the rules.

REPORTS OF STANDING COMMITTEES.

The Committee on Revenue and Taxation made the following report:

MR. SPEAKER:

Your Committee on Revenue and Taxation, to which was referred House bill No. 45, entitled "An act to cure defective titles in real estate, by providing for the collection of unpaid taxes and assessments, and by securing record evidence in relation to real estate sold for taxes or assessments in the offices of county treasurer and auditor," respectfully reports the bill back to the House with the recommendation that it do pass.

A. A. PLUMMER, Chairman.

House bill No. 45, An act to cure defective titles to real estate, by providing for the collection of unpaid taxes and assessments, and by securing record evidence, in relation to real estate sold for taxes or assessments, in the offices of the county treasurer and auditor, was read second time.

On motion of Mr. De Steiguer, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 59, nays 4.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Painter, Palmer, Parcell, Peterson, Plummer, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Thalman, Tiffany, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Frame, Godman, Murray, and Pearson.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Dysart, Frater, Gandy, Garretson, Morse, Nevin, Ragsdale, Spinning, Taylor, Tillotson, Tyler, and Yancy.

The title of the bill was agreed to.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to whom was referred House bill No. 184, entitled "An act to amend sections 114 and 118 of an act passed by the legislature of the State of Washington, and approved

on the 27th day of March, 1890, entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,'" respectfully reports the same back to the House with the recommendation that it do pass.

J. M. MILLER, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 22, 1891.

MR. SPEAKER:

The Senate has concurred in the amendments of the House to Senate bill No. 53, An act to provide for the publication, distribution and sale of supreme court reports of the State of Washington, and declaring an emergency, and passed the bill as amended, and ordered the bill to be enrolled. Yeas 21, nays none.

The Senate has passed Senate bill No. 195, an act to provide for the incorporation of associations for social, charitable and educational purposes. Yeas 21, nays none.

The Senate has indefinitely postponed House bill No. 52, Relative to appointment of court commissioners.

The Senate has passed Senate bill No. 151, Relative to the increase of punishment for crimes and misdemeanors. Yeas 20, nay 4.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 183, An act to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency," was read second time.

On motion of Mr. Berry, the rules were suspended, and the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 54, nays 11.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Godman, Hanson, Holt, Hutchinson, Hunsaker, Jones, Kennedy, Lehman, McClure, McKay, McKnight, Meany, Metcalfe, Miller, Moore, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Thalman, Tiffany, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Barlow, Bothell, Brock, Caughran, Gandy, Johnson, Lawton, Megler, Morse, and Reinhardt.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, De Steiguer, Frater, Garretson, Nevin, Ragsdale, Reitze, Spinning, Taylor, Tillotson, Tyler, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 58, nays 4.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Godman, Hanson, Holt, Hutchinson, Hunsaker, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Peterson, Powell, Putney, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Thalman, Tiffany, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Bothell, Johnson, Pearson, and Reinhardt.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Brock, Frater, Garretson, Megler, Nevin, Plummer, Ragsdale, Reitze, Suively, Spinning, Taylor, Tillotson, Tyler, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 23, 1891.

MR. SPEAKER:

The Senate has passed House concurrent resolution No. 18, Relative to appointing managers for proceedings against Morris B. Sachs, and Senators Claypool and Dyer have been appointed on part of the Senate as such committee, and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the governor:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,

OLYMPIA, February 20, 1891.

To the Honorable, the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 94, entitled "An act making it unlawful for any judge or county officer to charge soldiers, or seamen, or the widows, orphans, or the legal represen-

tatives thereof, any fee for services in matters pertaining to pensions, or pension dues, and declaring an emergency."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, February 21, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN— I have this day approved and signed House bill No. 108, entitled "An act for the protection of sea gulls," and House bill No. 134, "An act in relation to trade marks."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, February 20, 1891.

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

GENTLEMEN— On the 8th of January of the present year, I received a telegram, signed by the county commissioners of Okanogan county, informing me that a body of masked men had forcibly entered the jail of said county, and removed an Indian who was confined there under a charge of complicity in the murder of a freighter named Cole, and had hanged him; that in consequence of this act, the Indians were very much excited; that runners had been dispatched to the British Columbia Indians, and serious danger from an uprising was feared. This information was supplemented by a request that immediate action be taken to furnish arms and fixed ammunition. This telegram was followed, within the next forty-eight hours, by many other telegrams and petitions of like import, copies of which I have the honor to submit herewith. Having a personal acquaintance with, and being fully advised of, the standing and reputation of the various parties sending these communications, and in view of the gravity of the occasion, I took such action, indicated herewith, as in my judgment was warranted by law and by the facts to speedily and effectually suppress that which threatened to be an armed and bloody insurrection; and it affords me pleasure to inform your honorable body, through this prompt intervention by the proper officers, I believe serious danger was averted, and, I trust, an amicable adjustment reached, which cannot fail to be highly satisfactory to your honorable body as it is to the citizens of Northeastern Washington.

In view of the almost wholly unprotected condition of the citizens of our northeastern borders, largely owing to lack of rapid rail transportation, I recommend the passage of an amendment to the present state militia law, which will authorize the organization of a cavalry troop in the counties of Okanogan and Stevens each.

I also desire to express my appreciation of the active and efficient services of Adjutant General R. G. O'Brien, and Brigadier General A. P. Curry, whose report will be found annexed hereto, as well as my obligations to Colonel J. C. Haines and other officers of our national guard, who promptly volunteered the services of their respective commands in case same were required. That the personnel of our citizen soldiery is of this character is a fact of which we may well be proud.

I respectfully request that the sum of \$684.07 be appropriated to meet the expenses of this special emergency, a detailed statement of which is herewith submitted. I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

REPORTS OF STANDING COMMITTEES.

The Committee on Compensation and Fees of State and County Officers made the following report:

MR. SPEAKER:

Your Committee on Compensation and Fees of State and County Officers, to which was referred Senate bill No. 40, entitled "An act to provide for the payment of certain mileage of the attorney general of the state and of the judges of the superior courts, and to declare an emergency," respectfully reports the bill back to the House with the recommendation that it do pass as amended. Strike out in the 3d line after the word "state" the words "and of the judges of the superior courts," and insert in lieu thereof the words "repealing an act to provide for the payment of the expenses of justices of the supreme court of this territory while attending and holding the same, and not otherwise provided by law, approved February 2, 1888." Strike out all of section 1. Strike out in line 2 the words "superior judges and." Change the numbers of the sections so that 2 shall read 1, 3 read 2 and 4 will read 3.

A. G. HANSON, Chairman.

The Committee on Enrolled Bills made the following reports.

MR. SPEAKER:

Your Committee on Enrolled bills respectfully reports that the enrolled copy of House bill No. 51, entitled "An act entitled an act to amend an act to prescribe the duties and fix the compensation of the reporter of the supreme court, approved December 20, 1889, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 18, Relative to proceedings against Mcrris B. Sachs, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 51, and House concurrent resolution No. 18, in open session of the House.

On motion of Mr. Sharpstein, Senate bill No. 40 was recommitted to the Committee on Judiciary.

Senate bill No. 66, An act authorizing and empowering boards of county commissioners to sell and convey property belonging to their respective counties, and declaring an emergency, was read second time by title.

On motion of Mr. Megler, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 57, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Snively, Thalman, Tiffany, Troy, Walker, Walter, Wasson, Wyman, and Yeomans.

Those who voted nay were: Messrs. Barlow, Caughran, Murray, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Frater, Garretson, Moore, Nevin, Pearson, Powell, Ragsdale, Smith, Spinning, Taylor, Tillotson, Tyler, and Yancy.

The emergency clause failed to pass by the following vote, to wit: Yeas 49, nays 10.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Gandy, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Morse, Palmer, Parcell, Peterson, Putney, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Thalman, Troy, Walker, Walter, Wasson, and Yeomans.

Those who voted nay were: Messrs. Barlow, Chambers, Frame, Miller, Murray, Reinhardt, Sharpstein, Tiffany, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason,

Andrews, Bothell, Frater, Garretson, Lehman, Moore, Nevin, Painter, Pearson, Plummer, Powell, Ragsdale, Spinning, Taylor, Tillotson, Tyler, Wyman, and Yancy.

Mr. Sharpstein moved to amend the title of the bill by striking out the words "and declaring an emergency."

On motion of Mr. Gandy, Mr. Sharpstein's motion was laid on the table.

REPORT OF COMMITTEE ON STATE LIBRARY, PUBLIC BUILDINGS AND GROUNDS.

The Committee on State Library, Public Buildings and Grounds made the following report:

MR. SPEAKER:

Your Committee on State Library, Public Buildings and Grounds, to which was referred Senate bill No. 131, entitled "An act to regulate the mode of proceeding to acquire and appropriate land, real estate and other property for public uses of the State of Washington, and prescribing the method of ascertaining and making compensation therefor," etc., respectfully reports the bill back to the House with the recommendation that it do pass.

U. L. COLLINS, Chairman,
I. N. CUSHMAN,
GEO. B. WALKER,
L. J. PEARSON,
M. ANDERSON,
L. WALTER.

Senate bill No. 131, An act to regulate the mode of proceeding to acquire and appropriate land, real estate and other property for public uses of the State of Washington, and prescribing the method of ascertaining and making compensation therefor, and declaring an emergency, was read second time.

On motion of Mr. Collins, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 54, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Frame, Gandy, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, McClure; McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Painter, Palmer, Pearson, Peterson, Plummer, Putney, Ready, Reinhardt, Rockwell, Sallee, Schrieker, Sharpstein, Smith, Smyth, Snively, Thalman, Tiffany, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Bothell, De Steiguer, Flummerfelt, Frater, Garretson, Godman, Hanson, Kennedy, Lehman, Murray, Nevin, Parcell, Powell, Ragsdale, Reitze, Spinning, Taylor, Tillotson, Tyler, and Yancy.

The emergency clause failed to pass by the following vote, to wit: Yeas 44, nays 6.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Frame, Gandy, Holt, Hunsaker, Johnson, Jones, Lawton, McClure, McKay, Meany, Metcalfe, Miller, Moore, Morse, Palmer, Pearson, Peterson, Powell, Putney, Rockwell, Sallee, Schriker, Smith, Smyth, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Barlow, Megler, Murray, Sharpstein, Snively, and Tiffany.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, De Steiguer, Dysart, Flummerfelt, Frater, Garretson, Godman, Hanson, Hutchinson, Kennedy, Lehman, McKnight, Nevin, Painter, Parcell, Plummer, Ragsdale, Ready, Reitze, Reinhardt, Spinning, Taylor, Thalman, Tillotson, Tyler, and Yancy.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 23, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 22, To amend rule VII of the mode of procedure in the Morris B. Sachs investigation, and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

Senate concurrent resolution No. 22, Amending rule VII of the joint rules and mode of procedure for the removal of any judge of any court of record, attorney general, or any prosecuting attorney of the State of Washington, as provided for in section 9, article 4 of the constitution, was read, as follows:

RULE VII. If the officer so accused shall plead either in denial or avoidance of the charges preferred, the evidence shall then be heard by the joint convention. The said convention shall be the sole judges of all questions relating to the introduction or competency of the evidence, which questions shall be decided by a majority vote of such joint convention.

On motion of Mr. Sharpstein, the resolution was amended by adding the words "without debate, and by a viva voce vote unless a division be called, in which event the question shall be decided by a rising vote."

The resolution as amended was concurred in.

On motion of Mr. Sharpstein, the following resolution was adopted, to wit:

Resolved, That the seventh subdivision of rule 12 of House rules be suspended for Wednesday, the 25th inst., and that no business under said subdivision be transacted on that day.

On motion of Mr. Meany, the House adopted the amendments to House bill No. 54, An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893, and to provide for the levy and collection of a tax, and to create a fund therefor; and to provide for the expenditure of such fund, and to declare an emergency, which was recommended by the joint committee on world's fair, on the 18th inst., and the bill was ordered printed as amended, and was continued as a special order for Friday, the 27th inst., at 11 o'clock A. M.

Mr. Snively introduced House bill No. 271, A bill for an act to provide for the manner of commencing civil actions in the superior courts and bringing the same to trial, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

On motion of Mr. Bass, the House adjourned at 4:50 P. M.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FORTY-NINTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, February 24, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, Ragsdale, Spinning, and Yancy; excused.

On motion of Mr. Plummer, reading of the journal of yesterday was dispensed with.

On motion of Mr. Ready, House bill No. 20, An act regulating freights and preventing discrimination on railroads, was made a special order for Thursday, the 26th inst., at 11 o'clock A. M.

REPORTS OF STANDING COMMITTEES.

The Committee on State Lands made the following report:

MR. SPEAKER:

Your Committee on State Lands, to whom was referred House memorial No. 12, Relative to the reservation of public lands for agricultural purposes, respectfully reports the memorial back to the House with the recommendation that it be referred to Mr. Walker, of King county, for his consideration.

M. M. GODMAN, Chairman.

On motion of Mr. Gandy, the report was adopted.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred House bill No. 129, entitled "An act to prevent frauds upon travelers," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Chairman.

On motion of Mr. Walker, the report was adopted, and House bill No. 129 was indefinitely postponed.

The Committee on Railroads made the following reports:

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 243, entitled "An act regulating and fixing railroad freight rates in the

State of Washington," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

In section 1, line 7, strike out the word "or" between words "potatoes" and "hay," and insert after word "hay," in same line, the words "flour and other mill stuffs."

Add the following proviso to section 1: "*Provided*, That no greater rate than \$5 a ton shall be charged for carrying the articles or commodities hereinbefore enumerated, for a haul of five hundred miles or less."

And recommend that it do pass as amended.

J. M. READY, Chairman.

On motion of Mr. Ready, the report was adopted.

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 238, entitled "An act requiring railroad employes to report stock killed or found dead along the track of railroads," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

In section 1, line 3, strike out the words "thereof, before burying or otherwise disposing."

Insert in line 4, same section, after the word "dead," the words "or injured;" also insert in same line, after word "other," the word "domestic."

Strike out in line 5, the word "dead."

Insert in line 7, after the word "animal," the words "and the place where such animal or animals may be found."

In line 8, insert after the word "after," the words "post a description of said animals in the nearest postoffice, and;" in same line, strike out the words "disposing of said body, burial or otherwise to."

In line 11, strike out the words "and disposed of."

And recommend that the bill do pass as amended.

J. M. READY, Chairman.

On motion of Mr. Ready, the report was adopted.

On motion of Mr. Miller, the House reconsidered the vote by which the emergency clause of Senate bill No. 66, An act authorizing and empowering boards of county commissioners to sell and convey property belonging to their respective counties, and declaring an emergency," failed to pass yesterday.

On reconsideration the emergency clause passed by the following vote, to wit: Yeas 59, nays 3.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Frame, Gandy, Godman, Hanson, Hutchinson, Hunsaker, Johnson, Jones, Lawton,

Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Garretson, Miller, and Sharpstein.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, De Steiguer, Flummerfelt, Frater, Holt, Kennedy, Moore, Morse, Murray, Nevin, Ragsdale, Spinning, Taylor, Wyman, and Yancy.

The title of the bill was agreed to.

On motion of Mr. Megler, the House reconsidered the vote by which the emergency clause of Senate bill No. 131, An act to regulate the mode of proceeding to acquire and appropriate land, real estate and other property for public uses of the State of Washington, and prescribing the method of ascertaining and making compensation therefor, and declaring an emergency, failed to pass yesterday.

On reconsideration the emergency clause was passed by the following vote, to wit: Yeas 58, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Barlow, Bass, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Berry, Godman, Hanson, Reinhardt, and Taylor.

Those absent and not voting were: Messrs. Andrews, Arrasmith, Flummerfelt, Frater, Meany, Moore, Morse, Murray, Nevin, Ragsdale, Spinning, Thalman, Wyman, Young, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 12, Relative to printing and binding governor's message and reports of public officers.

Also, passed House concurrent resolution No. 17, Relative to appointing a joint committee of the House and Senate to investigate the state's title to the present capitol grounds, etc., and appointed Senators Owings and Forrest as said committee on the part of the Senate.

Also, passed Senate bill 209, Regulating fees of justices of the peace. Yeas 21, nays 0; and passed the emergency clause.

Also, passed Senate bill No. 177, Relative to notaries public. Yeas 25, nays 0; and passed the emergency clause.

Also, passed Senate bill No. 179, To make the state treasurer ex officio fiscal agent of the state. Yeas 26, nays 0; and passed the emergency clause.

Also, passed Senate bill No. 136, Printing and distributing ballots. Yeas 21, nays 1.

Also, passed House bill No. 79, Concerning the killing and injuring of live stock. Yeas 25, nays 0.

And the same are herewith transmitted to the House.

The Senate has concurred in the House amendments to the following bills:

Senate bill No. 119, Defining certain crimes, etc.

Senate bill No. 118, Relating to new trials, and amending the code.

Senate bill No. 115, Relating to magistrates.

Senate bill No. 112, Powers of courts and judicial officers.

Senate bill No. 110, Relating to attorneys.

Senate bill No. 109, Powers and duties of clerks of courts.

Senate bill No. 105, Commencing civil actions.

Senate bill No. 104, Pleadings in civil actions.

Senate bill No. 101, Violation of injunctions, etc.

Senate bill No. 99, Relating to receivers.

Senate bill No. 98, Relating to trial by jury.

Senate bill No. 97, Arbitration and award.

The president of the Senate has signed enrolled Senate bill No. 47, entitled "An act for the relief of Lindley E. Moore."

Also, Senate bill No. 53, relative to sale of supreme court reports.

Also, Senate concurrent resolution No. 16, Relative to furnishing laws to county attorneys and clerks.

Also, Senate joint resolution No. 2, Relative to a visit of the president of the United States.

Also, Senate bill No. 92, Claims of third persons to property.

Also, Senate bill No. 95, Taking and entry of judgments.

Also, Senate bill No. 96, Relative to exceptions.

Also, Senate bill No. 113, Relative to juries.

Also, Senate bill No. 100, To dissolve or modify injunctions.

Also, Senate bill No. 107, Parties to civil actions and proceedings.

Also, Senate bill No. 106, Place of trials and proceedings.

Also, Senate bill No. 87, Proceedings in nature of ne exeat.

Also, Senate bill No. 89, Actions to abate nuisances.

Also, Senate bill No. 88, Proceedings in habeas corpus.

Also, Senate bill No. 114, Relative to legal holidays.

Also, Senate bill No. 91, Cases of forcible entry.

Also, Senate bill No. 90, Appropriation of property by corporations.

Also, Senate bill No. 102, To obtain possession of personal property.

Also, Senate concurrent resolution No. 21, Relative to filing mineral claim on school lands.

Also, Senate bill No. 86, Effect of judgments of other states.

Also, Senate bill No. 111, An act in relation to sheriffs.

Also, Senate bill No. 116, In relation to the holding of sessions of courts.

Also, Senate bill No. 85, Relating to judgments on promissory notes and similar instruments.

Also, Senate memorial No. 10, Relative to William Tecumseh Sherman.

Also, Senate bill No. 108, Relative to time in which actions may be commenced.

The Senate has concurred in the House amendment to Senate concurrent resolution No. 22, Relative to the rules of procedure in mode of removal of superior judge and other officers.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

Messrs. Garretson, Godman and Megler were appointed as members of the joint committee, on the part of the House, to investigate the title to the capitol grounds, as provided for in House concurrent resolution No. 17.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,

OLYMPIA, February 23, 1891.

To the Honorable, the House of Representatives, of the Legislature of the State of Washington:

Herewith I have the honor to return to your honorable body House bill No. 96, without my approval, for the following reasons:

First. In my judgment, the object of the bill is not sufficiently disclosed by the title; the title being "An act to require corporations owning lands in this state to file a certified copy of articles of incorporation with the county auditor." The conclusion that I reach upon consideration of the title is that the act applies only to corporations now owning and holding

lands in the state; it does not apply to lands hereafter acquired. Such is clearly the language of the title. Whereas, the provisions of section 1 of the bill apply not only to lands so held, but also to lands that may hereafter be acquired. The object of the bill as expressed by the title is simply that corporations now owning lands in the state are required to file certain copies of articles of incorporation, etc., but the bill itself provides that no corporation shall own or dispose of any lands in this state until it shall have filed, etc., and in this respect the main objects of the bill are not expressed in the title whatever.

Second. In my opinion, the provisions of this bill are contrary to wise policy and might subject corporations that have heretofore lawfully acquired title to lands under existing laws to an unnecessary hardship in making disposition of them. The provisions of existing laws are ample to prevent any abuse or fraud on the part of corporations in disposing of titles, which under the law they may have acquired. This bill affects domestic as well as foreign corporations; in either case, under existing laws, corporations are required to file their articles of incorporation with the secretary of state, and in case of foreign corporations doing business in this state, they are also required to appoint agents, and the appointment is also required to be made a matter of record in the office of the secretary of state. These provisions I consider wise, just and wholesome. I am at a loss to perceive any good reason for the additional burden which this bill would impose upon such corporations.

Third. Another very grave objection is this: Where any corporation failed to comply with the requirements of this bill and thereafter made transfer of lands to innocent purchasers living either within or without the state, there being no penalty attached, it would, under the law, result in conveying no title to such purchaser of the land thereby attempted in form to be conveyed, and would thus work a direct hardship upon a class of persons against whom it was evidently not the intention of the legislature to discriminate, and the penalty would fall upon the innocent party and not upon the wrong-doer.

For these reasons I am constrained to withhold my approval.

I have the honor to be your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

The roll was called on the question, "Shall the bill pass, notwithstanding the objections of the governor?"

The House refused to pass the bill over the governor's veto by the following vote, to wit: Yeas 5, nays 57.

Those who voted yea were: Messrs. Arrasmith, Miller, Moore, Sallee, and Schricker.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Barlow, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker,

Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Smyth, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Bass, Berry, Bothell, Frater, Godman, Morse, Nevin, Ragsdale, Sharpstein, Smith, Snively, Spinning, Taylor, Wyman, and Yancy.

On motion of Mr. Gandy, House bill No. 170, An act to provide for the location and maintenance of the Agricultural College, Experiment Station and School of Science of the State of Washington, and declaring an emergency, and all other bills on the same subject, were made a special order for 3 o'clock P. M. to-day.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Ready introduced House bill No. 272, An act providing for the relief of persons who have made improvements upon school lands within two miles of any incorporated city, town or village, which was read first time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Jones introduced House bill No. 273, An act to amend an act to declare and regulate the powers, rights and duties of corporations organized to build booms and to catch logs and timber produce therein, approved March 17, 1890, which was read first time by title, and ordered printed; referred to Committee on Forestry.

Mr. McKay introduced House bill No. 274, An act to authorize and empower boards of county commissioners in this state to contract for the construction of buildings, which was read first time by title, and ordered printed; referred to Committee on Roads and Highways.

Mr. De Steiguer introduced House bill No. 275, A bill for an act to be entitled "An act relating to the indexing of instruments, concerning or affecting real estate, filed for record in the office of the county auditor," which was read first time, by title, and ordered printed; referred to Committee on Judiciary.

Mr. Smyth introduced House bill No. 276, An act to define certain crimes and providing for the punishment thereof, and repealing sections 943 and 944 of the Code of 1881, which was read first time

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

Mr. Powell introduced House bill No. 277, A bill for an act entitled "An act providing for the apportionment of the State of Washington into congressional districts," which was read first time by title, and ordered printed; referred to Committee on Federal Relations and Immigration.

Mr. Spinning introduced House bill No. 278, A bill for an act to be entitled "An act to amend and re-enact an act entitled 'An act for the appraising and disposing of tide and shore lands belonging to the State of Washington,'" approved March 26, 1890, which was read first time by title, and ordered printed; referred to Committees on Tide Lands and Judiciary.

Mr. Putney introduced House memorial No. 13, Relative to an appropriation for the improvement of the Nasel and Willapa rivers.

Read first time.

On motion of Mr. Putney, the rules were suspended, and the memorial was read second and third time, and passed by the following vote, to wit: Yeas 64, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Palmer, Parcel, Pearson, Peterson, Plummer, Powell, Putney, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Young, and Mr. Speaker.

Mr. Yeomans voted nay.

Those absent and not voting were: Messrs. Andrews, Chambers, Frater, Godman, McKnight, Meany, Morse, Murray, Ragsdale, Ready, Spinning, Taylor, and Yancy.

Mr. Peterson introduced House memorial No. 14, Relative to reclamation of desert lands.

Read first time.

On motion of Mr. Peterson, the rules were suspended, and the memorial was read second and third time, and passed by the following vote, to wit: Yeas 64, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Mason,

Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dy-sart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johuson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Palmer, Parcell, Peterson, Putney, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Thalman, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Powell, and Tiffany.

Those absent and not voting were: Messrs. Andrews, Frater, Meany, Morse, Murray, Pearson, Plummer, Ragsdale, Ready, Spinning, Taylor, and Yancy.

Senate bill No. 151, An act to increase the punishment for crimes and misdemeanors committed a second or more times by the same person, and repealing all acts or parts of acts in conflict with this act, was read first time by title, and referred to Committee on Penitentiary.

Senate bill No. 191, An act to provide for the incorporation of associations for social, charitable and educational purposes, was read first time by title, and referred to Committee on Education.

Senate bill No. 136, An act to amend an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections," approved March 19, 1890, was read first time by title, and referred to Committee on Privileges and Elections.

Senate bill No. 179, An act making the state treasurer ex officio fiscal agent of the state and defining his duties, and declaring an emergency, was read first time by title, and referred to Committee on Public Revenue and Taxation.

Senate bill No. 177, An act to amend section 9 of an act entitled "An act to provide for the appointment, qualification and duties of notaries public, certifying their official acts, and declaring an emergency," approved December 21, 1889, and declaring an emergency to exist for the passage of this act, was read first time by title, and referred to Committee on Judiciary.

Senate bill No. 209, An act regulating fees of justices of the peace for services rendered by them, was read first time by title,

and referred to Committee on Fees and Compensation of State and County Officers.

Senate concurrent resolution No. 12, Relative to printing and binding the governor's message and reports of public officers, was read, and concurred in.

The speaker signed Senate bills Nos. 47, 53; 85, 86, 87, 89, 90, 91, 92, 95, 96, 100, 102, 106, 107, 108, 111, 113, 114, 116, and Senate concurrent resolutions Nos. 16 and 21, and Senate joint resolution No. 2, and Senate memorial No. 10, in open session of the House.

House bill No. 121, An act to provide for the selection of lands granted to the State of Washington under act of congress, approved February 22, 1889, for the purpose of the erection of public buildings and a penitentiary; the use and support of agricultural and scientific normal schools, and charitable, penal and reformatory institutions, was read second time.

On motion of Mr. Plummer, the order of business was suspended, and bills on their third reading were taken up.

REPORTS OF STANDING COMMITTEES.

The Committee on Hospital for the Insane made the following report:

MR. SPEAKER:

Your Committee on Hospital for the Insane, to which was referred House bill No. 160, entitled "An act to appropriate money for water supply plant for the Eastern Washington Hospital for the Insane," respectfully reports the bill back to the House with the recommendation that it do pass with the following amendment:

SEC. 3. Before any work shall be commenced or money expended under the provisions of this act, the said commissioners shall procure the water rights necessary to provide water for the said hospital, and the right-of-way for the necessary water pipes.

W. D. TILLOTSON, Chairman.

I respectfully dissent from the report of the majority of the committee for reasons, three of which are herein briefly set forth as follows:

First. An appropriation of \$20,000 is asked for in the bill to erect a water plant upon lands not leased or owned by the state, and over which the state has no right-of-way, and it is not known whether the state can secure either the right-of-way or purchase the grounds upon which the plant will be erected.

Second. The plant, if erected according to the outlined and estimated report of the engineer, as submitted to this House, would not at all times

furnish the required amounts of water, and could furnish water for fire protection only to a part of the building.

Third. The estimate of the engineer for laying 800 feet of pipe in stone is insufficient to properly lay the same.

Respectfully submitted.

J. C. THALMAN.

On motion of Mr. Powell, House bill No. 160 was recommitted to the Committee on Hospital for the Insane.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred House memorial No. 8, Relative to reclaiming shallow ponds and lakes, respectfully reports the memorial back to the house with the recommendation that it do pass.

JOS. ARRASMITH, Chairman.

House memorial No. 8 was read second time.

On motion of Mr. Chambers, the rules were suspended, and the memorial was read third time, and passed by the following vote, to wit: Yeas 57, nays 3.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Moore, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Smith, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Godman, Schricker, and Tyler.

Those absent and not voting were: Messrs. Andrews, Bass, Caughran, De Steiguer, Frater, Hunsaker, Kennedy, Meany, Miller, Morse, Powell, Ragsdale, Sharpstein, Smyth, Snively, Spinning, Taylor, and Yancy.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred Senate bill No. 51, entitled "An act to amend section 2551 of chapter CXCVIII of the Code of Washington, relating to marks and brands," respectfully reports the bill back to the House with the recommendation that it do pass with the following amendments: Strike out all after the word "auditor," line five, section one, original bill, down to and including the word "same," in line seven, insert in lieu thereof the words "his brand and counter

brand burnt upon a piece of leather, and a description of his mark, dew-laps or wattles." JOSEPH ARRASMITH, Chairman.

On motion of Mr. Ready, the amendments recommended by the committee were adopted.

On motion of Mr. Godman, section 1 was amended by inserting the words "relative to marks and brands" after the word "Washington," in line 2.

The bill was read third time, and passed by the following vote, to wit: Yeas 62, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Yeomans, Young, and Mr. Speaker.

Mr. Hanson voted nay.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Bass, Caughran, Frater, Kennedy, Morse, Nevin, Ragsdale, Reitze, Snively, Spinning, Wyman, and Yancy.

The title of the bill was agreed to.

On motion of Mr. Sallee, the House took a recess at 12 o'clock noon, until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 25, 1891. }
2 o'clock P. M. }

The House was called to order at 2 o'clock P. M., the speaker in the chair.

The roll was called; all the members present except Messrs. Anderson of Mason, Andrews, Frater, Kennedy, Pearson, Ragsdale, and Yancy.

Mr. Ready presented a petition from 500 citizens of Kittitas county, asking for the passage of Senate bill No. 19, An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred House bill No. 82, entitled "An act to prevent unjust and unreasonable charges, and to fix the maximum charges for the transportation of passengers on railroads in this state," and House bill No. 84, An act concerning passengers and fares on railroads, respectfully reports the bills back to the House with a substitute, and recommends that House bills Nos. 82 and 84 be indefinitely postponed, and that the substitute do pass.

J. M. READY, Chairman.

On motion of Mr. Walker, the report was adopted, and House bills Nos. 82 and 84 were indefinitely postponed.

House bill No. 135, substitute for House bills Nos. 82 and 84, An act concerning passenger rates and fares on railroads, was read for information.

On motion of Mr. Tyler, section 1 was amended by striking out the words, "*Provided*, A charge of twenty-five (25) cents may be added to the fare of any passenger when the same is paid upon the cars if a ticket might have been procured within a reasonable time before the departure of the train, and if the failure to procure a ticket was not caused by the ticket office being closed or without a sufficient supply of tickets, or other neglect of the company."

Mr. Fellows moved to amend the bill by inserting the following new section, to wit:

SEC. — All railroad companies shall sell at their ticket stations within this state, tickets for five hundred miles, which shall be transferable, and also round trip tickets, good for first-class passengers to and from any station within this state on their respective lines of road, at the uniform rate of three cents per mile, and with the right of the holder thereof to stop over upon his journey at any station; but no railroad corporation shall be compelled to accept a single fare of less than four cents."

Mr. Tyler moved to amend Mr. Fellows' amendment by striking out the word "shall" and inserting the word "may" after the words "railroad companies" in line 1 of the amendment.

The House rejected Mr. Tyler's amendment to Mr. Fellows' amendment.

The House rejected Mr. Fellows' amendment.

Mr. Snively moved to amend the bill by striking out the words "four cents" wherever they occur in the bill, and inserting in lieu thereof the words "three cents."

The House rejected the amendment by the following vote, to wit: Yeas 28, nays 43.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Collins, Cushman, Farrish, Fellows, Godman, Holt, Hutchinson, Hunsaker, Jones, Lehman, McKnight, Metcalfe, Moore, Nevin, Painter, Palmer, Parcell, Peterson, Ready, Reinhardt, Rockwell, Sharpstein, Smyth, Snively, and Walter.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Barlow, Berry, Bothell, Brock, Caughran, Chambers, De Steiguer, Frame, Gandy, Garretson, Hanson, Johnson, Lawton, McClure, McKay, Meany, Megler, Miller, Morse, Murray, Pearson, Plummer, Powell, Putney, Reitze, Sallee, Schricker, Smith, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Dysart, Flummerfelt, Frater, Kennedy, Ragsdale, and Yancy.

On motion of Mr. Painter, the bill was indefinitely postponed.

House bill No. 117, An act to provide for the transportation of prisoners to the state penitentiary, to fix the compensation therefor, and declaring an emergency, was read for information.

Mr. Caughran moved to amend section 3 by striking out the word "be" and inserting the words "not exceed" in line 5.

The House adopted the amendment.

On motion of Mr. Lawton, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 62, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Painter, Palmer, Peterson, Plummer, Powell, Putney, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bothell, Frater, Hutchinson, Kennedy, McKnight, Moore, Murray, Parcell, Pearson, Ragsdale, Ready, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 58, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, Meany, Megler, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Pearson, Peterson, Plummer, Powell, Putney, Reitze, Reinhardt, Rockwell, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Tiffany, Tillotson, Troy, Walker, Walter, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Bothell, Collins, Frater, Hutchinson, Kennedy, McKnight, Metcalfe, Parcell, Ragsdale, Ready, Sallee, Sharpstein, Thalman, Tyler, Wyman, and Yancy.

The title of the bill was agreed to.

Senate bill No. 42, An act to amend section 324 of chapter 29 of the Code of Washington relating to the revival and continuance of judgments, was read third time, and passed by the following vote, to wit: Yeas 53, nays 10.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, McKay, McKnight, Meany, Megler, Miller, Moore, Morse, Murray, Nevin, Palmer, Pearson, Peterson, Plummer, Powell, Putney, Reinhardt, Rockwell, Sallee, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tillotson, Troy, Walker, Wyman, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Caughran, Collins, Godman, McClure, Metcalfe, Schricker, Snively, Tiffany, Tyler, and Wasson.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Frater, Hutchinson, Kennedy, Lehman, Painter, Parcell, Ragsdale, Ready, Reitze, Walter, Yancy, and Young.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 133, entitled "An act to amend sections 3095 and 3098 of the Code of Washington, relating to official count of election returns," respectfully reports the bill back to the House with the recommendation that it be amended by adding a proviso at the end of section 1, as follows: "*Provided*, That in counties in which the duties of county auditor and county clerk are joined, the sheriff shall perform the duties hereinbefore prescribed for the county clerk," and that as amended the bill do pass.

A. W. FRATER, Chairman.

On motion of Mr. Flummerfelt, the amendments recommended by the committee were adopted.

House bill No. 133, An act to amend sections 3095 and 3098 of the Code of Washington, relating to official count of election returns, was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, McClure, McKay, McKnight, Meany, Megler, Miller, Moore, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Frater, Garretson, Kennedy, Lehman, Metcalfe, Morse, Nevin, Powell, Ragsdale, Ready, Reitze, Snively, Tillotson, Wasson, and Yancy.

The title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 125, entitled "An act relating to the civil jurisdiction of justices' courts, amending Code of 1881," respectfully reports the bill back to the House with the recommendation that it be amended by striking out all of section six, for the reason that it is unconstitutional, and that as amended the bill do pass.

A. W. FRATER, Chairman.

On motion of Mr. Young, the report was adopted.

Engrossed House bill No. 67, An act to establish a bureau of statistics, agriculture and immigration; to provide for the appointment of commissioner of said bureau, prescribing his duties and compensation; making an appropriation for the same, and declaring an emergency, was read third time and placed on final passage.

The House refused to pass the bill by the following vote, to wit: Yeas 23, nays 40.

Those who voted yea were: Messrs. Adams, Berry, Collins, Cushman, De Steiguer, Gandy, Jones, McClure, Meany, Megler, Metcalfe, Morse, Parcell, Plummer, Reitze, Sallee, Thalman, Til-
lotson, Troy, Wyman, Yeoman, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Brock, Caughran, Chambers, Dysart, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Han-
son, Holt, Hutchinson, Hunsaker, Lawton, Lehman, McKay, Mc-
Knight, Moore, Murray, Painter, Palmer, Pearson, Peterson, Pow-
ell, Ready, Reinhardt, Rockwell, Smith, Smyth, Snively, Spinning,
Taylor, Tiffany, Tyler, and Walker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Frater, Johnson, Kennedy, Miller, Nevin, Put-
ney, Ragsdale, Schricker, Sharpstein, Walter, Wasson, and Yancy.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1891.

MR. SPEAKER:

The president of the Senate has signed enrolled Senate concurrent resolution No. 22, entitled "An act to amend rule of procedure in rule VII of the mode of removal of superior court judges, etc."

Also House concurrent resolution No. 18, Relative to proceedings against Morris B. Sachs.

Also, House bill No. 51, Relative to compensation of reporters of supreme court.

The Senate has failed to pass House bill No. 34, Declaring 8 hours a legal day's work. Yeas 17, nays 9.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

Mr. Dysart introduced House bill No. 279, An act to provide for the committing of juvenile offenders to the state reform school at Chehalis, which was read first time by title, and ordered printed;

referred to Committee on Reform School and School for Defective Youth.

The Committee on Public Revenue and Taxation introduced House bill No. 280, An act to provide for the assessment and collection of taxes in the State of Washington, which was read first time by title.

On motion of Mr. Plummer, the rules were suspended, and the bill was read second time, and placed on the calendar.

Senate bill No. 125, A bill for an act relating to the civil jurisdiction of justices' courts, amendatory of section 1710 of the Code of Washington of 1881, as amended by an act entitled "An act to correct errors and supply omissions in the Code of Washington," approved November 28, 1883, which was read third time, and passed by the following vote, to wit: Yeas 56, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Caughran, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ready, Reinhardt, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Bothell, Brock, Collins, Frater, Godman, Hanson, Kennedy, Megler, Nevin, Pearson, Powell, Ragsdale, Reitze, Sharpstein, Spinning, Walter, Yancy, and Young.

The title of the bill was agreed to.

The speaker signed Senate concurrent resolution No. 22, in open session of the House.

House bill No. 86, An act to secure to workmen the payment of wages in lawful money, was read for information.

On motion of Mr. Bothell, section — was amended by adding the words "and that all logging interests, firms or otherwise, doing a logging business in the State of Washington, shall not come under the provisions of this act."

Mr. Dysart moved that the House reconsider the vote by which the House adopted Mr. Bothell's amendment.

The House rejected the motion to reconsider by the following vote, to wit: Yeas 31, nays 34.

Those who voted yea were: Messrs. Adams, Bass, Collins, Cushman, De Steiguer, Dysart, Flummerfelt, Godman, Holt, Hutchinson, Johnson, McKnight, Meany, Metcalfe, Murray, Palmer, Parcell, Peterson, Plummer, Ready, Reinhardt, Rockwell, Smyth, Snively, Thalman, Tiffany, Troy, Tyler, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Chambers, Farrish, Fellows, Frame, Gandy, Garretson, Hunsaker, Jones, Lawton, Lehman, McClure, McKay, Megler, Miller, Morse, Painter, Powell, Putney, Reitze, Sallee, Schricker, Smith, Spinning, Taylor, Tillotson, Walker, Walter, and Wyman.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Caughran, Frater, Hanson, Kennedy, Moore, Nevin, Pearson, Ragsdale, Sharpstein, Wasson, and Yancy.

Mr. Sallee moved to amend section 2 by adding the words, "that all mills and milling companies shall not come under the provisions of this act."

The House rejected the amendment.

Mr. De Steiguer moved to amend section 1 by inserting after the word "kind," in last line, the words "payable in anything else than lawful money," and also to amend section 2 by inserting the words "payable in anything else than lawful money" after the word "kind," in line 7.

Mr. Plummer moved to amend Mr. De Steiguer's amendment by adding the words "on demand."

The House adopted Mr. Plummer's amendment to Mr. De Steiguer's amendment.

The House adopted Mr. De Steiguer's amendment as amended.

Mr. Lehman moved that the House adjourn.

The House refused to adjourn.

Mr. Hunsaker moved to amend section 2 by adding the words, "that all fruit raisers, merchants and wood dealers shall not come under the provisions of this act."

The House rejected the amendment.

The bill passed by the following vote, to wit: Yeas 45, nays 14.

Those who voted yea were: Messrs. Adams, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, Dysart, Fellows, Flummerfelt, Frame, Gandy, Godman, Hanson, Holt, Hutchinson, Johnson, Jones, Lawton, McClure, McKay, McKnight,

Meany, Metcalfe, Miller, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ready, Reitze, Reinhardt, Rockwell, Schricker, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, and Troy.

Those who voted nay were: Messrs. Anderson of Whatcom, Barlow, De Steiguer, Farrish, Hunsaker, Kennedy, Megler, Moore, Morse, Sallee, Sharpstein, Taylor, Tyler, Walker, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Collins, Frater, Garretson, Lehman, Nevin, Powell, Ragsdale, Tillotson, Walter, Wyman, and Yancy.

The title of the bill was agreed to.

On motion of Mr. Plummer, the House reconsidered the vote by which the bill passed.

Mr. Yeomans moved that the bill be indefinitely postponed.

The House refused to indefinitely postpone the bill by the following vote, to wit: Yeas 14, nays 47.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Caughran, De Steiguer, Farrish, Gandy, Hunsaker, Murray, Pearson, Reinhardt, Sallee, Tyler, and Yeomans.

Those who voted nay were: Messrs. Adams, Bass, Berry, Bothell, Brock, Chambers, Cushman, Dysart, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Johnson, Kennedy, Lawton, McClure, McKay, McKnight, Meany, Metcalfe, Miller, Moore, Morse, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ready, Reitze, Rockwell, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Walker, Walter, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Collins, Frater, Jones, Lehman, Megler, Nevin, Powell, Ragsdale, Schricker, Sharpstein, Taylor, Tillotson, Wasson, Wyman, and Yancy.

On motion of Mr. Spinning, the bill was considered engrossed, and was read third time.

On motion of Mr. Parcell, a call of the House was ordered.

The roll was called, and Messrs. Collins, Lehman, Nevin, Powell, Ragsdale, Walter, Wasson, and Yancy, were found to be absent without leave.

On motion of Mr. De Steiguer, further proceedings under call of the House were dispensed with.

On motion of Mr. Sharpstein, the previous question was ordered. The roll was called on the passage of the bill.

The bill passed by the following vote, to wit: Yeas 44, nays 23.

Those who voted yea were: Messrs. Adams, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Cushman, Dysart, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Johnson, Jones, Lawton, McKay, McKnight, Meany, Metcalfe, Miller, Painter, Parcell, Pearson, Peterson, Plummer, Putney, Ready, Reitze, Rockwell, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Walker, and Wyman.

Those who voted nay were: Messrs. Anderson of Whatcom, Barlow, Caughran, De Steiguer, Farrish, Hunsaker, Kennedy, McClure, Megler, Moore, Morse, Murray, Palmer, Reinhardt, Sallee, Schricker, Sharpstein, Taylor, Tillotson, Tyler, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Collins, Frater, Lehman, Nevin, Powell, Ragsdale, Walter, Wasson, and Yancy.

The title of the bill was agreed to.

On motion of Mr. Snively, the following resolution was adopted, to wit:

Resolved, That the speaker of the House be hereby authorized to sign and issue all subpoenas for witnesses which the managers of the proceedings against Judge Sachs may ask to have subpoenaed, and that Thomas De Lanty be and is hereby authorized to serve any subpoenas which the speaker may deem expedient to direct to him.

On motion of Mr. Garretson, the House adjourned until 7:30 P. M.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, March 24, 1891, }
7:30 o'clock P. M.

The House was called to order at 7:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, Kennedy, Ragsdale, Smith, Tillotson, Troy, and Yancy.

JOINT CONVENTION.

The Senate and House of Representatives of the Legislature of the State of Washington met in joint convention in the hall of the House of Representatives at 7:30 P. M., for the purpose of investigating the charges preferred against Morris B. Sachs, judge of the superior court for Jefferson, Clallam, San Juan, Island and Kitsap counties in this state.

The president pro tem. of the Senate took the chair.

The roll of the Senate was called; all the Senators present except Messrs. Baker and Luce.

The roll of the House was called; all the members present except Messrs. Andrews, Frater, Kennedy, Ragsdale, Smith, Tillotson, and Yancy.

The clerk of the House read that portion of the journal of the House relating to the charges against Judge Morris B. Sachs.

The secretary of the Senate read that portion of the journal of the Senate relating to the charges against Judge Morris B. Sachs.

The following return of service of charges was made by the sergeant-at-arms, to wit:

STATE OF WASHINGTON, SS.

I, D. E. Lesh, sergeant-at-arms House of Representatives, do hereby certify that the attached resolution and charges came into my hands on the 23d day of February, 1891, and I served the same on Morris B. Sachs, judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, State of Washington, on said 23d day of February, 1891, at the hour of 11:30 A. M. of said day, in the city of Port Townsend, Jefferson county, Washington, which service I made by leaving at his residence, in the city of Port Townsend, a true and correct copy of said resolution and charges, certified by me to be such, with T. C. Moss, a person of suitable age and description, to be given to him, he then being absent from home. I also on said 23d day of February, 1891, at the hour of 3 o'clock P. M. of said day, in the city of Seattle, King county, Washington, served a true and correct copy, certified by me to be such, on said Morris B. Sachs personally, by delivering to and leaving with him said resolution and charges.

Dated this 24th day of February, 1891.

D. E. LESH,

Sergeant-at-arms House of Representatives.

(For copy of papers served on Judge Sachs, see page 45, Appendix "B.")

The sergeant-at-arms was instructed to call Judge Morris B. Sachs.

Judge Morris B. Sachs appeared at the bar of the House in per-

son and by his counsel, Hon. P. H. Winston, A. R. Coleman and J. C. Haines.

The joint committee appointed to manage the investigation before the joint convention announced that Hon. Galusha Parsons had been appointed to conduct the investigation on the part of the prosecution.

Counsel for defense objected to any private prosecutor participating in the proceedings. (See page 42, Appendix "B.")

The clerk of the House read the charges preferred against Mr. Sachs.

On motion of Mr. Plummer, the sergeant-at-arms was instructed to subpoena such witnesses as the defense might wish, such witnesses to appear not later than Friday, the 27th inst. (See page 43, Appendix "B.")

Counsel for defense filed an affidavit and motion for continuance of the case. (See page 43, Appendix "B.")

On motion of Mr. Plummer, the clerk of the House and secretary of the Senate were instructed to furnish the counsel for defendant with copies of charges, etc., against Mr. Sachs. (See page 47, Appendix "B.")

Counsel for defense filed a demurrer to the jurisdiction of the joint convention in the matter pending before it. (See page 47, Appendix "B.")

The president of the joint convention ruled the demurrer out of order.

Senator Thompson (G. T.) appealed from the decision of the chair.

The House sustained the decision of the chair. (See page 48, Appendix "B.")

Counsel for defense filed a motion to strike out the sixth charge preferred against Judge Sachs. (See page 48, Appendix "B.")

Counsel for defense filed a general demurrer to charges. (See page 48, Appendix "B.")

Mr. Plummer moved that counsel for defense be allowed five minutes to argue each paper submitted for filing.

On motion of Mr. Miller, the motion was amended to also allow the prosecution five minutes to argue each paper submitted.

The motion as amended was adopted. (See page 50, Appendix "B.")

Counsel for defense objected to Judge Parsons participating in

the proceedings before the joint convention. (See page 53, Appendix "B.")

The House refused to grant the continuance asked for by the defense. (See page 57, Appendix "B.")

Counsel for Mr. Sachs objected to the committee appointed by the legislature to conduct the trial or investigation being allowed to vote on matters connected with the case and coming before the joint convention. (See page 57, Appendix "B.")

Mr. Snively moved that the House take up and consider the demurrer to jurisdiction filed by the defense.

The motion was adopted.

The House refused to sustain the demurrer. (See page 60, Appendix "B.")

Mr. Snively moved that the defense be allowed until 7:30 p. m. to-morrow to file his answer as to matters of fact contained in charges against him.

The House adopted the motion. (See page 63, Appendix "B.")

On motion of Mr. Megler, the following resolution was adopted, to wit:

Resolved, That the clerk be instructed to request the attorney general to be present at the next joint meeting for the trial of Judge Sachs, and that he be permitted to have such aid as he thinks necessary.

(See page 63, Appendix "B.")

Counsel for defense asked that motion to strike out the 6th charge be taken up. (See page 64, Appendix "B.")

The joint convention refused to strike out the charge.

Mr. Sachs, by his counsel, excepted to the action of the joint convention in refusing to strike out. Exception noted. (See page 65, Appendix "B.")

On motion of Mr. Snively, the House proceeded to vote on the demurrer to each charge separately.

The House overruled the demurrer to each charge.

Defense, by his counsel, excepted to overruling of demurrer. Exception noted. (See page 67, Appendix "B.")

On motion of Senator Rutter, the following resolution was adopted, to wit:

Resolved, That when the joint convention rise and separate, it does so to meet again in joint convention at 7:30 p. m., February 25, 1891.

On motion of Senator Claypool, the joint convention rose, and the Senate retired.

On motion of Mr. Garretson, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTIETH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, February 25, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, Ragsdale, and Yancy; excused.

The journal of yesterday was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on State Lands made the following report:

MR. SPEAKER:

Your Committee on State Lands, to whom was referred House bill No. 221, entitled "An act to protect occupants and improvers of real estate under color of title," respectfully reports the bill back to the House with the recommendation that the same be referred to the Judiciary Committee.

M. M. GODMAN, Chairman.

On motion of Mr. Godman, the report was adopted.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred House bill No. 136, entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, and livery and boarding house stable keepers, and other persons, for herding, keeping, pasturing, feeding and caring for stock," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed. It is the same as Senate bill No. 124, which was recommended to pass.

JOSEPH ARRASMITH, Chairman.

On motion of Mr. Tiffany, the House adopted the report.

The Committee on Agriculture presented House concurrent resolution No. 19, Relative to appointing delegates to a commercial convention at Kansas City.

On motion of Mr. Meany, the House adopted the resolution.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 79, entitled "An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 17, Relative to appointing a joint committee of the House and Senate to investigate the state's title to the present capitol grounds, and to examine into propositions to donate to the state other grounds, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 79 and House concurrent resolution No. 17 in open session of the House.

INTRODUCTION AND FIRST READING OF BILLS.

On motion of Mr. Plummer, the rules were suspended, and it was ordered that all bills introduced to-day be read first and second time by title.

Mr. Arrasmith introduced House bill No. 281, An act providing for the division of the State of Washington into congressional districts, which was read first and second time by title, and ordered printed; referred to Committee on Federal Relations and Immigration.

Mr. Sallee introduced House bill No. 282, An act to regulate the payment of wages in time checks and due bills, which was read first and second time by title, and ordered printed; referred to Committee on Labor and Labor Statistics.

Mr. McKay introduced House bill No. 283, entitled "An act to provide for the greater safety of persons and property on railroads within the State of Washington, which was read first and second time by title, and ordered printed; referred to Committee on Railroads.

Mr. Tiffany introduced House bill No. 284, An act providing for instruction in social and moral science in the public schools of this state, which was read first and second time by title, and ordered printed; referred to Committee on Education.

Mr. Jones introduced House bill No. 285, An act to amend "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, which was read first and second time by title, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Jones introduced House bill No. 286, An act designating what instruments may be satisfied or released by a written release across the record of said instruments, or upon the margin thereof, which was read first and second time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Anderson, of Mason, introduced House bill No. 287, An act to provide for the appointment of an agent to prosecute the claims of the State of Washington against the United States, and to procure payment of moneys due said state from the United States on account of public lands disposed of by the United States in the said State of Washington; also, to present and prosecute the claims of the State of Washington against the United States for moneys due the said state on account of expenses incurred in organizing troops for the military service of the United States, and for material and supplies furnished the same, and on account of Indian depredations, which was read first and second time by title, and ordered printed; referred to Committee on School Lands.

Mr. Frame introduced House bill No. 288, An act for the publication of laws in the newspapers of this state, and declaring an emergency, which was read first and second time by title, and ordered printed; referred to Committee on Printing.

Mr. Powell introduced (by request) House bill No. 289, A bill for an act entitled "An act to provide for the incorporating of societies for literary and social purposes and mutual improvement," which was read first and second time by title, and ordered not printed; referred to Committee on Education.

Mr. Thalman introduced House bill No. 290, A bill for an act to prescribe additional duties for the state geologist, and declaring an emergency, which was read first and second time by title, and ordered printed; referred to Committee on Mines and Mining.

Mr. Gandy introduced, by request, House bill No. 291, An act for the relief of Paisley and Williams, which was read first and second time by title, and ordered printed; referred to Committee on Ways, Means, and Claims.

The Committee on Ways, Means and Claims introduced House bill No. 292, An act for the relief of Wilbur W. Waltman, which was read first and second time by title, and ordered printed.

The Committee on Ways, Means and Claims introduced House bill No. 293, An act for the relief of the Western Union Telegraph Company, which was read first and second time by title, and ordered printed.

The Committee on State University and Normal Schools introduced House bill No. 294, An act for the government, management and control of normal schools, which was read first and second time by title, and ordered printed.

Mr. Tyler introduced House bill No. 295, An act to provide for the organization and government of state banks, which was read first and second time by title, and ordered printed; referred to Committee on Corporations other than Municipal and Railroads.

Mr. Garretson introduced House bill No. 296, An act providing for establishing a white shield home, for the erection of a building therefor, and making an appropriation for the same, which was read first and second time by title, and ordered printed; referred to Committee on Appropriations.

Mr. Chambers introduced House bill No. 297, An act to create a commission ex-officio composed of state officers, and for the purpose of leasing suitable accommodations for state officers, and for the preservation of the state archives, and making an appropriation therefor, which was read first and second time by title, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Mr. Morse introduced, by request, House bill No. 298, An act authorizing the procuring of accommodations for the state officers, providing for a commission for the same, making an appropriation therefor, and declaring an emergency, which was read first and second time by title, and ordered printed; referred to Committee on State Library, Public Buildings and Grounds.

Mr. Morse introduced House bill No. 299, An act defining the boundaries of Island county, which was read first and second time

by title, and ordered printed; referred to Committee on Counties and County Lines.

The Committee on Appropriations introduced House bill No. 300, An act making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes, which was read first and second time by title, and ordered printed; recommitted to Committee on Appropriations.

Mr. Gandy introduced House bill No. 301, An act for the dissection of dead bodies, which was read first and second time by title, and ordered printed; referred to Committee on Medicine, Surgery and Pharmacy.

Mr. Chambers introduced House memorial No. 15, Relative to survey of Olympia harbor, which was read first and second time.

Mr. Berry introduced House memorial No. 16, Relative to federal courts, which was read first and second time.

Mr. Plummer introduced House memorial No. 17, In relation to Captain Robert Gray and Captain John Kendrick, which was read first and second time, and ordered printed; referred to Committee on Federal Relations and Immigration.

Mr. Garretson introduced (by request) House bill No. 302, An act entitled an act relating to the appointment of guardians of idiots and insane persons, and prescribing their powers and duties, and declaring an emergency, which was read first and second time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Adams introduced (by request) House bill No. 303, A bill providing for the changing of persons' names; also, what shall be the evidence of the same, and declaring an emergency, which was read first and second time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Thalman introduced House bill No. 304, A bill providing for the appointment of shorthand reporters, defining their duties, fixing their compensation, and making their report part of the record on appeal, after being properly certified; also, providing for bill of exceptions in case of the death of the reporter; also, providing for additional bill of exceptions, to be filed with the report, and declaring an emergency, which was read first and second time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Wyman introduced House bill No. 305, An act providing an exemption law for the State of Washington, which was read

first and second time by title, and ordered printed; referred to Committee on Judiciary.

Mr. Snively introduced House bill No. 306, A bill for an act to be entitled an act to appropriate money for the prosecution of the artesian well authorized under an act passed by the legislature of the Territory of Washington, and approved on the 2d day of February, A. D. 1889, which was read first and second time by title, and ordered printed; referred to Committee on Water and Water Rights.

Mr. Peterson introduced House bill No. 307, A bill for an act to be entitled "An act to amend section 15 of an act entitled 'An act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,'" which was read first and second time by title, and ordered printed; referred to Committee on Judiciary.

Mr. De Steiguer introduced (by request) House bill No. 308, A bill for an act to be entitled "An act to amend sections 1 and 2 of an act approved February 2, 1888, and entitled 'An act to regulate, restrain, license, or prohibit the sale of intoxicating liquors,'" which was read first and second time by title, and ordered printed; referred to Committee on Municipal Corporations.

Mr. Meany introduced (by request) House bill No. 309, An act appropriating the sum of twelve hundred and fifty dollars to pay certain officers of the late constitutional convention, which was read first and second time by title, and ordered printed; referred to Committee on Appropriations.

Mr. Meany introduced (by request) House bill No. 310, An act providing for transcribing the shorthand notes of the official stenographers of the late constitutional convention, making an appropriation therefor, which was read first and second time by title, and ordered printed; referred to Committee on Appropriations.

Mr. Frame introduced House bill No. 311, An act providing for the organization of new counties in the State of Washington, which was read first and second time by title, and ordered printed; referred to Committee on Counties and County Lines.

Mr. Snively introduced House memorial No. 18, Relative to the irrigation of the Yakima Indian reservation, which was read first and second time; referred to Committee on Indian Affairs.

Mr. Nevin introduced House memorial No. 19, Praying congress

to pass the Conger pure lard bill, which was read first and second time; referred to Committee on Agriculture.

Mr. Meany introduced House concurrent resolution No. 21, Relative to procuring and preserving a complete file of all papers published in the state.

Mr. Bass moved that the resolution be laid on the table.

The House refused to lay the resolution on the table.

On motion of Mr. Garretson, the resolution was adopted.

On motion of Mr. Sharpstein, House bill No. 127, An act to limit the charges for transportation of property on railroads and steamboats in this state, was indefinitely postponed.

Mr. Sharpstein moved that House bill No. 119, An act to amend sections three (3) and eight (8) of an act entitled "An act to regulate the practice of medicine and surgery in the State of Washington, and to license physicians and surgeons, to punish all persons violating the provisions of this act, and to repeal all laws in conflict herewith, and declaring an emergency, be indefinitely postponed.

The house refused to indefinitely postpone.

House bill No. 171, An act prescribing the qualifications of locomotive engineers, was read for information.

On motion of Mr. Plummer, section 2 was amended by striking out the words "twenty-one years" and inserting the words "eighteen years."

Mr. Powell moved to amend section 2 by striking out the word "consecutively" before the word "years," in line 5.

The amendment was adopted.

Mr. Tyler moved to amend section 2 by striking out all after the word "habits," in line 4.

The House adopted the amendment.

Mr. Godman moved to strike out section 3.

Mr. Hanson moved that the bill be indefinitely postponed.

The House adopted the motion.

Mr. Snively presented House concurrent resolution No. 20, Instructing the sergeant-at-arms to serve subpoenas for the defense in re charges against Judge Sachs.

On motion of Mr. Spinning, the House adopted the resolution.

On motion of Mr. Garretson, the House took a recess at 12 o'clock noon, until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Wednesday, February 25, 1891. }
 2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, Ragsdale, and Yancy; excused.

The Committee on Hospital for the Insane made the following report, to wit:

OLYMPIA, WASH., February 25, 1891.

To the President of the Senate and Speaker of the House of Representatives:

Your joint committee on state insane, whom you directed to visit the hospitals for the insane at Medical Lake and Steilacoom, respectfully submit the following:

MEDICAL LAKE HOSPITAL.

We have made a careful examination of the hospital for the insane at Medical Lake, and found the building practically completed. It is an excellent building, of brick and stone, and finished throughout in fir and cherry. So far as we can observe, the specifications have been carried out, with the exception of such changes as the commissioners have ordered, and the further exception of considerable extra work done by employees of the board of commissioners, all of which we approve.

INADEQUATE WATER SUPPLY.

A grievous error was committed in constructing this costly state building without first securing ample grounds and providing for obtaining an abundant supply of water. Notwithstanding the fact that the principal reason for locating the hospital at Medical Lake was on account of the sanitary benefits to be derived from the medicinal waters of the lake, the state does not own a foot of land fronting upon the lake, and has no access to it, either for the purpose of obtaining a supply of the medicinal water for bathing purposes or boating exercise for the benefit of convalescent patients. This was a serious oversight that should be remedied by this legislature.

THE SPRING AND WELL.

There is a spring on the state's ground which the locators of the hospital erroneously deemed of sufficient volume to afford an adequate supply of fresh water for the institution. It is equipped with a small pumping engine and a one-inch pipe, and upon a recent practical test the spring was pumped dry in half a day. A well, seven feet in diameter, has been sunk to a depth of twenty-five feet. Practical tests have demonstrated

that its capacity is only eight hundred gallons of water per day. The institution will require thirty-five thousand gallons, per day, without fire protection.

THE RESERVOIRS.

In the original plan of the structure, it was designed that two tanks be placed upon the roof. The commissioners abandoned that method, and adopted a system of reservoirs on an elevation west of the building. One of these, with a capacity of twenty-five thousand gallons, is now completed. The cost of this reservoir, in excess of the contract price for the construction of the tanks, was \$190. Your committee considers this a very proper change from the original plan. An additional reservoir is needed, at a cost of about \$3,000. It is absolutely necessary that the state shall purchase ground bordering upon Clear Lake, sufficient for a pumping house, and it will also be necessary to purchase the right-of-way for a pipe leading from Clear Lake to the reservoirs. Until a supply of water has been obtained, the hospital at Medical Lake must remain unoccupied. Otherwise it could be made ready for the reception of patients within two weeks.

ALTERATIONS OF PLANS.

The hospital contains six wards, of sixteen rooms each, and three dormitories, besides officers' rooms, dining room, kitchen, etc. There are bath rooms and water closets in each ward, fitted up with modern appliances. The bath tubs are of the latest design, so constructed as to prevent the scalding of patients.

Among the alterations made by the commissioners from the original plans and contracts are the following:

A dispensary, on the first floor.

Converting the room, originally designed as a kitchen, on the first floor, into a sewing room, placing kitchen in the basement.

Constructing dumb waiters from the kitchen to the dining room.

Construction of cold storage rooms and kitchen, with brick walls, in the basement.

Placing tile flooring and corrugated iron ceilings in the kitchen and bakery.

Constructing a pantry in the basement, adjoining the kitchen.

Constructing a partition wall, separating the laundry from the engine and electric light rooms.

Constructing a dumb waiter leading to the officers' kitchen, on the second floor, with apparatus in all the wards for keeping victuals warm; also, bath room for the superintendent.

Constructing a chimney seventy feet in height above the boiler room, in lieu of an iron stack forty feet high, affording greater protection against fire.

Constructing an iron roof over the cold storage rooms.

Contracting for wire guards for the chapel and kitchen windows.

The most important alteration made by the commissioners was in the arrangement of the stairways. They found that there was only one stairway leading to the fourth floor, and this was protected only by a low

banister, rendering it possible for patients to leap or fall over and plunge to certain death. Even should this never have occurred, patients going to or from the chapel would have been compelled to pass the officers' rooms, the doors of which are necessarily open, or at least unlocked, admitting of the possibility of a patient having an imaginary grievance, or in a fit of momentary rage, entering one of these rooms and perpetrating bodily injury. For these reasons the commissioners have constructed two additional stairways, protected by iron guards.

The commissioners contemplate encasing the steam pipes in the basement with a covering of paper and asbestos, at a cost of \$1,700. The commissioners and superintendent believe this will save 25 per cent. in the cost of fuel. They have contracted for a sewer for drainage, at a cost of \$1,500.

The stage in the chapel is too small to allow space for dressing rooms and scenery. It should be removed to the east side of the room and enlarged.

The commissioners have constructed a temporary barn, costing \$60, and an ice house, in which they have stored 125 tons of ice, at a cost of \$275.

The two carpenters employed by the commissioners are now making twenty wardrobes, of fir, for the use of the attendants.

They have made a slight alteration in the doors of the patients' rooms, so that the night watchman, by means of dark lanterns, may see every patient at any time during the night.

UNSUCCESSFUL EXPERIMENT.

In the hope of relieving the over-crowded condition of the hospital at Steilacoom, pending the construction of water works, a pump was set up, at extra expense, and tested to ascertain whether or not the well would afford a supply of water sufficient for twenty-five patients. The experiment demonstrated the fact that the well cannot be relied upon to that extent.

MACHINERY AND FURNITURE.

There are three boilers in position, two of them fifty and one sixty inches in diameter. The engine and electric light machinery are also in position, ready for use. The laundry machinery and kitchen furnishings are also in the building. All are of modern design and apparently well adapted to an institution of that kind. The remainder of the furniture is constantly arriving.

About 1,500 hundred feet of hose will be required in the building, and 1,000 feet outside, for protection against fire, and not less than six hydrants will be needed for the same purpose.

THE LANDS.

The tract of land owned by the state for the purposes of the hospital includes about forty acres susceptible of cultivation. This is insufficient for gardening and pasturage. Adjoining the hospital grounds are 171 acres owned by the Northern Pacific Railway Company, about 80 to 100 acres of which may be cultivated.

The hospital building is situated twenty feet from the south line of the state's grounds, so that persons might approach near enough to converse with and annoy the patients without trespassing on the hospital grounds. The state should purchase or exchange for a strip of land lying southeast of the building. The grounds in front of the building should be cleared and beautified.

Numerous persons appeared before the committee and offered to sell to the state sufficient grounds for frontage on Medical Lake, but your committee cannot make a positive recommendation on that point until the negotiations for other lands are completed.

The roadway from the town of Medical Lake to the hospital is circuitous and rugged, and it might be desirable to purchase a strip of land on the north side of the hospital grounds for that purpose.

FINANCIAL.

Of the \$100,000 appropriated by the last legislature for the completion and furnishing of the hospital, \$76,579.27 had been expended prior to December 17th, the date of the report to the governor, which has been printed for the use of the legislature. Including that sum the following vouchers had been issued up to the date of our examination of the books, February 13th:

	DECEMBER 17, 1890.	
Amount drawn on \$100,000 appropriation, as per report.....		\$76,579 21
	DECEMBER 18, 1890.	
Thomas Campbell, wood.....		350 00
	JANUARY 3, 1891.	
John M. Semple, salary.....		183 35
C. W. Robbins, board for superintendent.....		64 28
Medical Lake Ledger, advertising.....		37 20
D. Leyson, work on well.....		500 00
C. J. Schenck, three carts and harness.....		100 00
S. I. Pope & Co., labor and material.....		804 80
Spokane Chronicle, advertising.....		43 95
Holly, Mason, Marks & Co., sheet iron.....		10 12
Hughes & McDonald, labor and material.....		1,000 00
C. S. Reynolds, watchman.....		78 40
L. M. Boardman, architect.....		200 00
	FEBRUARY 3, 1891.	
C. W. Robbins, board for superintendent.....		98 55
Thomas Campbell, lumber and feed.....		353 07
Holly, Mason, Marks & Co., hardware supplies.....		448 81
John M. Semple, salary, etc.....		257 60
Thomas Kay Woolen Mill Co., blankets.....		1,137 90
C. S. Reynolds, watchman.....		80 60
E. W. Gilkey, drayage.....		18 75
E. D. Goodwin, labor.....		13 50
S. I. Pope & Co., laundry and kitchen furniture.....		4,343 05
Hughes & McDonald, labor, material and balance retained.....		1,991 06
Foster & Robinson, supplies.....		12 45
Wilson Lockhart, salary and telegram.....		151 45
D. F. Percival, salary.....		150 00
Chas. D. McDonald, salary and cash advanced.....		175 20
M. C. Pervin, labor.....		59 00
B. W. Bailey, labor.....		113 75
D. R. Mace, labor.....		63 50

Chas. Hemling, labor.....	\$54 00
J. L. Harris, labor.....	10 00
S. M. Bowman, labor.....	55 00
John Pelzel, labor.....	42 00
A. A. Babcock, labor.....	92 25
Ed. Whetham, labor.....	42 00
P. S. Irwin, labor.....	99 60
J. R. Cowley, labor.....	101 00
Wm. Jackson, labor.....	40 25
Spokane Mill Co., lumber.....	306 47
Allen & Harrison, coal.....	761 77
Loewenberg Bros, dry goods and supplies.....	1,802 16
Total.....	<u>\$91,827 05</u>

In addition to this there are several bills in the hands of the clerk that have not been audited by the board, and numerous other amounts will be due as soon as the contracts are completed.

DUE CONSTRUCTION FUND.

The \$75,000 appropriated for the maintenance of the two hospitals was used entirely by the institution at Steilacoom. The following items of expenditure belonged in that fund, but were charged to the construction fund; also \$2,690 paid under the old contract:

Allen & Harrison, coal.....	\$761 77
Thomas Campbell, wood.....	350 00
J. M. Semple, salary.....	183 35
C. W. Robbins, board.....	64 28
Thomas Campbell, lumber and feed.....	353 07
Holly, Mason, Marks & Co., hardware.....	448 81
J. M. Semple, salary.....	257 60
C. W. Robbins, board.....	98 50
Total.....	<u>\$2,517 38</u>

THE CONTRACTS.

STATEMENT OF FINAL SETTLEMENT WITH HUGHES & M'DONALD.

Amount of contract.....	\$50,520 12
Extra work.....	3,074 95
Material.....	333 07
Sewer, etc.....	1,593 10
	<u>\$55,520 12</u>
Paid on old contract.....	2,690 54
Extra work and material.....	1,481 72
	<u>\$59,632 38</u>

STATEMENT OF ACCOUNT WITH S. I. POPE & COMPANY.

Amount of contract.....	\$18,390 00
To vouchers.....	15,328 00
Due on contract when work is completed.....	3,062 00

RECAPITULATION.

Drawn from the \$100,000 appropriation.....	\$93,309 62
General fund.....	2,517 38
	<u>\$95,517 00</u>
Due S. I. Pope & Co. upon completion of contract.....	1,444 90
Total.....	<u>\$100,033 90</u>

WATER WORKS.

ESTIMATED COST.

Pump and boiler house.....	\$1,080 00
Pump and setting.....	2,160 00
Boiler and setting.....	1,560 00
Pipe.....	18,000 00
Trenching and laying of pipe.....	3,960 00
Reservoir (excavating and walling).....	2,040 00
Reservoir (covering and finishing).....	1,080 00
Total.....	\$29,880 00

EXPENSES ANTICIPATED, NOT PROVIDED FOR.

Organ for chapel.....	\$150 00
Scenery and dressing rooms.....	500 00
Carpets for convalescent wards.....	2,000 00
Covering for steam pipes.....	1,700 00
Hydrants.....	450 00
Crockery.....	500 00
Spokane Furniture Co., account.....	2,700 00
Spokane Furniture Co., account.....	3,500 00
Piano.....	500 00
Sewing machine.....	80 00
Carpets, table linen, etc.....	2,500 00
Wire guards.....	500 00
Wood and coal (properly belonging to maintenance fund).....	1,100 00
	\$16,180 00

RECOMMENDATIONS.

(1) That \$100,000 be appropriated for current expenses of the hospital for the insane at Medical Lake for two years.

(2) That \$26,000 be appropriated for barns, outbuildings, teams, milch cows, fencing and improvement of grounds.

(3) That \$30,000 be appropriated for water works, and \$10,000 for the purchase of necessary lands, and that the board of commissioners be empowered to make such purchases and exchanges as in their judgment may be for the best interests of the hospital.

(4) That \$16,180 be appropriated for an organ, scenery and stage improvements, carpets, covering for pipes, hydrants, and other necessities not provided for.

(5) That \$500 be appropriated for iron guards for the main stairway.

Your committee believes that the superintendent and engineer are thoroughly qualified for the performance of the important duties devolving upon them.

HOSPITAL AT STEILACOOM

Your committee visited the hospital for the insane at Steilacoom, and respectfully report:

The hospital proper is capable of accommodating 240 patients, provided there should be an equal proportion of male and female inmates. To be more explicit, the building was constructed with a view of caring for 120 insane men and an equal number of women. The number of insane men at this institution exceeds the number of women, and inasmuch as the male patients cannot be admitted to the female wards, the surplus must be housed outside the building.

At the date of our inspection, there were 405 inmates, of whom there were 111 women and 294 men. Of these 127 were sent from counties east of the Cascade mountains, and 278 from the west side. When the hospital at Medical Lake is ready for occupancy 39 women and 88 men (if they all survive) will be sent to that institution, leaving 206 men and 82 women in this hospital, besides the inevitable increase, which is estimated at not less than 60 by the time the hospital at Medical Lake is in readiness to relieve this institution. Moreover, should the state immediately begin the construction of an additional wing to this hospital the population of the institution would be increased, at the present ratio, not less than 140, and probably 150, before it could be completed. Therefore this hospital would still be crowded beyond its capacity. For a long time past the excess of male patients beyond the capacity of the building have been cared for, as best the management could, in the old decaying wooden buildings formerly occupied by the soldiers stationed at Fort Steilacoom. During the past year the commissioners have constructed a wooden building, capable of accommodating fifty patients.

Your committee believes that an appropriation sufficient to increase the capacity of this institution to a degree commensurate with the increasing requirements is demanded from the standpoints of economy, humanity and absolute necessity.

WATER SUPPLY.

Realizing the perilous and almost hopeless condition of this hospital, in the event of a fire breaking out in the main building, or any of the wooden buildings surrounding it, the governor advised the trustees to contract for the construction of an improved system of water works, in lieu of the primitive method hitherto employed. Acting upon this recommendation, the trustees advertised for bids for the construction of a tower and tank, with boiler, engine and pumps, according to plans and specifications. The result is that there is now in operation a system of water-works—a 45 horsepower boiler, a pump with a capacity of 650 gallons per minute, a tower one hundred feet in height, with two tanks, one having a capacity of 10,000 and the other 15,000 gallons, and numerous hydrants conveniently located. The cost of these works was \$12,960.56, with interest. The trustees assumed the responsibility of guaranteeing payment of this sum, relying upon the legislature to protect them, and have already paid, by their individual notes, \$6,000 thereon.

Your committee has examined all the bids, and find that of the firm to whom the contract was awarded to be considerably lower than any of the others. We witnessed a practical test of the operation of the machinery for the extinguishment of fire, and observed that by direct force from the pump, a stream was thrown through a 1½-inch nozzle above the highest portion of the building, and subsequently, above the top of the water tower, which is one hundred feet in height. A fire company has been organized, composed of employes at the hospital, and they handle the apparatus with skill.

Your committee does not doubt that this legislature will perceive the importance of making an appropriation to cover this expenditure.

IMPROVEMENTS.

The trustees have constructed, out of the surplus of the last appropriation, an ice house, a hose house and a storage house. The boiler house at the hospital is now too small for the requirements, and should be enlarged by an additional story and an extension by removing a brick wall, so as to admit an additional boiler. The laundry building is also too small, and an additional story should be constructed thereon.

MANAGEMENT.

Your committee made a careful inspection of the method of caring for the patients at this hospital, and found that with the exception of imperfect ventilation in the wooden buildings, which is unavoidable, they have excellent treatment. The beds are clean, the food wholesome and properly cooked, and strict attention is given to sanitary regulations. The physical health of the inmates is usually about the same as that of an equal number of sane persons.

The records are kept in strict conformity with the requirements of law, including a medical history of each patient, a commitment register and registers of discharges and deaths.

We inquired into the method of purchasing supplies, and found that everything is bought by sample, in accordance with advertisements for sealed proposals, and articles not in conformity with the samples are rejected.

The books and accounts of the institution are in charge of a capable accountant, and so far as we could observe, are in good condition, thoroughly posted up to date, and easily understood, so that it would be difficult for a leakage to occur without detection.

Owing to the responsibility and expense devolving upon the trustees, they would prefer to serve the state gratuitously rather than for the paltry sum of \$3.00 a day while actually on duty. They honestly earn \$5.00 a day.

RECOMMENDATIONS.

Your committee recommends—

(1) That \$160,000 be appropriated for maintenance of the hospital for the insane for Western Washington, at Fort Steilacoom.

(2) That \$60,000 be appropriated for the construction of an additional wing or extension to the main building.

(3) That \$13,000 be appropriated for the construction of water works.

(4) That the salary of the trustees be increased from \$3.00 to \$5.00 per day, when actually on duty in the interest of the hospital.

IN CONCLUSION.

Your committee realizes that the appropriations required for these institutions are enormous, but at the same time we are convinced that they are imperatively demanded by the interests of the state. They were planned at a time when there was no prospect of the enormous increase of population that has occurred during the past few years. Owing to this and the further fact that an erroneous idea of economy has governed legislation in the past with reference to the state institutions, the commis-

sioners and trustees have hesitated to place their estimates high enough to cover more than absolute necessities from year to year, and in consequence thereof they have never been adequate to the demands made upon them. In considering these matters your committee has kept in view solely the interests of the whole state, regardless of localities or individual preferment. The improvements mentioned herein are all of a permanent character, and if sanctioned by this legislature will obviate the necessity of further appeals for large appropriations for improvements for several years to come. Respectfully submitted,

ALEX. WATT, Chairman,
L. F. THOMPSON,
Committee on part of Senate.
E. L. POWELL,
WM. FARRISH,
J. C. THALMAN,
Committee on part of House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 30, entitled "An act creating and establishing municipal courts in cities of the State of Washington having more than 20,00 inhabitants, defining and prescribing their jurisdiction, regulating their practice, etc.," with amendments in the body of the bill.

Also, passed House concurrent resolution No. 20, Relative to serving subpoenas.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The report was referred to Committee on Hospital for the Insane.

Mr. Megler was called to the chair.

The claims of Messrs. Farrish, Thalman and Powell for \$103.00 each for mileage in visiting hospital for insane, were referred to the Committee on Mileage and Contingent Expenses.

House bill No. 184, To amend sections 114 and 118 of an act passed by the legislature of the State of Washington, and approved on the 27th day of March, 1890, entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," was read for information.

On motion of Mr. Miller, section 1 was amended by striking out the words "of the other members present" and inserting the

words "on the appointment of subordinate city officers, and on resolutions and motions other than those mentioned in section 116 of chapter 7 of the laws of 1889 and 1890" after the second word "vote" in line 7.

The bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 70, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Frater, Godman, Hutchinson, Ragsdale, Tillotson, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 66, nays 4.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, and Young.

Those who voted nay were: Messrs. Berry, Godman, Murray, and Taylor.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Frater, Kennedy, Ragsdale, Tillotson, Yancy, and Mr. Speaker.

The title of the bill was agreed to.

House bill No. 30, An act creating and establishing municipal

courts in cities of the State of Washington having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor, received from the Senate with amendments, was taken up, and read as amended by the Senate.

The House concurred in the Senate amendments by the following vote, to wit: Yeas 65, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Rockwell, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Flummerfelt, Frater, Moore, Ragsdale, Reitze, Reinhardt, Sallee, Tillotson, Walter, and Yancy.

The title as amended was agreed to.

The following report was read, to wit:

REPORT OF SPECIAL COMMITTEE IN RE CLARKE-METCALFE BRIBERY.

Mr. Speaker and Members of the House of Representatives of the Legislature of Washington:

We, your special committee appointed to investigate the charges of bribery, made by John L. Metcalfe on the floor of this House, beg leave to submit the following report:

In the investigation of said charge, we have examined fifty-nine witnesses, and caused all of the testimony of said witnesses to be reduced to writing, and we herewith report the same.

We find from the evidence herewith submitted —

First: That Harry A. Clarke has heretofore borne a good reputation for truth and veracity, for honesty and integrity; but that in his zeal to accomplish his ends in the late senatorial contest, he offered and gave to said John L. Metcalfe the sum of five hundred dollars, for and in consideration of the said Metcalfe's voting for Hon. W. H. Calkins for United State senator; and that the said five hundred dollars so given by Clarke is the same five hundred dollars turned over by Metcalfe to the speaker of this House.

Second: We find that the said John L. Metcalfe solicited and accepted

said sum of five hundred dollars from the said Clarke, under the direct promise, that he, the said Metcalfe, would cast his vote for Hon. W. H. Calkins for United States senator.

Third: We find that the said Metcalfe was encouraged by others to accept the said five hundred dollars.

Fourth: We find that Hon. W. H. Calkins had no knowledge or information that any money was offered or paid by said Clarke to said Metcalfe for any purpose whatever; and from the evidence he is fully exonerated from any implication or connection therewith, either directly or indirectly, or in any manner whatever.

Fifth: And we further find that the said John L. Metcalfe courted, solicited, accepted and exposed the said bribe and offer of five hundred dollars, under the false delusion that the same would tend to prevent corruption in politics and elevate him, the said Metcalfe, in the minds of the people.

We conclude from the foregoing findings that the said John L. Metcalfe deserves, at least, the severest censure for courting and soliciting said bribe; and as to any further or greater punishment to be imposed upon him, we leave that to this House to deal with him as may seem to it best and just in the premises.

Dated, Olympia, Wash., February 25, 1891.

W. K. KENNEDY, Chairman,
M. M. GODMAN,
D. M. HOLT,
E. S. MEANY,
B. BARLOW.

(For testimony submitted with report, see Appendix "C" of House journal.)

On motion of Mr. Walker, the report was adopted.

Mr. Berry presented House concurrent resolution No. 22, Relative to the privileges of the floor during the trial of Judge Morris B. Sachs.

On motion of Mr. Berry, the House adopted the resolution.

Mr. McClure presented the following resolution, and moved its adoption.

WHEREAS, A committee of five members of this House has unanimously found that John L. Metcalfe, a member of this House, has solicited and accepted a bribe; and

WHEREAS, The gravity of this unanimous finding demands prompt and vigorous action upon the part of this House; therefore, be it

Resolved, That John L. Metcalfe, the Representative from the First Representative district, in the State of Washington, be and he is hereby expelled from this House, and his seat is declared vacant.

On motion of Mr. Plummer, a call of the House was ordered.

The roll was called, and Messrs. Putney, Ragsdale, and Young were found absent without leave.

On motion of Mr. Sharpstein, further proceedings under call were dispensed with.

Mr. Sharpstein moved that the resolution be made a special order for 2 o'clock P. M. to-morrow.

The motion was rejected.

Mr. Snively moved to make the resolution a special order for 11 o'clock A. M. to-morrow.

Mr. Taylor moved to amend Mr. Snively's motion by striking out "11 o'clock A. M. to-morrow" and inserting "4:05 P. M. to-day."

Mr. Taylor's amendment to Mr. Snively's motion was adopted.

The motion of Mr. Snively as amended was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 25, 1891.

MR. SPEAKER:

The Senate has adopted the report of the conference committee, and receded from its amendments to House bill No. 77, Relative to the per diem and expenses of the boards of county commissioners.

The Senate has passed Senate bill No. 59, An act appropriating \$18,778.69 on account of a deficiency in the fund for the support of N. G. W. for 1889-90. Yeas 26, nays 1.

Also, passed Senate bill No. 214, Relative to fees and compensation of county clerk, etc. Yeas 28, nays 0. Emergency, yeas 28, nays 0.

Also, passed Senate bill No. 121, Railroad connections and owners of elevators and warehousemen. Yeas 21, nays 0.

Also, passed Senate bill No. 187, Relative to challenge of jurors. Yeas 19, nays 0.

Also, passed House bill No. 118, Relative to election of county commissioners.

House concurrent resolution No. 22, Relative to privileges on the floor during the Sachs case.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

On motion of Mr. Plummer, the House adjourned, at 5:20 P. M. until 7:30 P. M.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Wednesday, February 25, 1891. }
 7:30 o'clock P. M.

The House was called to order at 7:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Caughran, Kennedy, Metcalfe, Moore, Plummer, Powell, Ragsdale, Reitze, Spinning, and Young; excused.

JOINT CONVENTION.

At 7:40 P. M. the Senate and House met in joint convention in the hall of the House of Representatives for the consideration of the charges against Judge Morris B. Sachs.

The president pro tem. of the Senate took the chair.

The roll of the House was called by the chief clerk; all the members present except Messrs. Andrews, Frater, Kennedy, Moore, Ragsdale, Spinning, and Yancy.

The roll of the Senate was called by the secretary; all the members present except Senators Baker, Luce, and Parkinson.

The journal of the joint session of yesterday evening was read.

On motion of Mr. Miller, the counsel for both sides were allowed to make suggestions as to correction of the journal.

On motion of Senator Kinnear, it was ordered that a transcript of the stenographers' notes be made a part of the record in the case.

Mr. Putney offered the following resolution, and moved its adoption, to wit:

WHEREAS, On the evening of the 24th day of February, 1891, a joint convention of the Senate and House of Representatives having under consideration the removal from office of one Morris B. Sachs, a judge of the superior court within and for the State of Washington, many and divers persons were admitted to the floor of the House and lobby; that many of said persons testified their approval or disapproval of the manner in which questions were decided by the chair and disposed of by said convention by clapping of hands and other demonstrations; therefore, be it

Resolved by this convention, That it be and is hereby made the duty of the sergeant-at-arms to suppress any and all attempts at applause, or

other demonstration, during the proceedings of this convention to the extent of clearing the floor and lobby of visitors if it shall be deemed necessary.

The resolution was adopted.

Hon. W. C. Jones, attorney general, appeared before the joint convention in compliance with a resolution adopted yesterday evening, and at his request Galusha Parsons, Esq., was entered as assistant counsel to conduct the prosecution.

Mr. Sachs, by his counsel, filed the following answer to the charges against him, to wit:

In the matter of the proceedings for the removal from office of Morris B.

Sachs, judge of the superior court of the State of Washington for the counties of Jefferson, Clallam, Island, San Juan and Kitsap.

The answer of the said Morris B. Sachs, judge of the superior court for the counties of Jefferson, Clallam, Island, San Juan and Kitsap, State of Washington to the charges exhibited against him in the above named proceedings.

Now comes the said Morris B. Sachs, respondent in said proceedings, and reserving to himself the benefit of all objections and exceptions heretofore made by him or by his counsel in these proceedings, and protesting and alleging also that this body has no jurisdiction whatever to hear, investigate or determine any of the matters or things charged, alleged or set forth in said charges or any of them, doth under protest as aforesaid answer said charges as follows:

1. For answer to the first charge he says that he pleads not guilty.
2. For answer to the second charge he says that he pleads not guilty.
3. For answer to the third charge he says that he pleads not guilty.
4. For answer to the fourth charge he says that he pleads not guilty.
5. For answer to the fifth charge he says that he pleads not guilty.
6. For answer to the sixth charge he says that he pleads not guilty.
7. For answer to the seventh charge he says that he pleads not guilty.
8. For answer to the eighth charge he says that he pleads not guilty.

MORRIS B. SACHS, Respondent.

J. C. HAINES,
PATRICK H. WINSTON,
A. R. COLEMAN,
Of Counsel.

The following request was filed by counsel for respondent, to wit:

In the matter of the proceedings for the removal from office of Morris B.

Sachs, judge of the superior court for the counties of Jefferson, Clallam, Island, San Juan and Kitsap, State of Washington:

Now comes the respondent and requests that in all votes taken by this body upon the questions coming before the same for determination, that the Senate and House of Representatives each vote separately in order

that it may appear of record what number of Senators, if any, are present and vote.

MORRIS B. SACHS, Respondent.

J. C. HAINES,

PATRICK H. WINSTON,

A. R. COLEMAN,

Of Counsel for Respondent.

Mr. De Steiguer moved that upon any request or application of the respondent or prosecution if no motion or question is put as to the granting of such application, that it be considered as refused, and so noted.

The motion was adopted.

Mr. Plummer moved that a request for a roll call by either prosecution or respondent be decided by a viva voce vote of the joint convention.

The House rejected the motion.

A certified copy of oath of office of Judge Morris B. Sachs was offered in evidence by the prosecution. (See page 76, Appendix "B.")

Rufus C. Calhoun was called as a witness by the prosecution.

The witness being sworn by the president pro tem. of the Senate, president of the joint convention.

Counsel for respondent objected to witness being sworn by the presiding officer. (See page 76, Appendix "B.")

On motion of Senator Kinnear, the sergeant-at-arms was instructed to subpoena the following witnesses on the part of defense, by telegraph, to wit: Tom Constance, J. Constance, and Wm. Malloy, of Port Townsend. (See page 93, Appendix "B.")

Charles M. Pendergast was called on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 93, Appendix "B.")

Senator Long moved that the examination of each witness be limited to forty minutes, to be equally divided between the prosecution and defense. Senator Thompson, of Walla Walla, moved to amend Senator Long's motion so as to limit time to ten minutes, unless by a viva voce vote of a majority of the members present.

The joint convention rejected Senator Thompson's amendment to Senator Long's motion.

The joint convention adopted Senator Long's motion.

Mr. E. S. Hammond was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 107, Appendix "B.")

On motion of Senator Van de Vanter, the joint convention rose, and the Senate retired.

On motion of Mr. Gandy, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTY-FIRST DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, February 26, 1891. }
10 o'clock A. M.

The House was called to order at 10 A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, Ragsdale, and Yancy; excused.

The journal of yesterday was read, and approved.

PETITIONS, MEMORIALS, ETC.

Mr. Hutchinson presented resolutions from Rockdale Farmers' Alliance No. 141, of Lincoln county, and a petition from members of the farmers' alliance et al., asking for the enactment of laws regulating freights and fares on railroads.

REPORT OF COMMITTEE ON MILITARY AFFAIRS.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs, to which was referred copies of telegrams and correspondence relative to Indian troubles in Okanogan county in the month of January, 1891, and bill attached, respectfully reports the same back to the House with the recommendation that said matters be referred to the State Military Board.

I. N. CUSHMAN, Chairman.

On motion of Mr. Megler, the report was adopted.

On motion of Mr. Megler, the following resolution was adopted, to wit:

Resolved, That the journal clerk be authorized to engage an assistant at a salary of five dollars per day.

Mr. Megler presented the following resolution and moved its adoption, to wit:

Resolved, That a committee of seven, consisting of chairmen of committees, be appointed to examine the calender and bills from day to day and recommend bills for each day's consideration.

The House adopted the resolution, and Messrs. Megler, Frater, Tyler, Gandy, Snively, Yeomans, and Plummer were appointed as such committee.

On motion of Mr. Megler, the resolution for the expulsion of Mr. Metcalfe, a member of the House of Representatives, offered by Mr. McClure yesterday, was made a special order for 2 o'clock P. M. to-day.

Senate bill No. 59, An act appropriating \$18,778.59 on account of a deficiency of the N. G. W. for 1889-90, was read first and second time by title, and referred to Committee on Military Affairs.

Senate bill No. 121, An act authorizing owners of elevators, warehouses and mills to build connections with railroads, and providing for their operation, was read first and second time by title, and referred to Committee on Agriculture.

Senate bill No. 187, An act to amend section 210 of the Code of Washington, concerning general causes of challenges of jurors, was read first and second time by title, and referred to Committee on Judiciary.

Senate bill No. 214, An act to provide for fees and compensation of the county clerk, ex-officio clerk of the superior court, and declaring an emergency, was read first and second time by title, and referred to Committee on Fees and Compensation of State and County officers.

House Bill No. 118, An act providing for the election and terms of office of county commissioners, received from the Senate with amendments, was taken up.

The House concurred in the Senate amendments by the following vote, to wit: Yeas 43, nays 29.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cush-

man, De Steiguer, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Meany, Megler, Metcalfe, Miller, Moore, Morse, Painter, Pearson, Powell, Putney, Ready, Reitze, Schricker, Sharpstein, Smyth, Spinning, Taylor, Thalman, Tillotson, Troy, Tyler, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Arrasmith, Bothell, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Godman, Hanson, Kennedy, Lehman, McClure, McKay, McKnight, Murray, Nevin, Palmer, Parcell, Peterson, Reinhardt, Rockwell, Sallee, Smith, Tiffany, Walker, Walter, and Young.

Those absent and not voting were: Messrs. Andrews, Frater, Plummer, Ragsdale, Snively, and Yancy.

House bill No. 20, An act regulating freights and preventing discrimination on railroads, before the House on reconsideration of the vote by which it failed to pass on the 18th inst., was taken up.

Mr. Wasson moved that House bill No. 243, An act regulating and fixing railroad freight rates in the State of Washington, be taken up for consideration with House bill No. 20.

The House adopted the motion.

Mr. Sharpstein moved that House bill No. 20 be placed on final passage.

Mr. Miller moved that the bill be indefinitely postponed.

The House rejected the motion to indefinitely postpone, by the following vote, to wit: Yeas 30, nays 42.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Brock, De Steiguer, Hanson, Johnson, Jones, Kennedy, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Powell, Putney, Reitze, Sallee, Schricker, Smith, Thalman, Walker, Wasson, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Bass, Berry, Bothell, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Lawton, Lehman, Moore, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Ready, Reinhardt, Rockwell, Sharpstein, Smyth, Snively, Spinning, Taylor, Tiffany, Troy, Tyler, Walter, Wyman, and Yeomans.

Those absent and not voting were: Messrs. Andrews, Frater, Plummer, Ragsdale, Tillotson, and Yancy.

Mr. Garretson moved that House bill No. 20 be laid on the table, to be taken up with House bill No. 243.

The House adopted the motion.

Mr. Garretson moved that House bill No. 243 be read for information.

The House adopted the motion.

Mr. Frame moved that House bill No. 243 be taken from the table for consideration with House bill No. 20.

The House adopted the motion.

House bill No. 243, An act regulating and fixing railroad freight rates in the State of Washington, was read for information.

Mr. Walker moved to amend section 1 by striking out the words "seventy-five per cent." and inserting the words "eighty-five per cent." in line 7.

The House rejected the amendment by the following vote, to wit: Yeas 13, nays 59.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Bothell, Caughran, De Steiguer, Johnson, McKay, Schricker, Thalman, Tillotson, Walker, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Jones, Kennedy, Lawton, Lehman, McClure, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Tiffany, Troy, Tyler, Walter, Wasson, Wyman, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Barlow, Frater, Plummer, Ragsdale, and Yancy.

Mr. Caughran moved to amend section 1 by striking out the words "seventy-five per cent." and inserting the words "eighty per cent."

The House rejected the amendment.

Mr. Sharpstein moved to amend the bill by striking out "first day of January, 1891," and inserting "thirty-first day of December, 1890."

The House adopted the amendment.

Mr. Tyler moved to amend section 1 by striking out the words

“barley, oats, rye, flax-seed, potatoes, flour, and other mill stuffs” after the word “wheat,” in line 6.

The House rejected the amendment.

Mr. Snively moved to amend section 1 by inserting the word “melons” after the word “potatoes,” in line 7.

The House adopted the amendment.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 26, 1891.

MR. SPEAKER:

The president of the Senate has signed House bill No. 79, concerning the killing and injuring of live stock.

Also, House concurrent resolution No. 17, Relative to the present capitol grounds.

Also, Senate bill No. 101, Violation of injunctions.

Also, Senate bill No. 99, Relative to receivers.

Also, Senate bill No. 110, Relative to attorneys.

Also, Senate bill No. 112, Relative to powers of courts, etc.

Also, Senate bill No. 115, Relative to magistrates.

Also, Senate bill No. 97, Relative to arbitration and award.

Also, Senate bill No. 98, Relative to trial by jury.

Also, Senate bill No. 118, Relative to new trials.

Also, Senate bill No. 104, Relative to proceedings in civil actions.

Also, Senate bill No. 109, Relative to powers and duties of clerks of courts.

Also, Senate bill No. 105, Relative to commencing civil actions.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

On motion of Mr. Sallee, the House took a recess at 12:30 P. M., until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Thursday, February 20, 1891. }
 2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Murray, Ragsdale, and Yancy.

The speaker signed Senate bills Nos. 99, 101, 110, 112, 115, 97, 98, 118, 104, 109 and 105, in open session of the House.

PETITIONS, MEMORIALS, ETC.

Mr. Bass presented a petition from citizens of Whatcom county asking for the passage of Senate bill No. 71.

Mr. Tiffany presented a petition from citizens of Whatcom county, asking for the passage of Senate bill No. 71.

Mr. Tyler presented a memorial from the Tacoma chamber of commerce, asking for the amendment of the game law; referred to Committee on Forestry.

The speaker presented a petition from John Smith et al., asking that the legal rate of interest be fixed at six per cent.; that all appropriations be limited; that no appropriation be made for the World's Fair; that salaries of state officers be reduced; that wages be paid in cash; that individuals and corporations be made responsible for labor, supplies and material in certain cases; that congress be memorialized to make no appropriation except for government expenses; that the salary of the president of the United States be reduced to \$25,000 per annum; that the road law be amended.

Mr. Powell moved that the rules be suspended, and that House bill No. 243 be considered engrossed and placed on final passage.

The House rejected the motion.

Mr. Bothell moved to amend section 1 by inserting the words "lumber and shingles" after the word "wheat," in line 6.

Mr. Hutchinson moved to lay the bill on the table until to-morrow at 10 o'clock A. M.

The House refused to lay the bill on the table.

The House rejected Mr. Bothell's amendment by a divisional vote of 31 yeas to 35 nays.

Mr. Walker moved to strike out the words "oats, rye, flax-seed, potatoes, hay, melons, flour, or other mill stuff," in section 1, line 6.

Mr. Godman moved to amend Mr. Walker's amendment to read "strike out 'oats, rye, flax-seed and.'"

The House adopted Mr. Godman's amendment to Mr. Walker's amendment.

The House adopted Mr. Walker's amendment as amended.

Mr. De Steiguer moved that the rules be suspended and that the bill be considered engrossed, and placed on final passage.

The House adopted the motion by the following vote, to wit: Yeas 58, nays 16.

Those who voted yea were: Messrs. Anderson of Whatcom, Bass, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Godman, Hanson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Bothell, Caughran, Dysart, Garretson, Hunsaker, McClure, McKay, Pearson, Schricker, Smith, Spinning, and Walker.

Those absent and not voting were: Messrs. Andrews, McKnight, Ragsdale, and Yancy.

The bill was read third time, and passed by the following vote, to wit: Yeas 63, nays 12.

Those who voted yea were: Messrs. Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reinhardt, Rockwell, Sallee, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yeomans, and Young.

Those who voted nay were: Messrs. Adams, Anderson of Mason,

Anderson of Whatcom, Barlow, Bothell, Dysart, McKay, Murray, Reitze, Schricker, Walker, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Ragsdale, and Yancy.

The title of the bill was agreed to.

The resolution for the expulsion of John L. Metcalfe, representative from Stevens county, special order for 2 o'clock P. M. to-day, was taken up.

On motion of Mr. Garretson, a call of the House was ordered.

The roll was called. All the members present except Messrs. Andrews, Ragsdale, and Young; excused.

On motion of Mr. Gandy, further proceedings under the call of the House were dispensed with.

The resolution was read.

Mr. Garretson moved its adoption.

Mr. Frater moved that Mr. Ready be excused from voting on the adoption of the resolution.

The House refused to excuse Mr. Ready from voting.

The House refused to adopt the resolution by the following vote, to wit: Yeas 33, nays 41.

Those who voted yea were: Messrs. Anderson of Mason, Arrasmith, Barlow, Bass, Caughran, Chambers, Dysart, Frame, Frater, Garretson, Godman, Johnson, McClure, McKay, McKnight, Megler, Moore, Murray, Nevin, Pearson, Schricker, Sharpstein, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, and Yeomans.

These who voted nay were: Messrs. Adams, Anderson of Whatcom, Berry, Bothell, Brock, Collins, Cushman, De Steiguer, Farish, Fellows, Flummerfelt, Gandy, Hanson, Holt, Hutchinson, Hunsaker, Jones, Kennedy, Lawton, Lehman, Meany, Miller, Morse, Painter, Palmer, Parcell, Peterson, Plummer, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Smith, Walter, Wasson, Wyman, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Metcalfe, Ragsdale, and Yancy.

On motion of Mr. Berry, the House adjourned at 6:05 P. M., until 7:30 o'clock this evening.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Thursday, February 26, 1891. }
 7:30 o'clock P. M. }

The House was called to order at 7:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Garretson, Moore, Ragsdale, Smith, Snively, and Young.

JOINT CONVENTION.

At 9:55 P. M. the Senate and House of Representatives met in joint convention for the consideration of the charges preferred against Morris B. Sachs.

The president pro tem. of the Senate took the chair.

The roll of the Senate was called; all the senators present except Messrs. Baker, Drum, and Parkinson.

The roll of the House was called; all the members present except Messrs. Andrews, Garretson, Moore, Ragsdale, Smith, Snively, and Yancy.

On motion of Senator Kinnear, the sergeant-at-arms was instructed to subpoena the following witnesses, by telegraph, on the part of the defense, to wit: Capt. Fred. Dyer and William Ferry, of Port Townsend. (See page 111, Appendix "B.")

On motion of Senator Thompson, reading of the journal of the joint session was dispensed with.

On motion of Senator Claypool, the journal of the joint session of the 25th inst. was approved.

The following telegram was read, to wit:

PORT LUDLOW, WASH., February 26, 1891.

To Amos F. Shaw, Speaker of House:

Impossible to get away; serious illness in my family. You will excuse me as I cannot even attend to my own private business away from home.

R. D. ATTRIDGE.

Witness was excused by defense. (See page 112, Appendix "B.")

Mr. Kinnear moved that a transcript of the stenographers' notes be furnished to the attorneys for the defense, daily, as they are transcribed.

The motion was lost. (See page 112, Appendix "B.")

George H. Jones was called as a witness by the prosecution, and was sworn by the president of the joint convention. (See page 113, Appendix "B.")

J. M. Rouse was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 117, Appendix "B.")

A. R. Holton was called as witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 124, Appendix "B.")

Warren Carrol was called as a witness by the prosecution, and was sworn by the president of the joint convention. (See page 129, Appendix "B.")

J. W. Lysons was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 131, Appendix "B.")

L. A. Sisley was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 134, Appendix "B.")

D. T. Ruffin was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 137, Appendix "B.")

J. G. McClinton was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 140, Appendix "B.")

Mr. Hunsaker moved that the joint convention dissolve.

The motion was lost.

Andrew Weymouth was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 145, Appendix "B.")

Warren I. Hastings was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 148, Appendix "B.")

John A. Van Boklen was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 150, Appendix "B.")

On motion of Senator Claypool, the joint convention rose, and the Senate retired.

On motion of Mr. Berry, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTY-SECOND DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 27, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Garretson, Ragsdale, Reinhardt, Wyman, and Yancy; excused.

On motion of Mr. Plummer, the reading of the journal of yesterday was dispensed with.

The following report was read:

REPORT OF SPECIAL COMMITTEE ON REVISION OF CALENDAR.

MR. SPEAKER:

Your special Committee on Revision of the Calendar, beg leave to recommend that all bills on the calendar be read second time by title; and then take up the following bills, after the special order:

Senate bill No. 145.

House bill No. 121.

House bill No. 170, and all bills relating to agricultural colleges.

Senate bill No. 124.

Senate bill No. 147.

J. G. MEGLER, Chairman.

The following notice was read:

Notice is hereby given that on Saturday, February 28, 1891, a motion will be made to amend rule 18, so that the same will read as follows:

RULE 18. No member shall speak more than once to the same question, and not more than five minutes at a time, without leave of the House, except the chairman of the committee or the mover of the question, who may close the debate.

Miss Ida Sutton was sworn as assistant journal clerk.

MESSAGES FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, February 26, 1891.

To the Honorable, the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 51, entitled "An act to amend section 6 of an act entitled 'An act to prescribe

the duties and fix the compensation of the reporter of the supreme court, approved December 20, 1889, and declaring an emergency."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

SECOND READING OF BILLS.

The following bills, memorials and resolutions were read second time, to wit:

House bill No. 122, An act for the purchase of grounds in the city of Olympia and erection of a building thereon for the use of the state, pending the erection of a permanent capitol building, and declaring an emergency.

Senate bill No. 124, A bill for an act entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, and livery and boarding house stable keepers, and other persons, for herding, keeping, pasturing, feeding and caring for stock."

House joint resolution No. 5, Relating to survey of capitol grounds.

House bill No. 126, An act providing for the establishment of an agricultural college in the State of Washington.

Senate bill No. 57, An act to fix the time of the commencement of the term of office of state officers.

House bill No. 185, An act providing for the election and prescribing the duties of electors of president and vice president of the United States.

House bill No. 203, An act to amend section 8 of an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington, approved March 26, 1890."

Senate bill No. 28, An act to create and establish a board of health and bureau of vital statistics in the State of Washington.

Senate bill No. 175, An act to provide for the purchase of Barton's Legislative Hand-Book and Manual of the State of Washington for 1891 and 1892, for the use and benefit of the state and legislature, officials, and others, and making an appropriation therefor.

House joint resolution No. 7, Relative to the official designation of Mount Rainier.

House memorial No. 10, Relative to the fishing industry.

House memorial No. 11, Relative to duty on grain bags.

House joint resolution No. 6, Relative to habits of fish.

House bill No. 196, An act to appropriate \$480 for the insurance against fire of the capitol building and the state library.

House bill No. 170, An act to provide for the location and maintenance of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency.

House bill No. 78, An act providing for the establishment of an agricultural college in the State of Washington.

House bill No. 106, An act to create a commission of technical instruction, and to establish a state school of science at or near Spokane Falls, Spokane county, State of Washington.

House bill No. 179, An act to prevent the spread of Chinese, Canada or Bull thistles, and providing penalties for violation thereof.

House bill No. 202, An act to appropriate money to pay deficiencies in appropriations for expressage, furniture for and cleaning of capitol building, and for expenses.

House bill No. 178½, An act to regulate vital statistics.

House bill No. 70, An act to provide for the suppression of gaming.

House bill No. 166, An act for the relief of John Huntington and John D. Litle, copartners, known as Huntington & Litle; and declaring an emergency.

House bill No. 195, A bill for an act to regulate salmon and sturgeon fishing in the rivers and waters of this state, and over which it has concurrent jurisdiction.

House bill No. 222, An act to amend section 2 of an act entitled "An act to authorize county commissioners to issue bonds for road purposes."

House bill No. 212, An act authorizing the employment of legal representatives of the State of Washington, at Washington, D. C., and to provide for the compensation of such, and declaring an emergency.

House bill No. 153, An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings.

On motion of Mr. Lawton, the bill was indefinitely postponed.

Senate bill No. 44, An act appropriating \$250 to procure from the office of the adjutant general of the United States army copies

of the record of the volunteers who served in the war of the rebellion from the Territory of Washington.

Senate joint resolution No. 1, Relative to the establishment of a heavy ordnance factory on Puget Sound.

Senate bill No. 127, An act to amend section 28 of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890.

Senate bill No. 143, An act requiring state and county officers to administer oaths required in the execution of pension papers and vouchers free of charge, and declaring an emergency.

Senate bill No. 142, An act to authorize school districts to establish and maintain libraries, and to provide for the management and care of the same.

Senate bill No. 141, An act to provide for the compulsory and reformatory education of juvenile disorderly persons.

House bill No. 71, An act to provide for the completion of the building of the Washington school for defective youth, and to appropriate money therefor.

House bill No. 130, An act to provide for the erection of a building to accommodate the feeble minded pupils of the Washington school for defective youth, and to appropriate money therefor.

House bill No. 155, An act appropriating money for the support and education of the feeble minded pupils of the Washington school for defective youth.

House bill No. 208, A bill for an act entitled "An act to amend section 1188 of the Code of 1881, relating to the marking of barrels, packages or cans containing fish."

House bill No. 120, An act for the relief L. Coffin and Mary E. Teal, and making an appropriation.

Senate bill No. 68, A bill for an act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors.

Senate bill No. 140, An act to amend sections 3, 4, 11, 12, 14, 16, 19, 20, 24, 28, 30, 34, 35, 37, 38, 52, 53, 54, 61, 62, 63, 64, 65, 66, 67, 68, 71 and 88 of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890.

House bill No. 188, An act to provide a bounty for the destruction of sea lion.

House bill No. 207, An act to enumerate the cases in which appeals may be taken from decisions of the superior courts to the supreme court.

House bill No. 236, An act to amend section 42 of an act entitled "An act to provide for the organization, maintenance and discipline of the militia of the State of Washington," approved March 27, 1890.

House concurrent resolution 10, Relative to amending section 1 of article 8 of the state constitution.

Senate bill No. 179, An act making the state treasurer ex-officio fiscal agent of the state, and defining his duties, and declaring an emergency.

House bill No. 204, An act to provide for the registration of voters in precincts where an incorporated city or town, or any portion thereof, forms a part of a voting precinct.

House bill No. 198, An act to amend section 17 of an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections."

House bill No. 205, An act to amend an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections."

Senate bill No. 122, An act authorizing county commissioners to build bridges across navigable streams.

Senate bill No. 147, An act to amend section 1975 of the Code of Washington.

Senate bill No. 166, An act to amend section 753 of the Code of the State of Washington.

House bill No. 232, An act to provide for the appointment of a state veterinary surgeon, and prescribing his duties.

House bill No. 180, An act requiring the appointment of police matrons in certain cities, designating their duties, and directing their compensation.

Senate bill No. 181, An act authorizing cities and towns to submit to the voters therein propositions to fund indebtedness of such cities and towns by the issuing of bonds therefor, at the same election at which the previous attempted incurring of such indebtedness, or any part thereof, may be ratified.

Senate bill No. 205, An act providing for special verdicts, and

further providing for special findings of the jury upon particular questions of fact to be stated in writing, and for recording findings so made with the verdict.

House bill No. 219, An act regulating the manufacture and sale of jute fabrics and brick at the Washington penitentiary, and making an appropriation for the purchase of material.

House bill No. 220, An act appropriating money for the improvement of the Washington penitentiary.

House bill No. 217, An act to regulate the business of logging.

House bill No. 223, An act to amend an act entitled "An act for the preservation of large game," approved February 6, 1890.

House bill No. 224, An act providing a penalty for selling or offering to sell, purchasing or offering to purchase a registration certificate issued under the provisions of the registration or election laws.

House bill No. 238, An act requiring railroad employes to report stock killed or found dead along the track of railroads.

House bill No. 109, An act providing for the division of the State of Washington into two congressional districts.

House bill No. 131, An act to regulate the printing of legal notices in newspapers, and prescribing the fees to be charged therefor.

House bill No. 206, An act to amend an act entitled "An act defining trespass on the public lands of the state, and providing punishment therefor."

House bill No. 209, An act to amend section 2 of chapter 10 of the Session Laws of 1890, relating to fees and salaries of county officers.

House bill No. 240, A bill for an act to protect and promote the fishing industry of the State of Washington, and to collect money from certain persons engaged in said industry, to be used to protect and promote the same.

Senate bill No. 46, An act to regulate warehousemen, wharfingers, commission men and others of like character and employment, and to declare the effect of warehouse receipts, and providing penalties for violations of this act.

Senate bill No. 217, An act making an appropriation for the maintenance and improvement of the state reform school.

House bill No. 150, A bill for an act to provide for the inspection and registration of horses, mules, sheep and neat cattle sold,

consumed, shipped or slaughtered within the State of Washington, and providing penalties for the violations thereof, and declaring an emergency.

House bill No. 231, An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants.

House bill No. 247, An act granting to cities of the third class the power and authority to vacate streets and alleys, and declaring an emergency.

House bill No. 254, A bill for an act to protect persons who have planted oysters upon tide and shore lands in this state prior to March 26, 1890.

House bill No. 255, A bill for an act relating to tide and shore lands.

Senate bill No. 202, An act to provide for the building of armories for the national guard of Washington, and to authorize the levying of a special county tax therefor.

Senate bill No. 71, An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor.

House bill No. 244, An act to amend section 33 of an act entitled "An act relating to building, loan and saving associations doing a general business," and declaring an emergency.

House bill No. 253, An act providing for the location of two state normal schools.

House bill No. 105, An act to establish a state normal school at Cathlamet, Wahkiakum county.

House bill No. 25, A bill for an act to establish a normal school for the State of Washington at the town of Lynden, in Whatcom county, and for the government, management and control of the same.

House bill No. 142, An act to establish a normal school for the State of Washington, west of the Cascade mountains, and provide for the location, government, management and control of the same.

House bill No. 38, An act to appropriate the sum of twenty-seven thousand and twenty dollars for the support of the normal school for the State of Washington in the city of Cheney.

House bill No. 39, An act to establish a state normal school for the State of Washington in the town of Willapa city, in Pacific county, and for the government, management and control of the same.

House bill No. 90, An act to establish and maintain a state normal school at the town of San de Fuca, in Island county, to appropriate lands and money therefor, and to declare an emergency.

House bill No. 125, An act to establish a normal school for the State of Washington in the town of Lilliwaup Falls, in Mason county, and for the government, management and control of the same.

House bill No. 163, An act to establish a state normal school in the town of Kelso, Cowlitz county, and to provide for the government, management and support of the same.

House bill No. 193, An act to establish a state normal school at Montesano, Chehalis county.

House bill No. 260, An act to amend section 753 of the Code of Washington, providing for taking transcripts of judgment from justice courts to superior courts.

Senate memorial No. 9, Relative to a ship railway around The Dalles and Cascade locks.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills, respectfully reports that the enrolled copy of House concurrent resolution No. 20, Relative to serving subpoenas on witnesses in Morris B. Sachs case, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 22, Relative to privileges on the floor during Morris B. Sachs case, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled bills respectfully reports that the enrolled copy of House bill No. 118, entitled "An act providing for the election and terms of office of county commissioners," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 30, entitled "An act creating and establishing municipal courts in cities of the State of Washington having more

than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 77, entitled "An act making appropriation for the per diem and expenses of boards of county commissioners in selecting and appraising school lands," has been carefully compared with the original copy thereof and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 27, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 123, entitled "An act for the relief of L. P. Berry, agent."

Also, Senate concurrent resolution No. 12, Relative to printing and binding the governor's message and reports of public officers.

Also, Senate memorial No. 8, Relative to reclaiming shallow ponds and lakes.

Also, Senate bill No. 131, To regulate the mode of proceeding to acquire and appropriate land, real estate and other property for public use of the state.

The Senate has passed House concurrent resolution No. 19, Relative to the commercial congress at Kansas City, and the president has appointed Senators T. J. Smith, J. H. Long, W. J. Parkinson, and F. H. Luce as delegates on the part of the Senate.

The Senate has passed Senate bill No. 259, substitute for Senate bill No. 11, The revenue bill. Yeas 29, nays 0. The emergency clause, same.

Also, Senate bill No. 219, Relative to liquor licenses. Yeas 23, nays 0.

Also House bill No. 93, For the disposal of money in certain cases. Yeas 20, nays 0. Emergency clause, yeas 27, nays 0.

Also, House bill No. 190, To protect salmon and other food fishes. Yeas 18, nays 6. Emergency clause, yeas 23, nays 0.

The Senate has passed House bill No. 172, entitled "An act providing for judges and additional judges for the superior courts in various counties in the State of Washington. Yeas 24, nays 1. Emergency clause, yeas 24, nays 1.

Also, passed Senate bill No. 129, Regulating fees of county clerks for services rendered as clerks ex officio in probate cases. Yeas 22, nays 0. The emergency clause failed to pass.

Senate bill No. 194, To float the American flag over the schoolhouses of the state. Yeas 24, nays 0. Emergency clause, yeas 23, nays 2.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed House bills Nos. 77, 30, and 118, and House concurrent resolutions Nos. 20 and 22, and Senate bills Nos. 123 and 131, and Senate memorial No. 8, and Senate concurrent resolution No. 12 in open session of the House.

House bill No. 54, An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the world's columbian exposition of 1893, was read second time.

Mr. Tyler moved to amend section 4 by inserting the words "not to exceed two hundred dollars per month" after the word "salary," in line 3.

Mr. Miller moved to amend Mr. Tyler's amendment by striking out "two hundred" and inserting "one hundred."

The House adopted the amendment to the amendment.

The House rejected the amendment as amended by the following vote, to wit: Yeas 30, nays 36.

Those who voted yea were: Messrs. Arrasmith, Bothell, Brock, Dysart, Farrish, Fellows, Frame, Holt, Hutchinson, Hunsaker, Kennedy, Lehman, McClure, McKay, Metcalfe, Miller, Moore, Nevin, Palmer, Parcell, Peterson, Ready, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Snively, Taylor, and Walter.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Bass, Berry, Caughran, Chambers, Collins, Cushman, De Steiguer, Flummerfelt, Frater, Gandy, Hanson, Johnson, Jones, Lawton, Meany, Megler, Morse, Painter, Pearson, Plummei, Powell, Putney, Sallee, Smyth, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Garretson, Godmap, McKnight, Murray, Ragsdale, Reitze, Spinning, Wyman, and Yancy.

Mr. Tiffany moved to amend section 4 by inserting the words "not to exceed one hundred and fifty dollars per month" after the word "salary," in line 3.

The House adopted the amendment.

Mr. Tyler moved to amend section 8 by striking out the words and figures "fifty thousand dollars (\$50,000)" and inserting in lieu thereof the words and figures "twenty-five thousand dollars (25,000)."

Mr. Sharpstein moved the previous question.

The House adopted the amendment by the following vote, to wit: Yeas 41, nays 23.

Those who voted yea were: Messrs. Arrasmith, Bass, Bothell, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Kennedy, Lawton, Lehman, McClure, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Nevin, Palmer, Pearson, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Snively, Taylor, Tyler, Walker, Walter, Yeomans, and Young.

Those who voted nay were: Messrs. Adams, Anderson of Whatcomi, Berry, Caughran, Chambers, De Steiguer, Jones, Meany, Morse, Parcell, Plummer, Powell, Putney, Ready, Reitze, Sallee, Smyth, Thalman, Tiffany, Tillotson, Troy, Wasson, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Brock, Dysart, Garretson, Godman, Murray, Peterson, Painter, Ragsdale, Spinning, Wyman, and Yancy.

On motion of Mr. Lehman, the House took a recess at 12:25 p. m. until 2 o'clock p. m.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 27, 1891. }
2 o'clock p. m.

The House was called to order at 2 o'clock p. m.; the speaker in the chair.

On motion of Mr. Lehman, House bill No. 194 was indefinitely postponed.

The claim of C. B. Eaton, for \$250.50 for services as stenographer for the Sachs investigating committee, was referred to Committee on Mileage and Contingent Expenses.

REPORTS OF COMMITTEE ON REVENUE AND TAXATION.

The Committee on Revenue and Taxation made the following reports:

MR. SPEAKER:

Your Committee on Revenue and Taxation, to which was referred House bill No. 166, entitled "A bill providing for the payment of county taxes in county warrants," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

ALF. A. PLUMMER, Chairman.

On motion of Mr. Plummer, the report was adopted.

MR. SPEAKER:

Your Committee on Revenue and Taxation, to which was referred House bill No. 199, entitled "An act to amend section 6 of an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,'" respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed, as its provisions are fully covered by the general revenue bill.

A. A. PLUMMER, Chairman.

On motion of Mr. Plummer, the report was adopted.

The House resumed consideration of House bill No. 54, An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893.

On motion of Mr. Megler, section 3 was amended by adding the words "*Provided*, This shall not apply to ex-officio members of the commission."

Mr. Hutchinson moved to amend section 1 by striking out the word "ten" and inserting the word "eleven" in line 6.

The amendment was adopted.

Mr. Hutchinson moved to amend section 1 by inserting the name of Mr. Ed. Ramm as the eleventh member of the commission.

Mr. Smith moved to amend Mr. Hutchinson's amendment by striking out the name of Mr. Ramm and inserting the name of Mr. C. H. Ballard.

Mr. Smith's amendment to Mr. Hutchinson's amendment was adopted.

Mr. Hutchinson's amendment was adopted as amended.

Mr. Megler moved to amend section 8 by adding the words "not to exceed one thousand dollars."

The amendment was adopted.

Mr. Miller moved to amend section 8 by adding the words "said sum to be paid out of the appropriation herein made."

The House adopted the amendment.

Mr. Hutchinson moved to amend section 1 by striking out the

name of L. R. Grimes and inserting the name of Edward Ramm, of Lincoln county.

The question was divided and the vote was taken on the proposition to strike out the name of Mr. Grimes.

The House refused to strike out.

Mr. Walker moved to amend section 1 by striking out the name of S. B. Conover, and inserting the name of J. C. Moffat.

The question was divided, and the vote was taken on the proposition to strike out the name of S. B. Conover.

The House refused to strike out.

Mr. Sallee moved to strike out all the names on the commission except those of N. G. Blalock, E. C. Ferguson, and Thomas H. Cavanaugh.

The amendment was rejected.

Mr. Snively moved to amend section 1 so as to increase the commission to thirty-four members, one from each county.

The House adopted the amendment.

Mr. Miller moved to amend the bill by adding the following as a new section, to wit:

SEC. 9. That the timber of Puget Sound shall be labeled "Washington fir" and "cedar" instead of "Oregon pine" when on exhibition at the World's Fair, as Oregon has refused to appropriate any funds toward advertising our products.

The amendment was adopted.

Mr. Caughran moved to amend section 2 by inserting the words "and an executive committee of nine" after the word "treasurer," and by striking out the words "and a" before the word "treasurer," in line 3.

The House adopted the amendment.

On motion of Mr. Plummer, the bill was recommitted to the joint committee on world's fair.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 27, 1891.

MR. SPEAKER:

The president of the Senate has signed House concurrent resolution No. 22, Relative to privileges on the floor during the Morris B. Sachs case.

Also, House concurrent resolution No. 20, Relative to serving subpoenas on witnesses in the Morris B. Sachs case.

Also, House bill No. 77, An act making appropriation for per diem and expenses of boards of county commissioners in selecting and appraising school lands.

Also, House bill No. 118, An act providing for the election and terms of office of county commissioners.

Also House bill No. 30, Relative to establishing municipal courts.

The Senate has postponed indefinitely House memorial No. 7, Relative to memorializing congress to submit an amendment electing U. S. senators by the people.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON PHARMACY AND SURGERY.

The Committee on Pharmacy and Surgery made the following report:

MR. SPEAKER:

Your Committee on Pharmacy and Surgery, to which was referred House bill No. 41, entitled "An act to amend sections 2,776 and 2777, and to repeal section 2793 and section 2795 of chapter 221 of the Code of Washington, relating to coroners, their powers and duties," respectfully reports the bill back to the House with the recommendation that it be re-referred to the Judiciary Committee.

A. H. CHAMBERS, Chairman.

House bill No. 41 was recommitted to Committee on Judiciary.

Senate bill No. 129, An act regulating fees of county clerks for services rendered as clerks ex officio of the superior courts in probate cases, and declaring an emergency, was read first and second time, and referred to Committee on Fees and Compensation of State and County Officers.

Senate bill No. 219, An act to amend an act entitled "An act to regulate, restrain, license or prohibit the sale of intoxicating liquors," approved February 2, 1888, was read first and second time by title, and referred to Committee on Education.

Senate bill No. 194, An act requiring the United States flag to be floated over the public schools of the state during school hours, and providing penalties for violations of the same, and declaring an emergency, was read first and second time by title, and referred to Committee on Education.

Senate bill No. 259, An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency, was read first and second time by title.

House bill No. 172, An act providing for judges and additional judges for the superior courts in various counties in the State of

Washington, was received from the Senate with the title amended by adding the words "and declaring an emergency."

On motion of Mr. Sharpstein, the House concurred in the Senate amendment to the title of the bill.

On motion of Mr. Powell, the House took a recess, at 4:15 p. m., until 7:30 p. m.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, February 27, 1891. }
7:30 o'clock p. m.

The House was called to order at 7:30 p. m., the speaker in the chair.

The roll was called; all the members present except Messrs. Andrews, Frater, McKnight, Ragsdale, Snively, Tillotson, and Yancy.

JOINT SESSION.

At 7:45 p. m. the Senate entered the bar of the House in a body. The president pro tem. of the Senate took the chair.

The roll of the Senate was called; all the senators present except Senators Baker, Hastings, Parkinson, and Thompson (L. F.).

The roll of the House was called; all the members present except Messrs. Andrews, Frater, McKnight, Ragsdale, Tillotson, and Yancy.

On motion of Senator Claypool, the journal of last evening's proceedings was approved.

The sergeant-at-arms reported that he had been unable to secure the attendance of W. A. Malloy, one of the witnesses for the defense.

The defense excused the witness.

On motion of Senator Thompson (G. T.), the stenographers were instructed to furnish counsel on both sides with a copy of their daily report of their proceedings.

The prosecution offered in evidence a certified copy of section 1 of "An act to prevent and punish gambling," approved November 14, 1879. (See page 155, Appendix "B.")

The prosecution offered in evidence certified copies of papers in the case of the First National Bank of Port Townsend vs. M. N. Nathanson, being No. 222 on the docket of the court of Jefferson county. See page 155, Appendix "B.")

The prosecution offered in evidence certified copies of papers in the case of William Nathanson vs. M. L. Nathanson in the superior court of Jefferson county. (See page 158, Appendix "B.")

The prosecution offered in evidence copies of papers in the case of George H. Wheaton vs. Max L. Nathanson in the superior court of Jefferson county.

The respondent objected to the papers being received in evidence.

The joint convention sustained the objection. (See page 161, Appendix "B.")

The prosecution offered in evidence copies of papers in the case of the First National Bank of Port Townsend vs. Jago & Niblock, in the superior court of Jefferson county. (See page 162, Appendix "C.")

Wm. J. Jones was called as witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 165, Appendix "B.")

On motion of Mr. De Steiguer, a subpoena was ordered issued for John Trumbell, of Port Townsend, as a witness on behalf of the respondent. (See page 174, Appendix "B.")

R. A. Ballinger was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 174, Appendix "B.")

John N. Scott was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 185, Appendix "B.")

R. W. Jennings was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 194, Appendix "B.")

E. C. Johnston was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. (See page 198, Appendix "B.")

The sergeant-at-arms was instructed to subpoena C. T. Clapp, T. J. Nolton and — Andrews, of Port Townsend, as witnesses on the part of the respondent.

On motion of Senator Van de Vanter, the joint convention rose, and the Senate retired.

On motion of Mr. Gandy, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTY-THIRD DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday, February 28, 1891. }
10 o'clock A. M. }

The House was called to order at 10 o'clock A. M., the speaker in the chair.

The roll was called; all the members present except Messrs. Anderson of Mason, Andrews, Dysart, Frater, McKnight, Powell, Reitze, and Yancy; excused.

On motion of Mr. Sharpstein, reading of the journal was dispensed with.

The following telegram was read:

PALOUSE, WASH., February 28, 1890.

To the House of Representatives:

By all means support division.

(Signed)	J. H. POWERS.	U. L. ETTENGER.
	C. H. FARNSWORTH.	J. H. WILEY.
	R. J. ANDERSON.	J. G. WILEY.
	W. T. POWERS.	J. K. McCORMACK.

Mr. Frame presented a petition from citizens of Snohomish county that no amendment be allowed to existing Sunday laws.

Mr. Caughran presented a similar petition from citizens of Pierce county.

Mr. Thalman presented a similar petition from the members of Grace M. E. Church of Seattle.

REPORTS OF STANDING COMMITTEES.

The Committee on Penitentiary made the following report:

MR. SPEAKER:

Your Committee on Penitentiary, to which was referred Senate bill No. 151, entitled "An act to increase the punishment for crimes and misde-

meanors committed a second or more times by the same person, and repealing all acts or parts of acts in conflict with this act," respectfully reports the bill back to the House with the recommendation that it do pass.

J. C. PAINTER, Chairman.

The Committee on Fisheries made the following report:

MR. SPEAKER:

Your Committee on Fisheries, to which was referred House bill No. 262, entitled "An act to establish a state fish hatchery, and making an appropriation therefor," respectfully reports the bill back to the House with the recommendation that it pass.

D. R. JONES, Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to which was referred House bill No. 263, entitled "An act relating to the payment of salaries of state officers, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

J. G. MEGLER, Chairman.

The Committee on Compensation and Fees of State and County Officers made the following reports:

MR. SPEAKER:

Your Committee on Compensation and Fees of State and County Officers, to which was referred House bill No. 241, entitled "An act to provide for fees and compensation of the county clerk, ex officio clerk of the superior court," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. G. HANSON, Chairman.

On motion of Mr. Hanson, the report was adopted, and House bill No. 241 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Compensation and Fees of State and County Officers, to which was referred House bill No. 154, entitled "An act to amend section 1 of an act classifying the counties according to population, numerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees, and payment of salaries, received by the governor March 26, 1890," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. G. HANSON, Chairman.

On motion of Mr. Hanson, the report was adopted, and House bill No. 154 was indefinitely postponed.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 178, entitled "An act forbidding extortion, or unjust discrimination, by

any corporation, company or individual operating, managing or leasing any railroad within this state," respectfully report that inasmuch as bill No. 243 has already passed the House and contains the same provisions, therefore recommend that it be indefinitely postponed.

J. M. READY, Chairman.

On motion of Mr. Ready, the report was adopted, and House bill No. 178 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Railroads, to which was referred House bill No. 156, entitled "An act to require railroad companies to construct and maintain connections from one railroad to another, and to provide a penalty for a failure to comply therewith," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

In line 4 of section 1, strike out the word "sixty" and insert the word "ninety" in lieu thereof.

In section 3, lines 7 and eight, strike out the words "liable in damages in the sum of" and insert in lieu thereof the words "guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10 nor more than."

Strike out section 5.

And recommend that the bill pass as amended.

J. M. READY, Chairman.

On motion of Mr. Sharpstein, the report was adopted.

The Committee on Forestry made the following report:

MR. SPEAKER:

Your Committee on Forestry, to which was referred House bill No. 167, entitled "An act for the protection of all feathered game in the State of Washington," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

In line 3, section 1, insert, after the word "market," the words "or sale."

In line 3, section 2, strike out the word "quail."

In lines 1 and 2, section 3, strike out the words "that any person or persons found in possession of," and insert in lieu thereof the words "it shall be unlawful for any person or persons;" also, in line 2, strike out the word "trying."

In line 2, same section, insert, after the words "dispose of," the words "or have in their possession for the purpose of sale."

In line 3, strike out all after the word "whatever" to the end of section.

In section 5, line 3, insert, after word "China," the words "or mongolian;" also, strike out all after the word "law," in line 4, to end of section.

In section 6, line 2, insert, after the words "act be," the words "paid to county treasurer and."

Insert the following as section 7: "Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined for each offense in a sum not less than ten dollars or more than one hundred dollars.

And recommend that the bill do pass as amended.

GEORGE BOTHELL, Chairman.

On motion of Mr. Sharpstein, the report was adopted.

MR. SPEAKER:

Your Committee on Forestry, to which was referred House bill No. 228, entitled "An act to prevent the destruction of forests by fire on public lands," respectfully reports the bill back to the House with the recommendation that section 2 be stricken out, and that it pass when so amended.

GEORGE BOTHELL, Chairman.

On motion of Mr. Bothell, the report was adopted.

The Committee on Library and Public Buildings made the following report:

MR. SPEAKER:

Your Committee on Library and Public Buildings, to which was referred House bill No. 266, entitled "An act providing for a commission to receive plans and elevations for state capitol building, and making an appropriation therefor," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

U. L. COLLINS, Chairman.

On motion of Mr. Thalman, the report was adopted, and House Bill No. 266 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Library and Public Buildings, to which was referred House bill No. 218, entitled "An act authorizing the establishment of public libraries in cities," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

U. L. COLLINS, Chairman.

On motion of Mr. Walker, the report was adopted, and House bill No. 218 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Library and Public Buildings, to which was referred House bill No. 235, entitled "An act to encourage the establishing and to aid in the maintenance of law libraries in the several counties of the State of Washington, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

U. L. COLLINS, Chairman.

On motion of Mr. Walker, the report was adopted, and House bill No. 235 was indefinitely postponed.

MR. SPEAKER.

Your Committee on Library and Public Buildings, to whom was referred House bill No. 265, entitled "An act to create a capitol building commission, defining its duties and fixing its compensation," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

U. L. COLLINS, Chairman.

On motion of Mr. Garretson, the report was adopted, and House bill No. 165 was indefinitely postponed.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to whom was referred Senate bill No. 121, entitled "An act authorizing owners of elevators, warehouses and mills to build connections with railroads, and providing for their operation," respectfully reports the bill back to the House with the recommendation that it do pass.

JOS. ABRASMITH, Chairman.

The special committee on revision of calendar made the following report:

MR. SPEAKER:

Your special committee on revision of calendar have prepared a list for to-day's consideration, which will be found first on the calendar, and we recommend their consideration in the order named.

J. G. MEGLER, Chairman.

On motion of Mr. Megler, the report was adopted.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to whom was referred House bill No. 248, entitled "An act to authorize cities and towns to borrow money for municipal purposes, and to issue negotiable bonds therefor," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. MILLER, Chairman.

MR. SPEAKER:

Your Committee on Municipal Corporations, to whom was referred House bill No. 149, entitled "An act to amend an act entitled 'An act providing for the organization, classification and government of municipal corporations; House bill No. 180, "An act providing for the appointment of police matrons in certain cases, designating their duties, and directing their compensation; and Senate bill No. 69, entitled "An act to amend section 165 of an act providing for the organization, classification, incorporation and government of municipal corporations," respectfully reports the three bills back to the House with the recommendation that they all be indefinitely postponed.

J. M. MILLER, Chairman.

On motion of Mr. Miller, House bills Nos. 149 and 180, and Senate bill No. 69 were indefinitely postponed.

The Committee on Corporations other than Municipal and Railroad made the following report:

MR. SPEAKER:

Your Committee on Corporations other than Municipal and Railroads, to whom was referred House bill No. 75, entitled "An act to provide for the organization, general powers, management, control and liquidation of banking associations, defining the liability of shareholders therein, and providing penalties for the violation of this act." Also, House bill No. 234, "An act authorizing the incorporation of detective associations, and defining their powers, duties and liabilities," respectfully reports the bills back to the House with the recommendation that they do pass.

W. D. TYLER, Chairman.

On motion of Mr. Megler, the rules were suspended, and the following bills were read the second time by title, to wit:

House bill No. 262, An act to establish a state fish hatchery, and making an appropriation therefor.

House bill No. 263, An act relating to the payment of salaries of state officers, and declaring an emergency.

House bill No. 211, An act to prohibit the use of railroad or other transportation companies' passes by public officers of the state, and fixing penalties for the same.

House bill No. 156, An act requiring railroad companies to construct and maintain connections from one railroad to another, and to provide a penalty for a failure to comply therewith.

House bill No. 167, An act for the protection of all feathered game in the State of Washington.

House bill No. 228, An act to prevent the destruction of forests by fire on public lands.

Senate bill No. 121, An act authorizing the owners of elevators, warehouses, and mills to build connections with railroads.

Senate bill No. 151, An act to increase the punishment for crimes and misdemeanors committed a second or more times by the same person, and repealing all acts or parts of acts in conflict with this act.

House bill No. 248, An act to authorize cities and towns to borrow money for municipal purposes, and issue negotiable bonds.

House bill No. 75, An act to provide for the organization, general powers, management, control and liquidation of banking asso-

ciations, defining the liability of shareholders therein, and providing penalties for the violation of this act.

House bill No. 234, An act authorizing the incorporation of detective associations, and defining their powers, duties and liabilities."

In accordance with notice given yesterday, Mr. Sharpstein moved to amend rule 18 to read:

RULE 18. No member shall speak more than once to the same question, and not more than five minutes at a time without leave of the House, except the chairman of the committee or the mover of the question, who may close the debate.

Mr. Plummer moved to amend the motion by adding the words: "*Provided*, That this shall not apply to the proceedings for the removal of Judge Morris B. Sachs."

Mr. Plummer's amendment was adopted.

Mr. Sharpstein's motion as amended was adopted.

House bill No. 185, An act providing for the election and prescribing the duties of electors of president and vice president of the United States, was read third time, and passed by the following vote, to wit: Yeas 68, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Dysart, Frater, McKnight, Powell, Reitze, and Yancy.

- The title of the bill was agreed to.

Senate bill No. 145, An act to amend section 3 of an act entitled "An act relating to the state library," approved March 27, 1890, and declaring an emergency, was read for information.

On motion of Mr. Megler, section 1 was amended by striking out the words "quarterly" and inserting the word "monthly."

The bill was read third time, and passed by the following vote, to wit: Yeas 66, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Dysart, Frater, Godman, Kennedy, McKnight, Meany, Powell, Reitze, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 58, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Collins, Cushman, De Steiguer, Farrish, Flummerfelt, Frame, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Chambers, Dysart, Fellows, Frater, Gandy, Godman, Kennedy, McKnight, Meany, Murray, Powell, Reitze, Sharpstein, Walter, Wyman, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 200, entitled an act to define, regulate and govern the state penitentiary, and declaring an emergency." Yeas 27, nays 0. Emergency clause same.

Also, passed the following W. Lair Hill code bills:

Senate bill No. 277, Relative to elections. Yeas 25, nays 0.

Senate bill No. 275, Relative to town plats. Yeas 18, nays 1.

Senate bill No. 272, Damage caused by change of grade. Yeas 19, nays 0.

Senate bill No. 279, Qualifications of electors. Yeas 24, nays 0.

Senate bill No. 280, Vacancies in office. Yeas 25, nays 0.

Senate bill No. 281, County and precinct officers. Yeas 23, nays 0.

Senate bill No. 282, Constables. Yeas 24, nays 0.

Senate bill No. 283, State university. Yeas 25, nays 0.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON STATE LANDS.

The Committee on State Lands made the following report:

MR. SPEAKER:

Your Committee on State Lands, to whom was referred House bill No. 121, entitled "An act to provide for the selection of lands granted to the State of Washington, approved February 22, 1889, for the purpose of the erection of public buildings and a penitentiary, the use and support of agricultural and scientific normal schools, and charitable, penal and reformatory institutions," respectfully reports the bill back to the House with the recommendation that the same be passed, with the following amendments:

Insert between the words "such" and "and," in line 3 of section 3, the following: "to be approved by by the state land commissioner."

In line 11 of section 3, strike out the words "to it, her or them," and insert the word "either."

In line 12 of section 3, strike out the words "inimical to the interest of the state," and insert "except to such commission."

In line 18 of section 3, strike out the word "will," and insert the word "may."

In line 9 of section 5, strike out the words "in satisfaction of which it is made," and insert "for which the same is made."

In line 2 of section 6, between the word "lands" and the word "the," insert the words "including the timber thereon."

In line 5 of section 7, strike out the words "if the same be correct."

In line 2 of section 8, insert between the words "of" and "this," the words "the true intent and spirit of."

Strike out all of section 10 between the word "anything" in line 2, and the word "he" in line 3, and insert "or give any information in regard to such lands other than to such commission."

We concur:

M. M. GODMAN, Chairman.

W. F. MCKAY,

L. WALTER,

GEORGE BOTHELL,

E. P. MCCLURE,

U. L. COLLINS,

SAM'L BASS.

On motion of Mr. Bothell, the amendments recommended by the committee were adopted.

House bill No. 121, To provide for the selection of lands granted to the State of Washington under act of congress, approved February 22, 1889, for the purpose of the erection of public buildings and a penitentiary, the use and support of agricultural and scientific normal schools, and charitable, penal and reformatory institutions, was read for information.

Mr. Adams moved to amend section 1 by adding the words "the said state land commission is also hereby authorized, empowered and directed to select all lands reserved for the State of Washington under sections Nos. 1947, 2275 and 2276 of the revised statutes of the United States, in lieu of deficiencies in sections 16 and 36 by reason of settlement thereon prior to survey, or from loss by natural causes."

The amendment was adopted.

The bill was read third time, and passed by the following vote, to wit: Yeas 65, nays none.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, Meany, Metcalfe, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Dysart, Flummerfelt, Frater, McKnight, Megler, Murray, Plummer, Powell, Reitze, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 67, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McClure, McKay, Meany, Metcalfe, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney,

Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Dysart, Frater, Holt, McKnight, Megler, Murray, Powell, Reitze, and Yancy.

On motion of Mr. Adams, the title of the bill was amended by adding the words "also providing for selection of lands granted to the State of Washington under sections 1947, 2275 and 2276 of the Revised Statutes of the United States."

The title of the bill as amended was agreed to.

The Committee on Corporations other than Municipal, made the following report:

MR. SPEAKER:

Your Committee on Corporations other than Municipal, to which was referred House bill No. 174, entitled "An act to regulate the rental allowed for the use of telephones, and to fix rates of toll," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed, and that the substitute submitted herewith do pass.

W. D. TYLER, Chairman.

On motion of Mr. Sharpstein, the report was adopted, and House bill No. 174 was indefinitely postponed.

House bill No. 312 (substitute for House bill No. 174), An act to prevent persons, companies, or corporations engaged in the telephone business, from charging any fee or bonus for supplying telephones to applicants, was read first and second time by title.

Mr. Sharpstein moved that the bill be indefinitely postponed.

The motion to indefinitely postpone was adopted.

On motion of Mr. Walker, the House took a recess from 12:20 P. M. until 2 P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Saturday, February 28, 1891. }
 2 o'clock P. M. }

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson (of Mason), Andrews, Barlow Collins, De Steiguer, Dysart, Frater, McKnight, Murray, Reitze, Smyth, Thalman, Tiltson, Tyler, and Yancy; excused.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 172, entitled "An act providing for judges and additional judges for the superior courts in various counties in the State of Washington," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The Speaker signed House bill No. 171 in open session of the House.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
 OLYMPIA, February 28, 1891.

To the honorable the Senate and House of Representatives of the State of Washington:

GENTLEMEN—On the 21st inst. a pardon was granted by me to Henry Masse, convicted of manslaughter and sentenced on the 17th day of September, 1891, in the district court of Jefferson county, to fourteen (14) years' imprisonment, for the following reasons:

First: That the prisoner had completed all but six months of his sentence, after taking into consideration the usual rebate in time allowed for good behavior.

Second: That over five (5) years' of said term of imprisonment was spent by said Henry Masse in the prison at Seateco, during which time he lost two of his fingers in the sash and door factory connected with the prison.

Third: That Judge Roger S. Greene, who sentenced the prisoner, and

Hon. Elwood Evans, the prosecuting attorney in the case, joined in strongest terms in a recommendation for the pardon of said Henry Masse.

Fourth: That the conduct of said Henry Masse had been uniformly good during his incarceration.

The above pardon is in addition to those submitted by me to your honorable body on the 19th inst., in accordance with section 11, article 3, of the constitution.

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

On motion of Mr. Meany, House bill No. 180, An act providing for the appointment of police matrons in certain cities, designating their duties, and directing their compensation, was indefinitely postponed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 275, entitled "An act relating to the indexing of instruments concerning or affecting real estate, filed for record in the office of the county auditor," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 272, entitled "An act providing for the relief of persons who have made improvements upon school lands within two miles of any incorporated city, town or village," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

The Committee on Commerce made the following report:

MR. SPEAKER:

Your Committee on Commerce, to which was referred House bill No. 258, entitled "An act requiring persons, companies or corporations owning or controlling railroads co-terminus with, or constructed around, any obstruction thereof, to keep in good repair and operate the same on a given compensation, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be amended as follows: Section 4, line 7 (printed copy, line 5), strike out figure "4" and insert "10;" also, line 9 (printed copy, line 6), strike out figure "2" and insert "5;" also, line 13 (printed copy, line 7), strike out figures "20" and insert "40;" also, line 16 (printed copy, line 10), strike out figures "25" and insert "50;" also, line 21 (printed copy, line 13), strike out figure "5" and

insert "10;" also, line 23 (printed copy, line 14), strike out figure "3" and insert "5;" also, line 26 (printed copy, line 16), strike out the figures "40" and insert in lieu thereof the words "one dollar and twenty-five;" and when so amended it do pass.

IRA C. ROCKWELL, Chairman.

On motion of Mr. Hunsaker, the report was adopted.

The Committee on Mines and Mining made the following report:

MR. SPEAKER:

Your Committee on Mines and Mining, to whom was referred House bill No. 239, entitled "An act to provide for a miner's lien," respectfully reports the bill back to the House with the recommendation that it do pass.

JOHN L. METCALFE, Chairman.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 93, entitled "An act in relation to the enforcement of judgment by execution, and amending sections 328, etc., of the code of 1881," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Amend section 1 by adding: "When the execution is to enforce any special order or any decree, it shall particularly command what is required to be done or omitted."

And that as amended, the bill do pass.

J. M. READY, Acting chairman.

On motion of Mr. Ready, the report was adopted.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 19, entitled "An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Strike out all of section 2.

Strike out the words "criminal conspiracy" in the first section, and insert in lieu thereof the word "misdemeanor."

And that as amended the bill do pass.

J. M. READY, Acting chairman.

On motion of Mr. Snively, the report was adopted.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred House bill No. 250, entitled "An act to amend section one of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations,'" respectfully reports the bill

back to the House with the recommendation that it do pass with the following amendment:

After the word "town," in line 24 of the original bill, eliminate the words "not separated therefrom by a navigable stream or body of water."

J. M. MILLER, Chairman.

On motion of Mr. Miller, the report was adopted.

SECOND READING OF BILLS.

The following bills were read second time, to wit:

House bill No. 275, A bill for an act to be entitled "An act relating to the indexing of instruments concerning or affecting real estate filed for record in the office of the county auditor."

Senate bill No. 93, An act in relation to the enforcement of judgments by execution, and amending sections 328, 330, 357 and 367 of the Code of Washington of 1881.

Senate bill No. 19, An act declaring it unlawful to organize, maintain, or employ an armed body of men in this state, and providing punishment therefor.

House bill No. 239, An act to provide for a miner's lien.

House bill No. 258, An act requiring persons, companies or corporations owning or controlling railroads co-terminus with or constructed around any obstructions to navigation in any of the waters of the State of Washington or the borders thereof, to keep in good repair and operate the same on a given compensation, and declaring an emergency.

House bill No. 272, An act providing for the relief of persons who have made improvements upon school lands within two miles of any incorporated city, town or village.

House bill No. 250, An act to amend section 1 of an act entitled "An act providing for the organization and classification, incorporation and government of municipal corporations, and declaring an emergency."

Senate bill No. 124, A bill for an act entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, and other persons for herding, keeping, pasturing, feeding and caring for stock," was read for information.

Mr. Sharpstein moved to amend section 1 by inserting the words "caring for" after the word "training," in lines 4 and 7.

The amendment was adopted.

The bill was read third time, and passed by the following vote, to wit: Yeas 56, nays none.

Those who voted yea were: Messrs. Adams, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Gandy, Godman, Hanson, Holt, Hutchinson, Hunsaker, Jones, Kennedy, Lawton, Lehman, McClure, McKay, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Putney, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Tiffany, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Barlow, Collins, Dysart, Frater, Garretson, Johnson, McKnight, Meany, Pearson, Plummer, Powell, Ragsdale, Reitze, Spinning, Thalman, Tillotson, Troy, Tyler, and Yancy.

The emergency clause failed to pass by the following vote, to wit: Yeas 51, nays 4.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Chambers, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Kennedy, Lawton, Lehman, McClure, McKay, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Reinhardt, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Tiffany, Walker, Walter, Wasson, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Murray, Painter, Sharpstein, and Taylor.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Caughran, Collins, Dysart, Frater, Gandy, Hanson, Johnson, McKnight, Meany, Powell, Ready, Reitze, Spinning, Thalman, Tillotson, Troy, Tyler, Wyman, and Yancy.

On motion of Mr. Sharpstein, the title of the bill was amended by striking out the words "and declaring an emergency."

The title as amended was agreed to.

The following report was read, to wit:

MR. SPEAKER:

Your special committee beg leave to submit the following report of expenses incurred in the investigation of bribery charges:

Stenographers' fees and mileage.....	\$425 47
Mileage, members of committee.....	460 00
Mileage and other expenses of sergeant-at-arms.....	166 30
Per diem and mileage of witnesses.....	141 20
Total.....	\$1,192 97

We recommend that warrants be issued for said amount, as per certificates herewith attached.

W. K. KENNEDY, Chairman.

The report and claims accompanying it were referred to the Committee on Mileage and Contingent Expenses.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1891.

MR. SPEAKER:

The president of the Senate has signed enrolled House bill No. 172, entitled "An act relative to judicial districts, and additional superior judges," and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 147, entitled "An act to amend section 1975 of the Code of Washington," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 230, being a substitute for Senate bill No. 67, Relative to attachments and garnishments, and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

Senate bill No. 147, An act to amend section 1975 of the Code of Washington, was read third time, and passed by the following vote, to wit: Yeas 56, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, Farrish, Fellows, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McClure, McKay, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Tiffany, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Collins, De Steiguer, Dysart, Flummerfelt, Frater, Kennedy, McKnight, Meany, Nevin, Plummer, Powell, Reitze, Spinning, Thalman, Tillotson, Troy, Tyler, Walker, and Yancy.

The title of the bill was agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 190, entitled "An act to amend sections one, seven and twelve of an act entitled 'An act to protect salmon and other food fishes in the State of Washington and upon all waters upon which this state has jurisdiction and concurrent jurisdiction,' approved February 11, 1890, and declaring an emergency to exist," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 190 in open session of the House.

House bill No. 119, An act to amend sections three (3) and eight (8) of an act entitled "An act to regulate the practice of medicine and surgery in the State of Washington, and to license physicians and surgeons, to punish all persons violating the provisions of this act, and to repeal all laws in conflict herewith, and declaring an emergency," was read third time.

On motion of Mr. Putney, the previous question was ordered.

On motion of Mr. Murray, the House reconsidered the vote by which the previous question was ordered.

The bill failed to pass by the following vote, to wit: Yeas 23, nays 38.

Those who voted yea were: Messrs. Bass, Berry, Cushman, Flummerfelt, Frame, Godman, Holt, Hunsaker, Jones, McClure, Megler, Metcalfe, Miller, Nevin, Palmer, Peterson, Rockwell, Snively, Spinning, Taylor, Walter, Wyman, and Yeomans.

Those who voted nay were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bothell, Brock, Caughran, Chambers, De Steiguer, Farrish, Fellows, Gandy, Garretson, Hanson, Kennedy, Lawton, Lehman, McKay, Meany, Moore, Morse, Murray, Painter, Parcell, Pearson, Plummer, Powell, Putney, Ragsdale, Ready, Reinhardt,

Sallee, Schricker, Sharpstein, Tiffany, Walker, Wasson, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Collins, Dysart, Frater, Hutchinson, Johnson, McKnight, Reitze, Smith, Smyth, Thalman, Tillotson, Troy, Tyler, and Yancy.

The following Senate bills were read first and second time by title, and referred, to wit:

Senate bill No. 200, An act to define, regulate and govern the state penitentiary, and declaring an emergency; referred to Committee on Penitentiary.

Senate bill No. 272, An act relating to damage caused by change of grade in streets or sidewalks of cities or incorporated towns, amending sections 1, 2, 5, 6, 8 and 9 of an act approved November 28, 1883, entitled "An act to provide for the payment of damages growing out of the changes of grades in the streets or sidewalks of cities and incorporated villages;" referred to Committee on Judiciary.

Senate bill No. 275, An act relating to town plats, amending sections 2328, 2330, 2331, 2333, 2340 and 2341 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 277, An act relating to elections, and amending sections 3056, 3058, 3060, 3064, 3068, 3074, 3076, 3078, 3083, 3086, 3089, 3091, 3092, 3093, 3094, 3095, 3096, 3098, 3099, 3100, 3101, 3103, 3105, 3107, 3108, 3109, 3110, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3122, 3122, 3148, 3149 and 3150 of the Code of Washington of 1881, and amending sections 3079 and 3084 of the Code of Washington of 1881, as amended by the act of February 8, 1886, entitled "An act to amend sections 3079 and 3084 of chapter 242 of the Code of Washington Territory, relating to elections;" referred to Committee on Judiciary.

Senate bill No. 279, An act relating to the qualifications of electors, amending sections 3050, 3051 and 3053 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 280, An act relating to vacancies in office, amending section 3063 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 281, An act relating to county and precinct officers, and amending sections 2770 and 2772 of the Code of Washington of 1881, and section 43 of an act received by the governor

on March 28, 1890, and not returned with either his approval or objections, and relating to the fees and salaries of county officers; referred to Committee on Judiciary.

Senate bill No. 282, An act relating to constables, amending sections 2797, 2800 and 2801 of the Code of Washington of 1881, referred to Committee on Judiciary.

Senate bill No. 283, An act in relation to the state university of Washington, amending sections 3, 7 and 9 of an act approved March 27, 1890, entitled "An act in relation to the establishment and government of the university of the State of Washington;" referred to Committee on Judiciary.

Senate bill No. 280, An act in relation to attachments and garnishments; referred to Committee on Judiciary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 93, entitled "An act to provide for the disposal of money in certain cases, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 93 in open session of the House.

House bill No. 175, An act to create and organize the county of Palouse, was read for information.

On motion of Mr. Moore, section 4 was amended by adding the words "as is by law in like cases made and provided."

On motion of Mr. Moore, the following substitute for section 5 was adopted, to wit:

SEC. 5. That all the taxes levied and assessed by the board of commissioners of the county of Whitman for the year A. D. 1890, upon persons and property within the boundaries of the said Palouse county, and all taxes due to said county of Whitman shall be collected by its proper officers, and paid into the treasury of the said county of Whitman for the use of said county. That the said county of Whitman shall pay all the just indebtedness of said county: *And provided further*, That the said county of Palouse shall pay to the said county of Whitman a just proportion of the net indebtedness of the said county of Whitman, the same to be determined as follows: The auditors of said counties of Whitman and Palouse are hereby appointed to constitute a board of appraisers and ad-

justers to appraise all the property, both real and personal, of the said counties, and to adjust the indebtedness of Whitman county between the two counties in proportion to the amount of the taxable property within the territory cut off from Whitman county and the territory remaining.

On motion of Mr. Moore, the bill was considered engrossed, and was read third time and placed on final passage.

The bill failed to pass by the following vote, to wit: Yeas 22, nays 39.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Chambers, De Steiguer, Farrish, Fellows, Frame, Godman, Hanson, Hutchinson, Lehman, Morse, Murray, Palmer, Ready, Snively, Tiffany, Troy, Walter, Wasson, and Wyman.

Those who voted nay were: Messrs. Bass, Berry, Brock, Caughran, Cushman, Flummerfelt, Gandy, Garretson, Holt, Hunsaker, Johnson, Kennedy, Lawton, McClure, McKay, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Reinhardt, Rockwell, Sallee, Schricker, Smith, Smyth, Spinning, Taylor, Walker, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, Collins, Dysart, Frater, Jones, McKnight, Meany, Ragsdale, Reitze, Sharpstein, Thalman, Tillotson, Tyler, and Yancy.

Mr. Young moved that the vote by which the bill failed to pass be reconsidered.

On motion of Mr. Yeomans, the motion to reconsider was laid on the table.

Mr. Murray moved that the House take a recess until 7:30 p. m. The House refused to take a recess.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 132, entitled "An act relative to municipal corporations." Yeas 22, nays none.

Also, Senate bill No. 178, Relating to garnishment in superior courts. Yeas 25, nays none. Emergency clause, yeas 24, nays none.

Also, Senate bill No. 168, Relating to harbor line commissioners.

Also, Senate bill No. 198, Relative to registration of voters.

The president has signed Senate bill No. 119, Defining certain crimes and declaring their punishment, and amending the code of 1881.

The same are herewith transmitted to the Senate.

C. M. BARTON, Secretary.

The speaker signed Senate bill No. 119 in open session of the House.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 19, Relative to appointment of delegates to the commercial congress to meet in Kansas City on April 15, 1891, has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House concurrent resolution No. 19 in open session of the House.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 28, 1891.

To the Honorable the Senate and House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed—

House bill No. 30, entitled "An act creating and establishing municipal courts in cities of the State of Washington having more than 20,000 inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor, and declaring an emergency."

House bill No. 77, entitled "An act making appropriation for the per diem and expenses of boards of county commissioners in selecting and appraising school lands."

House bill No. 118, entitled "An act providing for the election and terms of office of county commissioners."

I have the honor to be your obedient servant,

CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

House bill No. 16, An act requiring railroad corporations to fence their tracks, which failed to pass on the 21st inst., before the House on reconsideration of the vote by which the bill failed to pass, was taken up and placed on final passage.

The bill passed by the following vote, to wit: Yeas 51, nays 8.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Chambers, Cushman, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Tiffany, Troy, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Adams, Caughran, De Steiguer, Kennedy, McClure, Miller, Ragsdale, and Walker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, Brock, Collins, Dysart, Frater, Hanson, McKnight, Moore, Plummer, Putney, Reitze, Thalman, Tillotson, Tyler, Wasson, and Yancy.

The title of the bill was agreed to.

Messrs. Snively and Godman presented House concurrent resolution No. 23, Relative to special committee appointed to examine state officers, securing a legal opinion from the attorney general.

On motion of Mr. Snively, the resolution was adopted.

On motion of Mr. Murray, the House took a recess from 5:05 p. m. until 7:30 p. m.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Saturday, February 28, 1891. }
 7:30 o'clock P. M.

The House was called to order at 7:30 o'clock p. m.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Anderson of Whatcom, Caughran, Chambers, Collins, Dysart, Gandy, Hanson, Hutchinson, Kennedy, McKay, McKnight, Moore, Painter, Parcell, Powell, Reitze, Sallee, Smith, Snively, Spinning, Thalman, Tillotson, Tyler, Wasson, Wyman, and Yancy.

JOINT CONVENTION.

At 7:30 P. M. the Senate and House of Representatives met in joint convention in the hall of the House of Representatives for consideration of the charges against Judge Morris B. Sachs.

The president pro tem. of the Senate took the chair.

The roll of the Senate was called; all the Senators present except Messrs. Baker, Dyer, Frink, Luce, Owings, Rutter, Thompson (L. F.), Van Houten, and Watt.

The roll of the House was called; all the members present except Messrs. Andrews, Barlow, Caughran, Chambers, Collins, Dysart, Frater Hutchinson, Moore, Parcell, Reitze, Smith, Taylor, Tillotson, Tyler, and Yancy.

Mr. Gandy moved that the joint convention adjourn until 7:30 P. M. Monday, March 2d.

The joint convention refused to adjourn.

The journal of last night's joint convention was corrected, and on motion of Senator Smith, the journal was approved as corrected.

Mr. F. C. Robertson was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention.

Witness testified, (see page 204, Appendix "B").

The case for the prosecution was closed, (see page 207; Appendix "B").

Richard DeLanty was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 207, Appendix "B").

W. F. Fennimore was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 216, Appendix "B").

Frank A. Bartlett was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 224, Appendix "B").

Mr. W. H. H. Learned was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 228, Appendix "B").

J. A. Kuhn was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 235, Appendix "B").

Geo. W. Downs was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 238, Appendix "B").

James Leavy was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 240, Appendix "B").

S. H. Piles was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 244, Appendix "B").

Wm. Paine was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention.

Witness testified, (see page 247, Appendix "B").

On motion of Mr. Gandy, the joint convention rose and the Senate retired.

On motion of Mr. Gandy, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTY-FIFTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, March 2, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Barlow, Frater, Lawton, McClure, McKnight, Reitze, Troy, and Yancy.

On motion of Mr. Tiffany, the reading of the journal of Saturday was dispensed with, and the same stood approved.

The sergeant-at-arms presented a number of returns on subpenas in the matter of the proceedings against Judge Morris B. Sachs, with claims for fees and mileage in serving the same.

The claims were referred to Committee on Mileage and Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to which was referred House bill No. 296, entitled "An act providing for establishing the White Shield Homê, for the erection of buildings therefor, for the government of the same and making an appropriation therefor," respectfully reports the bill back to the House with the recommendation that it do not pass.

J. G. MEGLER, Chairman.

On motion of Mr. Megler, House bill No. 296 was indefinitely postponed.

The Committee on Roads and Highways made the following reports:

MR. SPEAKER:

Your Committee on Roads and Highways, to which was referred House bill No. 251, entitled "An act providing for the laying out and opening of public highways," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed, and recommend that the substitute for said bill herewith submitted do pass.

Also, reports back petitions and letters bearing upon this subject, and recommend that the same be taken up with the bill for consideration.

P. E. BERRY, Chairman.

On motion of Mr. Berry, the report was adopted, and House bill No. 251 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Roads and Highways, to whom was referred House bill No. 274, entitled "An act to authorize and empower boards of county commissioners in this state to contract for the construction of bridges," respectfully reports the bill back to the House with the recommendation that it do pass.

P. E. BERRY, Chairman.

The Committee on Agriculture made the following reports:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred House bill No. 137, entitled "An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

JOSEPH ARRASMITH, Chairman.

On motion of Mr. Pearson, the report was adopted, and House bill No. 137 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Agriculture, to which was referred House bill No. 218, entitled "An act to establish and locate the Washington state school

of horticulture and college of higher mathematics on Shaw island, county of San Juan, creating a board of commissioners for its control, and making an appropriation therefor," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

JOSEPH ARRASMITH, Chairman.

On motion of Mr. Wyman, the report was adopted, and House bill No. 218 was indefinitely postponed.

The Judiciary Committee made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 237, entitled "An act in relation to separate property, and to protect titles thereto," respectfully reports the bill back to the House with the recommendation that the bill do pass.

J. M. READY, Acting Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 269, entitled "An act to provide for the preservation of the mining records, and allow compensation therefor," respectfully reports the bill back to the House with the recommendation that it be amended by striking out sections two and three, and that when so amended it do pass.

J. M. READY, Acting Chairman.

On motion of Mr. Walker, the report was adopted.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 276, entitled "An act to define certain crimes, and providing for the punishment thereof, and repealing sections 943 and 944 of the code of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 188, entitled "An act to amend the code relative to grand and petit jurors," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 275, entitled "An act relating to town plats, amending sections 2328, 2330, 2331, 2333, 2340, and 2341 of the Code of Washington of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 272, entitled "An act relating to damages caused by change of grade in streets or sidewalks in cities or incorporated towns, amending sections 1, 2, 5, 6, 8, and 9 of an act approved November 28th, 1883, entitled 'An act

to provide for the payment of damages growing out of the changes of grades in the streets or sidewalks of cities and incorporated villages," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 230, entitled "An act in relation to attachments and garnishments, etc.," respectfully reports the bill back to the House with the recommendation that it be amended by striking out, in the 8th, 9th, 10th and 11th lines of section 5, the words "or oppressively or excessively levied, or levied upon property not liable for the debts of the defendant in the attachment," and that as amended the bill do pass.

J. M. READY, Acting Chairman.

On motion of Mr. Tiffany, the report was adopted.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 279, entitled "An act relating to the qualifications of electors, and amending sections 3050, 3051 and 3053 of the Code of Washington of 1881," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 280, entitled "An act relating to vacancies in office, amending section 3063 of the Code of Washington of 1881," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and Senate bill No. 280 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 281, entitled "An act relating to county and precinct officers, and amending sections 2770 and 2772, of the Code of Washington of 1881, and section 43 of an act received by the governor on March 28, 1890, and not returned with either his approval or objections, and relating to the fees and salaries of county officers," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and Senate bill No. 281 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 282, entitled "An act relating to constables, amending sections 2797, 2800 and 2801 of the Code of Washington of 1881," respectfully reports the bill

back to the House with the recommendation that it be indefinitely postponed.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted, and Senate bill No. 282 was indefinitely postponed.

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 283, entitled "An act in relation to the state university of Washington, amending sections 3, 7 and 9 of an act approved March 27, 1890, entitled 'An act in relation to the establishment and government of the university of the State of Washington,'" respectfully reports the bill back to the House with the recommendation that it be referred to the Committee on State University and Normal Schools, as it refers exclusively to the establishment and government of the state university.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred petition by Mr. Ready in reference to Senate bill No. 19, respectfully reports the petition back to the House with the recommendation that it be laid on the table to come up with Senate bill No. 19.

J. M. READY, Acting Chairman.

The Committee on Federal Relations and Immigration made the following reports:

MR. SPEAKER:

Your Committee on Federal Relations and Immigration, to which was referred House bill No. 281, entitled "An act providing for the division of the State of Washington into congressional districts," respectfully reports the bill back to the House with the recommendation that it be taken up with House bills Nos. 109 and 277, for consideration by the House.

E. L. POWELL, Chairman.

On motion of Mr. Powell, the report was adopted.

MR. SPEAKER:

Your Committee on Federal Relations and Immigration, to whom was referred House bill No. 277, entitled "An act providing for the apportionment of the State of Washington into congressional districts," respectfully reports the bill back to the House with the recommendation that it be taken up with House bills Nos. 109 and 281 for consideration by the House.

E. L. POWELL, Chairman.

On motion of Mr. Powell, the report was adopted.

The Committee on Printing and Supplies made the following report:

MR. SPEAKER:

Your Committee on Printing and Supplies, to which was referred House bill No. 192, entitled "A bill for an act providing for the publication and

distribution of a legislative manual for the State of Washington," respectfully reports the bill back to the House with the recommendation that it do pass.
F. L. PUTNEY, Chairman.

The Committee on Federal Relations and Immigration made the following report:

MR. SPEAKER:

Your Committee on Federal Relations and Immigration, to which was referred House memorial No. 17, For the recognition of the services of Captains Robert Gray and John Kendrick, masters of the Columbia and Washington, and the merchant proprietors in securing territorial rights on the northwest coast of America to the United States, respectfully reports the bill back to the House with the recommendation that it do pass.

E. L. POWELL, Chairman.

This special committee on calendar made the following report:

MR. SPEAKER:

Your special committee on calendar have made up to-day's calendar, and also recommend that House bill No. 191 be first taken up, as the insurance on the state library expires in a couple of days.

J. G. MEGLER, Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 195, entitled "An act to regulate salmon and sturgeon fishing in the rivers and waters of this state, and over which it has concurrent jurisdiction," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

The Committee on Ways, Means and Claims made the following report:

MR. SPEAKER:

Your Committee on Ways, Means and Claims, to whom was referred House bill No. 291, entitled "An act for the relief of Paisley & Williams," respectfully reports the bill back to the House with the recommendation that the bill do pass.

J. E. GANDY, Chairman.

The Committee on State Library, Buildings and Public Grounds made the following report:

MR. SPEAKER:

Your Committee on State Library, Buildings and Public Grounds, to whom was referred House bill No. 196, entitled "An act appropriating \$480 for the insurance of state library and state house for two years," respectfully reports the bill back to the House with the recommendation that it do pass.

U. L. COLLINS, Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to whom was referred Senate bill No. 175, entitled "An act to provide for the purchase of Barton's

Legislative Hand-Book and Manual of the State of Washington for the years 1891 and 1892 for the use and benefit of the state and state legislature, and officials and others, and making an appropriation therefor," respectfully reports the bill back to the House with the recommendation that the enacting clause be amended by adding the words "the State of" after the word "of" and before the word "Washington," and when thus amended we recommend that it do pass.

J. G. MEGLER, Chairman.

On motion of Mr. Gandy, the amendments were adopted.

The following bills were read second time, to wit:

Senate bill No. 209, An act regulating fees of justices of the peace, for services rendered by them.

House bill No. 274, An act to authorize and empower boards of county commissioners in this state to contract for the construction of bridges.

House bill No. 237, An act in relation to separate property, and to protect titles thereto.

House bill No. 276, An act to define certain crimes, and providing for the punishment thereof, and repealing sections 943 and 944 of the code of 1881.

House bill No. 269, An act to provide for the preservation of the mining records, and allow compensation therefor.

Senate bill No. 188, An act to amend the code relative to grand and petit jurors.

House bill No. 277, A bill for an act entitled "An act for the apportionment of the State of Washington into congressional districts."

House bill No. 192, A bill for an act providing for the publication and distribution of a legislative manual for the State of Washington.

Mr. Miller moved that the vote by which Senate bill No. 69, An act to amend section 165 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, was indefinitely postponed on Saturday be reconsidered.

The motion was adopted, and the bill was recommitted to Committee on Municipal Corporations.

Mr. Flummerfelt moved, that on account of having a special committee to select bills for the action of the House, and having 104 bills on third reading, as shown by the calendar of this date,

that further printing of the calendar be dispensed with until otherwise ordered by this House.

The motion was adopted.

House bill No. 313 (substitute for House bill No. 251), An act to provide for laying out, establishing, altering, changing the width of, or vacating any county road, providing for the assessment of damages and condemnation, and declaring an emergency, reported by Committee on Roads and Highways, was read first and second time by title, and placed on the calendar. Ordered printed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 2, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 305, entitled "An act relative to conveyances."

Also, passed Senate bill No. 300, Relative to husband and wife.

Also, passed Senate bill No. 301, Relative to indigent soldiers.

Also, passed Senate bill No. 304, Relative to conveyance between husband and wife.

Also, passed Senate bill No. 302, Relative to construction of wills.

Also, passed Senate bill No. 303, Relative to rolling stock.

Also, passed Senate bill No. 287, Relative to interest.

Also, passed Senate bill No. 288, Relative to building and loan associations.

Also, passed Senate bill No. 289, Relative to school directors borrowing money.

Also, passed Senate bill No. 290, Relative to county bonds for roads.

Also, passed Senate bill No. 292, Relative to water craft found adrift.

Also, passed Senate bill No. 293, Relative to wrecked property.

Also, passed Senate bill No. 296, Relative to logging ways.

Also, passed Senate bill No. 294, Relative to publication of statutes.

Also, passed Senate bill No. 297, Relative to marriage.

Also, passed Senate bill No. 295, Relative to packing and labeling fish.

The president has signed enrolled Senate bill No. 51, Relative to amending a section referring to marks and brands.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bill No. 51 in open session of the House.

The following Senate bills were read first and second time under suspension of the rules, to wit:

Senate bill No. 168, An act entitled "An act to supplement an

act to create a board of harbor line commissioners, prescribing their duties and compensation," approved March 28, 1890; referred to Committee on Harbor and Navigable Waters.

Senate bill No. 178, An act relating to garnishment in superior courts; referred to Committee on Judiciary.

Senate bill No. 198, An act to amend sections 67 and 11 of an act entitled "An act to provide for and to regulate the registration of voters in cities and towns and in precincts having a voting population of two hundred and fifty (250) or more," approved March 27, 1890, and repealing section 10 of said act; referred to Committee on Elections and Election Privileges.

Senate bill No. 132, An act to amend an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency; referred to Committee on Municipal Corporations.

Senate bill No. 293, An act relating to wrecked property, amending sections 2803, 2804, 2806, 2808, 2809, 2810, 2811, 2812, 2817, 2818, 2819, 2821 and 2827 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 292, An act relating to the taking up of water craft found adrift, amending section 3246 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 296, An act in relation to logging ways of necessity, amending an act entitled "An act to provide for the locating, opening and maintaining of roads and chutes to be used for lumbering and logging purposes, and providing compensation for the use of lands condemned for such purposes," approved February 2, 1888; referred to Committee on Judiciary.

Senate bill No. 294, An act declaring the publication of the statutes of the state by commissioners of the state to be published by authority of the state; referred to Committee on Judiciary.

Senate bill No. 300, An act relating to the rights and liabilities of husband and wife, amending sections 2396, 2398, 2406, 2401, 2405, and 2399 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 290, An act relating to issuing county bonds for road purposes, amending section 1 of an act approved March 22, 1890, entitled "An act to authorize county commissioners to issue bonds for road purposes;" referred to Committee on Judiciary.

Senate bill No. 287, An act relating to interest; referred to Committee on Judiciary.

Senate bill No. 289, An act to enable boards of school trustees to borrow money, amending section 1 of an act approved March 19, 1890, entitled "An act allowing school districts to borrow money and issue bonds for the building and furnishing of school houses, to permit the printing of school district bonds, heretofore or hereafter to be issued, legalizing the same, and declaring an emergency," as amended by an act approved March 28, 1890; referred to Committee on Judiciary.

Senate bill No. 288, An act relating to building and loan associations, amending section 1 of an act entitled "An act relating to building, loan and saving associations doing a general business," presented to the governor March 28, 1890, and neither approved nor objected to; referred to Committee on Judiciary.

Senate bill No. 302, An act relating to the construction of wills, amending section 1339 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 304, An act relating to conveyances between husband and wife, amending section 2397 of the Code of Washington of 1881; referred to Judiciary Committee.

Senate bill No. 295, An act relating to packing and labeling fish, amending section 1174 of the Code of Washington of 1881; referred to Committee on Fisheries.

Senate bill No. 303, An act relating to the sale of rolling stock and equipments of railroads, amending section 2 of an act approved November 28, 1883, entitled "An act relating to certain contracts for the conditional sale or lease of railroad equipments and rolling stock, and providing for the recording thereof;" referred to Committee on Judiciary.

Senate bill No. 297, An act relating to marriages, and amending sections 2380, 2388, 2384, 2385, 2386, 2387, 2389, 2390, 2391, 2392; and 2394 of the Code of Washington of 1881, of an act approved December 12, 1889, entitled "An act to authorize certain officers and persons to solemnize marriages;" referred to Committee on Judiciary.

Senate bill No. 304, An act relating to the conveyance and transfer of property, amending sections 3, 4 and 5 of an act approved January 21, 1886, entitled "An act concerning conveyances of real estate, and providing a form for deeds, mortgages and certificates of acknowledgments, and the effect thereof," and sections 1 and 2 of an act approved February 2, 1888, entitled "An act to abolish

the use of private seals and to legalize instruments heretofore executed without such seals," and section 5 of an act approved February 2, 1888, entitled "An act relating to the conveyance or other disposition of the property of married persons," and sections 2315, 2317, 2314 and 2323 of the Code of Washington of 1881, and section 2 of an act approved February 1, 1888, entitled "An act to amend sections 6 and 7 of an act entitled "An act concerning conveyances of real estate, and providing a form for deeds, mortgages and certificates of acknowledgments, and declaring the effect thereof," approved January 21, 1886; referred to Committee on Judiciary.

Senate bill No. 301, "An act relating to relief of indigent soldiers, amending section 2 of the act approved February 2, 1888, entitled "An act to provide for the relief of indigent union and Mexican war soldiers, sailors, and marines, and the families of those deceased or indigent, and to defray funeral expenses;" referred to Committee on Judiciary.

House bill No. 196, "An act to appropriate \$480 for the insurance against fire of the capitol building and the state library," was read third time, and passed by the following vote, to wit: Yeas 57, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lehman, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tyler, Walter, Wasson, Wyman, Young, and Mr. Speaker.

Mr. Yeomans voted nay.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Caughran, Collins, Frater, Gandy, Hunsaker, Lawton, McClure, McKay, McKnight, Meany, Plummer, Putney, Reitze, Tillotson, Troy, Walker, and Yancy.

The title of the bill was agreed to.

House bill No. 195, A bill for an act to regulate salmon and sturgeon fishing in the rivers and waters of this state, and over which it has concurrent jurisdiction, was read for information.

Mr. Megler moved to amend section 1 by inserting the words "for sale or profit" after the word "take," in line 3.

The amendment was adopted.

Mr. Hutchinson moved to amend section 5 by adding the words "*Provided*, That this act shall not apply to Indians."

The amendment was adopted.

On motion of Mr. Megler, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 60, nays 3.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Cushman, Farrish, Fellows, Flummerfelt, Frame, Gandy, Godman, Hanson, Holt, Hutchinson, Huhsaker, Johnson, Jones, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Powell, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Garretson, Pearson, and Tiffany.

Those absent and not voting were: Messrs. Andrews, Bothell, Collins, De Steiguer, Dysart, Frater, Kennedy, Lawton, McClure, McKnight, Putney, Reitze, Tillotson, Troy, and Yancy.

The title of the bill was agreed to.

Mr. Tyler moved that the vote by which House bill No. 137, An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals, was indefinitely postponed, be reconsidered.

The motion was adopted.

On reconsideration the House refused to indefinitely postpone the bill, and it was recommitted to Committee on Medicine, Surgery and Pharmacy.

House bill No. 222, An act to amend section 2 of an act entitled "An act to authorize county commissioners to issue bonds for road purposes," was read for information.

On motion of Mr. Yeomans, section 1 was amended by inserting the words: "*Provided*, That no special election shall be held under this act at any time after the general election of November, 1892," after the word "designate," in line 7.

On motion of Mr. Berry, section 1 was amended by inserting the words "of which this act is amendatory" after the word "act," in line 10.

The bill was read third time, and passed by the following vote, to wit: Yeas 59, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Caughran, Chambers, Cushman, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lehman, McKay, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Ragsdale, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Collins, De Steiguer, Dysart, Frater, Godman, Kennedy, Lawton, McClure, McKnight, Meany, Putney, Ready, Reitze, Tillotson, Troy, and Yancy.

The emergency clause failed to pass by the following vote, to wit: Yeas 50, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Brock, Caughran, Chambers, Cushman, Farrish, Flummerfelt, Frame, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lehman, McKay, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Ragsdale, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Berry, Hanson, Murray, Taylor, and Tiffany.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Collins, De Steiguer, Dysart, Fellows, Frater, Godman, Kennedy, Lawton, McClure, McKnight, Meany, Painter, Powell, Putney, Ready, Reitze, Tillotson, Troy, Yancy, and Young.

The title of the bill was agreed to.

Senate bill No. 175, An act to provide for the purchase of Barton's Legislative Hand-Book and Manual of the State of Washington for the years 1891 and 1892, for the use and benefit of the state and state legislature, and officials and others, and making an appropriation therefor, was read the third time, and passed by the following vote, to wit: Yeas 53, nays 6.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Farrish, Fellows, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lehman, McKay, Meany, Megler, Metcalfe, Moore, Morse, Murray, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Smith, Smyth, Spinning, Taylor, Thalman, Tillotson, Tyler, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, Frame, Godman, Tiffany, Walker, and Young.

Those absent and not voting were: Messrs. Andrews, Collins, Dysart, Flummerfelt, Frater, Kennedy, Lawton, McClure, McKnight, Miller, Nevin, Painter, Putney, Schricker, Sharpstein, Snively, Troy, Walter, and Yancy.

The title of the bill was agreed to.

On motion of Mr. Gandy, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, March 2, 1891. }
2 o'clock P. M.

The House was called to order at 2 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, McClure, McKnight, Tillotson, and Yancy.

On motion of Mr. Yancy, the following resolution was adopted, to wit:

Resolved, That from this date until the close of this session, all bills and other business transacted by this House in the morning hours be sent to the Senate the same day it is passed upon by the House, unless notice of a reconsideration shall have been made.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 196, entitled "An act defining forcible entry, forcible detainer, and un-

lawful detainer of real property, and providing remedies therefor by summary proceedings," have had the same under consideration, and respectfully reports the bill back to the House with the recommendation that the same do pass, and that it be substituted on the calendar for House bill No. 153, which is the same bill, the one being a copy of the other.

J. M. READY, Acting Chairman.

On motion of Mr. Ready, the report was adopted.

The committee on State Reform School made the following report:

MR. SPEAKER:

Your Committee on Reform School, to which was referred House bill No. 279, entitled "An act to provide for the committing of juvenile offenders to the state reform school at Chehalis," respectfully reports the bill back to the House with the recommendation that it do pass with the following amendment: For the word "committing" in the title substitute the word "commitment."

F. C. YEOMANS, Chairman.

On motion of Mr. Yeomans, the report was adopted.

The following bills were read a second time:

House bill No. 279, An act to provide for the committing of juvenile offenders to the state reform school at Chehalis.

Senate bill No. 196, An act defining forcible entry, forcible detainer, and unlawful detainer of real property, and providing remedies therefor by summary proceedings.

On motion of Mr. Murray, House bill No. 6, An act locating the Washington state agricultural college and school of science, and House bill No. 78, An act providing for the establishment of an agricultural college in the State of Washington and county of Whitman, and for a commission to locate the same, and House bill No. 106, An act to create a commission of technical instruction and to establish a state school of science, and House bill No. 126; An act providing for the establishment of an agricultural college in the State of Washington, were indefinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 2, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 322, entitled "An act relative to private corporations."

Also, Senate bill No. 319, Relative to dissolution of corporations.

Also, Senate bill No. 316, Relative to sale of liquors.

Also, Senate bill No. 317, Relative to Patrons of Husbandry.

Also, Senate bill No. 309, Relative to priority of wages.

Also, Senate bill No. 320, Relative to mining corporations.

Also, Senate bill No. 315, Relative to mortgages.

Also, Senate bill No. 308, Relative to infants' guardianship.

Also, Senate bill No. 310, Relative to entry on land by the United States.

Also, Senate bill No. 311, Relative to county printing.

Also, Senate bill No. 307, Relative to guardianship of idiots.

Also, Senate bill No. 314, Relative to hawkers' licenses.

Also, Senate bill No. 306, Relative to adoption of children.

Also, Senate bill No. 313, Relative to restoring lost property.

Also, Senate bill No. 312, Relative to nuisances.

The same are herewith transmitted to the House.

The Senate has passed House bill No. 196, entitled "An act appropriating \$480 for the insurance against fire of the capitol building and state library," with amendments thereto, which are noted in the body of the bill.

The same is herewith transmitted to the House.

The president of the Senate has signed enrolled House bill No. 190, entitled "An act to amend an act to protect salmon and food fishes," etc.

House concurrent resolution No. 19, Relative to the appointment of delegate to the commercial congress to meet at Kansas City next April.

House bill No. 93, An act to provide for the disposal of money in certain cases, and declaring an emergency.

The same are herewith returned to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

The Committee on Agricultural College and School of Science made the following report:

MR. SPEAKER:

Your Committee on Agricultural College and School of Science, to which was referred House bill No. 170, entitled "An act to provide for the location and maintenance of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Strike out in line 2, section 1, the word "agricultural" between words "college" and "experiment."

Strike out in line 1, section 2, the words "and agricultural;" and insert after the word "station" in line 2 the words "and school of science."

Insert in line 1, section 3, after the word "college" the words "experiment station and school of science."

Strike out section 5 and insert the following in lieu thereof: "That a commission of three be appointed by the governor, with the advice and consent of the Senate, to select a site for the location of said agricultural college, experiment station and school of science, who shall locate said

college and school of science upon land selected with special reference to its adaptability for the purposes intended, and not for its pecuniary value: *And provided*, That none of the commissioners so appointed shall be from any county east of the Cascade mountains: *Provided further*, That said commission shall not consider, receive or accept any bonus other than a tract of land not exceeding 320 acres; and said commission shall locate said college and school of science on or before July 1, 1891, in some county east of the Cascade mountains.

Strike out in line 1, section 6, the word "and," and insert after the word "station" in line 2 the words "and school of science;" also strike out in lines 3 and 4 of same section the words "at Olympia, in Thurston county, Washington."

Strike out in line 3, section 8, the word "and," and insert after word "station" in same line the words "and school of science."

Strike out in line 3, section 9, the word "and," and insert in same line after the word "station" the words "and school of science."

Strike out all of sections 23 and 24.

In section 17, line 3, insert after the words "shall be" the words "an appropriation therefor."

Strike out in same section all after the word "any" in line 4 down to the word "amount" in line 6.

Strike out in line 6 the words "in their judgment."

Insert the following new section before section 25: "All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

And recommend that the bill do pass as amended.

G. W. MORSE, Chairman.

MINORITY REPORT.

I concur in the report of the majority, except section 5 should be amended by striking out 320 in line 12 and inserting 200, and should be amended in other respects.

M. M. GODMAN.

Mr. Godman moved to amend the report of the committee by substituting the following for the substitute for section 5 recommended by the committee, to wit:

SEC. 5. That _____, _____, _____, _____ and _____, be and are hereby authorized to select, subject to the approval of the board of regents of the state university, to select a location and site for said agricultural college, experiment station and school of science, within some county east of the Cascade mountains, and said location and site shall be selected with special reference to its adaptability for the purposes intended and not for its pecuniary value; and, subject to such approval, contract for and purchase or accept a conveyance of, for the State of Washington, such lands, not less than one hundred and sixty acres nor more than two hundred acres in one body, for the purpose of an experimental farm and site for such agricultural college, experiment station and school of science: *Provided*, That the amount to be paid for such farm and site shall not exceed

fifteen dollars per acre, and that the conveyance or conveyances be made to the State of Washington: *Provided further*, That no bonus other than a tract of land, not exceeding two hundred acres, shall be considered, received or accepted in the selection of said location and site; and upon the execution and delivery to the secretary of state of the proper conveyance or conveyances of the land selected, as herein provided, and the certificate of the attorney general that he has examined the title to the same and finds it unencumbered, and that the conveyance or conveyances are executed in due form, and a certificate from the president and secretary of the board of regents of the state university that the same is in accordance with the contract or contracts for the purchase of the same, and that the location has been approved by them, the state auditor shall draw his warrant or warrants on the state treasurer for the amount of such purchase in favor of the party or parties to whom such sum or sums are due, payable out of the agricultural college fund; and the said certificates in this section mentioned shall be filed and preserved in the office of the secretary of state.

Mr. Snively moved to amend Mr. Godman's substitute by striking out the words "subject to the approval of the board of regents of the state university."

The amendment to Mr. Godman's substitute was adopted.

Mr. Ragsdale moved the previous question.

The House refused to order the previous question.

Mr. Plummer moved that the bill be laid on the table until 10:30 A. M. to-morrow.

The House rejected the motion.

The House rejected the substitute offered by Mr. Godman for the substitute for section 5, which was recommended by the committee, by the following vote, to wit: Yeas 32, nays 40.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Berry, Bothell, Brock, Chambers, Dysart, Flummerfelt, Frame, Garretson, Godman, Hutchinson, Johnson, Jones, Megler, Miller, Moore, Palmer, Parcell, Pearson, Peterson, Rockwell, Schricker, Smyth, Snively, Taylor, Tiffany, Troy, Tyler, Walter, Wasson, and Yeomans.

Those who voted nay were: Messrs. Adams, Arrasmith, Barlow, Bass, Caughran, Collins, Cushman, De Steiguer, Farrish, Fellows, Gandy, Hanson, Holt, Hunsaker, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Metcalfe, Morse, Murray, Painter, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Sallee, Sharpstein, Smith, Spinning, Thalman, Tillotson, Walker, Wyman, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Frater, McClure, Nevin, Ready, and Yancy.

Mr. Godman moved to amend the substitute recommended by the committee by striking out the words "320 acres" and inserting "200 acres."

The House rejected the amendment to the substitute.

Mr. Hutchinson moved to amend the substitute for section 5 by adding the words "the commission to locate the agricultural college and school of science shall not locate said college in any county already having a state institution."

The amendment was adopted.

Mr. Walker moved to amend the proposed substitute for section 5 by striking out the words "east of the Cascade mountains."

The House rejected the amendment.

Mr. Cushman moved to amend the substitute for section 5 by adding the words: "The commission shall not locate the agricultural college in any county bordering on the state line."

The amendment was rejected.

On motion of Mr. Murray, the majority report of the committee, as amended, was adopted.

Mr. Walker moved to amend section 4 by striking out the words "by and with the consent of the Senate."

The amendment was rejected.

Mr. Anderson, of Mason, moved to amend section 4 by inserting the words "and each regent shall, before entering upon the discharge of their respective duties as such, execute a good and sufficient bond to the State of Washington, with two or more sufficient sureties, residents of the state, in the penal sum of not less than fifty thousand dollars each, conditional for the faithful performance of their duties as such regents," after the word "years," in line 4.

The amendment was adopted.

On motion of Mr. Adams, the bill was considered engrossed, and was read third time.

On motion of Mr. Hutchinson, a call of the House was ordered.

The roll was called; all the members present except those absent on leave.

On motion of Mr. Hunsaker, further proceedings under call of the House were dispensed with.

The bill was placed on final passage.

The bill passed by the following vote, to wit: Yeas 57, nays 16.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Collins, Cushman, De Steiguer, Dysart, Flummerfelt, Frame, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Rockwell, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Bothell, Chambers, Farrish, Fellows, Gandy, Hanson, Kennedy, Lehman, Painter, Powell, Ragsdale, Reitze, Reinhardt, Sallee, Sharpstein, and Walter.

Those absent and not voting were: Messrs. Andrews, Frater, McClure, Ready, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 68, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Rockwell, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Painter, Reinhardt, Sallee, Sharpstein, and Tiffany.

Those absent and not voting were: Messrs. Andrews, Frater, McClure, Ready, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 2, 1891.

MR. SPEAKER:

The president of the Senate has signed enrolled Senate bill No. 147.

entitled "An act to amend section 1975 of the Code of Washington, relating to liens."

Also, Senate bill No. 125, An act relating to the civil jurisdiction of justices' courts.

The Senate has passed Senate concurrent resolution No. 24, Asking leave to introduce two bills outside of the required time. Yeas 27, nays 1.

Also, Senate bill No. 182, to provide for the drainage of cities of the second and third class, with amendments. Yeas 18, nays none. Emergency clause, yeas 24, nays none.

Also, Senate bill No. 174, An act requiring the appointment of police matrons in certain cities, etc.

Also, Senate bill No. 220, An act making it a crime to make false reports against employes, and providing punishment therefor.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bills Nos. 125 and 147 in open session of the House.

House bill No. 196, An act appropriating \$480.00 for the insurance of state library and state house for two years, received from Senate with amendments, was taken up.

The House concurred in the Senate amendments by the following vote, to wit: Yeas 68, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, and Mr. Speaker.

Mr. Painter voted nay.

Those absent and not voting were: Messrs. Andrews, Frater, McClure, Metcalfe, Plummer, Ready, Walter, Yancy, and Young.

Senate concurrent resolution No. 24, Permitting the introduction of "An act for the relief of Pierce county," and "An act relating to the inspection of illuminating oils," was taken up, and was read.

Mr. Walker moved to amend the resolution by striking out the words "also an act relating to the inspection of illuminating oils."

The amendment was adopted.

The House concurred in the resolution as amended by the following vote, to wit: Yeas 68, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farish, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Dysart, Frater, Gandy, McClure, Powell, Ready, Walter, Yancy, and Young.

REPORT OF COMMITTEE ON WORLD'S FAIR.

The Committee on World's Fair made the following report:

MR. SPEAKER:

Your Committee on World's Fair, to which was referred House bill No. 54, entitled "An act for the collection, exhibition, and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893," respectfully reports the bill back to the House with the recommendation that it be amended by striking out all of section 1, and inserting the following, to wit:

SECTION 1. That for the purpose of exhibiting the resources, products and general development of the State of Washington at the World's Columbian Exposition of 1893, a commission is hereby constituted, to be designated the Washington World's Fair Commission, which shall consist of the following citizens of this state: Adams county, F. P. French, of Ritzville; Asotin county, I. S. Waldrip, of Asotin City; Chehalis county, F. A. Hart, of Aberdeen; Clallam county, Charles Peterson, of Port Angeles; Clarke county, P. C. Kauffman, of Vancouver; Columbia county, M. R. Hanger, of Dayton; Cowlitz county, James Wallace, of Kelso; Douglas county, A. L. Rogers, of Waterville; Franklin county, W. P. Gray, of Pasco; Garfield county, H. C. Hutchinson, of Pomeroy; Island county, D. J. Zent, of Oak Harbor; Jefferson county, S. B. Conover, of Port Townsend; Klickitat county, D. W. Pierce, of Goldendale; Kittitas county, L. R. Grimes, of Ellensburg; King county, Percy W. Rochester, of Seattle; Kitsap county, L. L. Locker, of Olalla; Lewis county, N. B. Coffman, of Chehalis; Lincoln county, Edward Ramm, of Davenport; Mason county, J. E. Sligh, of Shelton; Okanogan county, C. H. Ballard, of Ruby; Pacific county, S. S. McEwen, of Willapa City; Pierce county, Ezra

Meeker, of Puyallup; San Juan county, Rev. S. R. S. Gray, of East Sound, Skagit county, G. V. Calhoun, of La Conner; Skamania county, George Stevenson, of Cascades; Snohomish county, E. C. Ferguson, of Snohomish City; Spokane county, Jay Graves, of Spokane Falls; Stevens county, Charles Montgomery, of Chewelah; Thurston county, Thomas H. Cavanaugh, of Olympia; Wahkiakum county, William M. Colwell, of Skamokawa; Walla Walla county, N. G. Blalock, of Walla Walla; Whatcom county, J. C. Moffatt, of Fairhaven; Whitman county, W. L. La Follette, of Ewartsville; Yakima county, William Kerr, of North Yakima.

Insert after the word "government," in line 10 of section 2, the words "and for the government of the executive committee."

Insert after the word "homes," in line 3 of section 3, the words "and within this state."

Strike out all of section 9.

And that with these amendments the bill do pass.

E. S. MEANY, Chairman.

On motion of Mr. Meany, the report was adopted, and the bill was ordered printed as amended.

On motion of Mr. Walker, the House took a recess, at 5:30 P. M., until 7:30 P. M.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Monday, March 2, 1891. }
7:30 o'clock P. M.

The House was called to order at 7:30 P. M., the speaker in the chair.

The roll was called; all the members present except Messrs. Anderson of Mason, Andrews, Frame, Fräter, Garretson, Hanson, Kennedy, McClure, McKnight, Murray, Painter, Powell, Sharpstein, Smith, Snively, Spinning, Taylor, Tyler, and Yancy.

JOINT CONVENTION.

At 7:45 the Senate and House of Representatives met in joint convention in the hall of the House of Representatives for consideration of the charges preferred against Judge Morris B. Sachs.

The president pro tem. took the chair.

The roll of the Senate was called. All the Senators present except Messrs. Baker, Frink, Hyde, Long, Luce, and Van de Vanter

The roll of the House was called. All the members present except Messrs. Anderson of Mason, Andrews, Frater, Kennedy, McClure, Murray, Smith, Snively, Tyler, and Yancy.

On motion of Mr. De Steiguer, the reading of the journal of the last preceding joint convention was dispensed with, and the same stood approved.

John Trumbull was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 249, Appendix "B.")

Robert Biles was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. Witness testified. (See page 257, Appendix "B.")

Nathan Bucklen was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 263, Appendix "B.")

Mr. E. J. Ames was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 263, Appendix "B.")

Thomas Ross was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 264, Appendix "B.")

J. I. Ronald was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 264, Appendix "B.")

W. W. Felger was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 268, Appendix "B.")

Joseph G. Ford was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 270, Appendix "B.")

Judge Krause was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 273, Appendix "B.")

E. B. Mastick was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 275, Appendix "B.")

Joseph Sweeney was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 277, Appendix "B.")

J. H. Wansbrough was called as a witness on behalf of the

respondent, and was sworn by the president of the joint convention. Witness testified. (See page 279, Appendix "B.")

John Kelly was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 280, Appendix "B.")

J. E. Tucker was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 282, Appendix "B.")

Thomas Cranney was called as a witness on behalf of the respondent, and was sworn by the president of the joint convention. Witness testified. (See page 283, Appendix "B.")

Joseph Powers was called as a witness on behalf of respondent, and was sworn by the president of the joint convention. Witness testified. (See page 285, Appendix "B.")

On motion of Senator Claypool, the joint convention rose, and the Senate retired.

On motion of Mr. De Steiguer, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTY-SIXTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Tuesday, March 3, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Frater, McClure, Moore, and Powell.

On motion of Mr. Walker, reading of the journal was dispensed with, and the same was approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to which was referred House bill No. 146, entitled "An act to provide for the purchase of Barton Legisla-

tive Hand-Book and Manual of the State of Washington for 1891-1892, for the use and benefit of the state," etc., respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed, for the reason that Senate bill No. 175, on same subject, passed both houses.
J. G. MEGLER, Chairman.

On motion of Mr. Megler, the report was adopted, and House bill No. 146 was indefinitely postponed.

The Committee on Penitentiary made the following report:

MR. SPEAKER:

Your Committee on Penitentiary, to which was referred Senate bill No. 200, entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

J. C. PAINTER, Chairman.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to which was referred House bill No. 299, entitled "An act defining the boundaries of Island county," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. TIFFANY, Chairman.

The Committee on Printing and Public Supplies made the following report:

MR. SPEAKER:

Your Committee on Printing and Public Supplies, to whom was referred House bill No. 288, entitled "An act for the publication of laws in the newspapers of this state, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

F. L. PUTNEY, Chairman.

The Committee on Revision of the Calendar made the following report:

MR. SPEAKER:

Your special committee on revision of the calendar respectfully recommends that yesterday's calendar be continued where the House left off at adjournment yesterday.

J. G. MEGLER, Chairman.

On motion of Mr. Gandy, the report was adopted.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills, respectfully reports that the enrolled copy of House bill No. 196, entitled "An act to appropriate four hundred and eighty dollars (\$480.00) for the insurance against fire of the capitol building and the state library," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 196 in open session of the House.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to whom was referred House bill No. 285, entitled "An act to amend an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' approved March 27, 1890," respectfully reports the bill back to the House with the recommendation that it do pass. J. M. MILLER, Chairman.

The Committee on School for Defective Youth made the following report:

MR. SPEAKER:

Your Committee on School for Defective Youth, to which was referred House bill No. 155, entitled "An act appropriating money for the support and education of the feeble minded pupils of the Washington School for Defective Youth," respectfully reports the bill back to the House with the recommendation that it do pass. F. C. YEOMANS, Chairman.

The Committee on Hospital for the Insane made the following report:

MR. SPEAKER:

Your Committee on Hospital for the Insane, to which was referred House bill No. 160, entitled "An act to appropriate money for water supply plant for the eastern Washington hospital for the insane," respectfully reports the bill back to the House with the recommendation that it do pass, with the following amendments: In section 1, line 5, strike out words and figures "twenty thousand (20,000)" and insert the words and figures "thirty thousand (30,000)."

SEC. 3. Before any work shall be commenced or money expended under the provisions of this act, the said commissioners shall procure the water rights necessary to provide water for said hospital, and the right-of-way for the necessary water pipes.

W. D. TILLOTSON, Chairman.

On motion of Mr. Chambers, the report was adopted.

The following Senate bills were read a first and second time, under suspension of the rules, and referred, to wit:

Senate bill No. 306, An act relating to the adoption of children, amending sections 1667, 1669 and 1670 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 307, An act relating to the guardianship of idiots and insane persons, amending sections 1631, 1635, 1638, 1641, 1645, 1646, and 1657 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 308, An act relating to the guardianship of infants, and amending sections 1605, 1617, 1623, and 1624 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 309, An act to protect claims for wages in cases of insolvency, amending section 1972 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 310, An act respecting the entering upon lands in this state by the United States, amending sections 2, 3 and 5 of an act approved February 1, 1888, entitled "An act relating to surveys authorized by the congress of the United States in the Territory of Washington;" referred to Committee on Judiciary.

Senate bill No. 311, An act relating to county printing; referred to Committee on Judiciary.

Senate bill No. 312, An act relating to nuisances, amending section 1242; referred to Committee on Judiciary.

Senate bill No. 313, An act relating to the restoration of lost property, amending section 3267 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 314, An act providing for licensing hawkers; referred to Committee on Judiciary.

Senate bill No. 315, An act relating to mortgages; referred to Committee on Judiciary.

Senate bill No. 316, An act relating to the sale of liquors, amending section 7 of an act approved February 2, 1888, entitled "An act to regulate, restrain, license or prohibit the sale of intoxicating liquors;" referred to Committee on Judiciary.

Senate bill No. 317, An act to provide for the payment of indebtedness of school districts; referred to Committee on Judiciary.

Senate bill No. 318, An act relating to the patrons of husbandry, amending sections 2 and 3 of an act providing for the incorporation of granges, approved November 12, 1875; referred to Committee on Judiciary.

Senate bill No. 319, An act relating to the dissolution of private corporations, amending section 2454 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 320, An act relating to corporations for mining purposes; referred to Committee on Judiciary.

Senate bill No. 321, An act relating to the formation of private corporations; referred to Committee on Judiciary.

Senate bill No. 174, An act requiring the appointment of police

matrons in certain cities, designating their duties and directing their compensation; referred to Committee on Municipal Corporations.

Senate bill No. 182, An act to provide for the drainage of cities of the second and third class by the construction of sewers and drains; referred to Committee on Municipal Corporations.

Senate bill No. 220, An act making it a crime to make false reports against employes, and providing for the punishment of persons making the same; referred to Committee on Labor and Labor Statistics.

House bill No. 285, entitled "An act to amend an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, was read a second time by title.

Claim of Clayton Aldridge for \$50 for ten cords of wood, was referred to Committee on Mileage and Contingent Expenses.

REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER:

The joint committee appointed to visit the state school for defective youth at Vancouver, have consumed an entire day in making an examination of the building, and of the methods of conducting the school.

We find the building in a beautiful situation, on high ground, close to and commanding a full view of the Columbia river; it is well and substantially constructed, and is admirably adapted to the purposes of the school; and we would recommend that the appropriation provided in House bill No. 71 be allowed, as we find there is immediate necessity for the completion of the building.

We find the statements set forth in the report of the board of trustees are correct as to the facts therein recited; and we believe their estimates for the years 1891 and 1892 have been carefully figured by the managers and are not prepared with a view to meet any shrinkage in appropriation bills; and we would most earnestly recommend that the amount specified in Senate bill No. 35 be allowed.

The forty-five pupils now in the school are almost without exception children who are endowed with bright minds and pleasing form and features; and your committee would most earnestly and emphatically protest against ever admitting among such children any who are feeble minded, believing that the presence of such among the deaf, dumb and blind children would be greatly detrimental to the latter, without proving of any benefit to the former.

We would therefore recommend that there be erected by the state a separate building for the education of the feeble minded; and that such building should not be permitted to be erected so near the present defective youth school that the children from the one could ever associate in any way with the children of the other. We would recommend that an

addition of \$1,000 be added to Senate bill No. 35, to be used in procuring implements and material to be used in teaching the older pupils some useful trades.

We believe that the board of trustees have shown great wisdom and good judgment in selecting Professor James Watson as superintendent of the school; and regarding the excellence of the work being done by Mr. Watson and his family, we have not time to properly describe it; nor if time permitted could we do it full justice. They are so managing the schools that the pupils lead a joyous, happy life, while acquiring a good education and being fitted to become honest, self-supporting citizens.

It appears to the committee that the pupils unquestionably enjoy their life in this school better than they would in their homes, no matter how elegant those homes may be.

The defective children appear to have a greater thirst for knowledge than is felt by the average children of our common schools, and they quickly learn that everything is being managed for their own good, and their teachers' hearts as well as their minds are engaged in their service.

The result of the combination we have hinted at, must be seen to be appreciated, and once seen will never be forgotten.

W. H. KNEELAND,
F. C. YEOMANS,
J. S. SALLEE,
Visiting committee.

REPORT OF THE COMMITTEE ON APPROPRIATIONS.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to whom was referred House bill No. 130, entitled "An act to provide for the erection of a building to accommodate the feeble minded pupils of the Washington school for defective youth, and to appropriate money therefor," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Amend line 10, section 1, as follows: Strike out the words and figures one thousand dollars and insert fifteen hundred dollars. Also, add at the end of section 1 the following provisos: *Provided further*, That the land so purchased for said site shall not be at a distance of more than one mile nor nearer than one-half mile from the present site: *Provided further*, That said tract shall not contain less than five acres;" and as thus amended we recommend that the bill do pass.

J. G. MEGLER, Chairman.

On motion of Mr. Gandy, the report was adopted.

House bill No. 130, An act to provide for the erection of a building to accommodate the feeble minded pupils of the Washington school for defective youth, and to appropriate money therefor, was read for information.

On motion of Mr. Godman, sections 3 and 4 were stricken out.

The bill was read third time, and passed by the following vote, to wit: Yeas 65, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Walker voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Frater, McClure, Moore, Powell, Ready, Snively, Tillotson, Wasson, and Wyman.

The title of the bill was agreed to.

Mr. Megler was called to the chair.

House bill No. 155, An act appropriating money for the support and education of the feeble minded pupils of the Washington school for defective youth, was read for information.

On motion of Mr. Shaw, sections 3 and 4 were stricken out.

On motion of Mr. Gandy, section 1 was amended by striking out the words "six thousand" and inserting the words "seven thousand five hundred," in line 4.

On motion of Mr. Gandy, section 1 was amended by adding the words "and one thousand five hundred dollars on the 31st day of March, A. D. 1893."

The bill was read third time, and passed by the following vote, to wit: Yeas 61, nays none.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman,

Tiffany, Troy, Tyler, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Bothell, Cushman, Frater, Hanson, McClure, Meany, Moore, Powell, Reinhardt, Spinning, Tillotson, Walker, Wasson, and Wyman.

The title of the bill was agreed to.

The speaker resumed the chair.

REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to whom was referred House bill No. 247, entitled "An act granting to cities of the third class the power and authority to vacate streets and alleys, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. MILLER, Chairman.

House bill No. 247, An act granting to cities of the third class the power and authority to vacate streets and alleys, and declaring an emergency, was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Painter, Palmer, Pearson, Peterson, Plummer, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Bass, Flummerfelt, Frater, Godman, Hanson, McClure, Meany, Moore, Parcell, Powell, Ready, Snively, Walker, Wasson, and Wyman.

The emergency clause was passed by the following vote, to wit: Yeas 62, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran,

Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Murray, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Yancy, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Flummerfelt, Frater, Godman, Hanson, McClure, Meany, Nevin, Powell, Ready, Snively, Tyler, Wasson, Wyman, and Young.

The title of the bill was agreed to.

Senate bill No. 68, A bill for an act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspector was read third time, and passed by the following vote, to wit: Yeas 61, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Tiffany, Tillotson, Troy, Walker, Walter, Yancy, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, De Steiguer, Frater, Godman, Hanson, McClure, Meany, Murray, Nevin, Powell, Snively, Thalman, Tyler, Wasson, and Wyman.

The title of the bill was agreed to.

On motion of Mr. Putney, the House took a recess at 11:50 A. M. until 1:30 P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Tuesday, March 3, 1891. }
 1:30 o'clock P. M. }

The House was called to order at 1:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Frater, McClure, Powell, Snively, and Young.

The following message was received from the governor, to wit:

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
 OLYMPIA, March 2, 1891.

To the Honorable, the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 172, entitled "An act providing for judges and additional judges for the superior courts in the various counties in the State of Washington, and declaring an emergency."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

REPORTS OF STANDING COMMITTEES.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance, to whom was referred House bill No. 162, entitled "An act providing for the inspection of illuminating oil, and for the appointment of an inspector and deputy inspectors, and fixing their compensation," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. V. RAGSDALE, Chairman.

On motion of Mr. Tyler, the report was adopted, and House bill No. 162 was indefinitely postponed.

The Committee on Indian Affairs made the following report:

MR. SPEAKER:

Your Committee on Indian Affairs, to which was referred House memorial No. 18, Relative to irrigation of Yakima Indian reservation, respectfully reports the memorial back to the House with the recommendation that it do pass.

LOUIS REINHARDT, Chairman.

The Committee on Water, Water Rights and Irrigation made the following report:

MR. SPEAKER:

Your Committee on Water, Water Rights and Irrigation, to which was referred House bill No. 249, entitled "An act to repeal division 8, including sections 59, 60, 61, 62, 63, 64, 65 and 66 of an act entitled 'An act providing for the use of water for the purposes of irrigation, and providing for the condemnation of the right-of-way for ditches to carry water for such purposes,'" approved March 4, 1890, respectfully reports the bill back to the House with the recommendation that it do pass with the following amendments:

Strike out all of section 1, and insert in lieu thereof the following: "In order that all parties may be protected in their legal right to their use of water for irrigation, every person, association or corporation owning or claiming any interest in any ditch or canal within any county shall, on or before the first day of June, A. D. 1892, file with the clerk of the superior court in said county a statement of claim under oath, containing the name or names of persons claiming ownership as aforesaid to any such ditch or canal, the name thereof, if it has any, and if without a name, the owner or owners shall choose and attach a name to be therein stated by which such ditch or canal shall thereafter be known, a description of such ditch or canal as to location of head-gate, general course of ditch, the name of the natural stream or lake from which such ditch or canal draws its supply of water, the length, width, breadth and grade thereof, as near as may be, the time, fixing a day, a month and a year as the date of the appropriation of water by original construction; also by any enlargement or extension (if any such thereof have been made), and the amount of water claimed by or under such construction, enlargement or extension, and the present capacity of the ditch or canal, and also the number of acres of land lying under and being or proposed to be irrigated by water from such ditch or canal; and said statement shall be signed by the proper party or parties."

A new section to be added, known as section 2, and to read as follows:

SEC. 2. That section 35 of said act be amended to read as follows: "Sec. 35. In case of the refusal of the owners or claimants of any lands through which such ditch, canal or other works are proposed to be made or constructed to allow the passage thereof, the persons, company or corporation desiring the right-of-way may present to the superior court of the county a petition describing the lands to be crossed, the size of the ditch, canal or works, the quantity of land required to be taken, and setting forth the names of the owners or parties interested in the lands to be crossed, and praying for the appointment of three appraisers to ascertain the compensation to be made to such owners or parties interested. Upon the filing of said petition the superior court must give notice, which notice shall be served in the same manner provided by law for the service of summons in a civil action in the superior court, that at a time and place specified in said notice, said petition will be heard and such appraisers

appointed, unless good cause be shown by the parties adversely interested why the petition should be denied."

Amend the title so it will read as follows: A bill for an act to amend sections 35 and 59 of an act entitled "An act providing for the use of water for the purposes of irrigation, and providing for the condemnation of the right-of-way for ditches to carry water for such purposes," approved March 4, 1890.

C. H. FLUMMERFELT, Chairman.

On motion of Mr. Flummerfelt, the bill was ordered printed as proposed to be amended.

The Committee on School Lands made the following report:

MR. SPEAKER:

Your Committee on School Lands, to which was referred House bill No. 287, entitled "An act to provide for the appointment of an agent to prosecute the claims of the State of Washington against the United States, and to procure payment of moneys due said state from the United States on account of public lands disposed of by the United States in said State of Washington; also to present and prosecute the claims of the State of Washington for school lands due the said state from the United States; also to prosecute the claims of the State of Washington against the United States for moneys due the said state on account of expenses incurred in organizing troops for the military service of the United States, and for material and supplies furnished the same, and on account of Indian depredations," respectfully reports the bill back to the House with the recommendation that the bill do pass.

A. H. ANDERSON, Chairman.

The Committee on Penitentiary made the following report:

MR. SPEAKER:

Your Committee on Penitentiary, to which was referred House bill No. 220, entitled "An act appropriating money for the improvement of the Washington penitentiary," respectfully reports the bill back to the House with the recommendation that it do pass.

J. C. PAINTER, Chairman.

REPORT OF SPECIAL COMMITTEE ON PENITENTIARY.

OLYMPIA, WASHINGTON, February 24, 1891.

To the President of the Senate and Speaker of the House of Representatives:

Your special committee on state penitentiary, whom the Senate and House of Representatives directed to inspect the state penitentiary at Walla Walla, and report its condition and management, respectfully submit the following:

POPULATION OF PENITENTIARY.

There are 168 cells in the penitentiary, four of which are set apart as dark cells for the discipline of refractory convicts. On the date of our last visit, February 18th, there were 309 convicts in the institution. The penitentiary officials have information that 11 additional convicts will be

brought in during the coming week and they anticipate that the spring courts throughout the state, will greatly increase the population of the penitentiary, now crowded to its utmost capacity.

INADEQUATE FACILITIES.

This penitentiary was designed to accommodate 100 convicts. Some valuable improvements have been made, but much remains to be done to adapt it to the present requirements. The corridors are ventilated from only one side, and with so many persons huddled together the air is very foul. The cells are too small to accommodate two persons, yet they are necessarily so occupied, so far as practicable, owing to the lack of room. The physician in charge and other reliable persons informed your committee that in summer convicts have been overcome by heat and fallen from prostration in the penitentiary owing to its crowded condition and the lack of proper ventilation. There is one convict afflicted with a well defined case of leprosy, and he is necessarily confined in a cell in the main building, as there is no place for the isolation of convicts afflicted with loathsome or contagious diseases. The leper is a British subject, and contracted the disease in the Sandwich Islands. There is probably little danger of spreading the disease throughout the prison, but a sense of humanity prompts your committee to suggest that such provisions should be made by the State of Washington as will preclude even the possibility of a calamity so appalling. At times it becomes necessary to confine a white man and an Indian in the same cell, and occasionally men afflicted with loathsome diseases are quartered in narrow cells with men who are in good health. This is avoided as far as possible, but cannot be in all cases until the state provides for enlarging and improving the penitentiary.

THE HOSPITAL.

A room about 20x30 feet on the second floor, formerly used for the accommodation of the guards, has been converted into a temporary hospital. We say temporary, for we believe this legislature will speedily make provision for better accommodations for the sick convicts, when informed as to their deplorable condition. At the time of our inspection of that portion of the prison, there were eight persons confined to their cots in this contracted department, and one had died the day before. There is no provision whatever for hot baths, no operating room, no chairs or tables for examining patients, no morgue, no place for insane convicts, and no means of isolating persons afflicted with infectious diseases. If a patient dies in the hospital the corpse must remain there until prepared for burial, sometimes over night and during the hours for administering nourishment and medicine to the sick. This apartment is separated from the female ward by a wooden partition, admitting the stench of the hospital to the cells for females. The prison management are in constant dread lest a desperate and dangerous criminal may feign illness and obtain admission to this crude hospital for the purpose of breaking down the frail partition and creating serious trouble. The drug store is outside of the building because there is no room for it inside. There are no means of preparing suitable food for the sick convicts,

who must subsist on the same fare that is allowed those in perfect health. Should this legislature make an appropriation for a new hospital building at the state penitentiary, your committee would respectfully urge that the plans shall include provisions for hot and cold baths and a small kitchen. While convicts are imprisoned primarily as a penalty for crimes committed and as a restraint from communication with law abiding people, nevertheless a state prison should be made reformatory, so far as practicable, and no punishment should be inflicted beyond that prescribed by law and the prison regulations. The state should not become accessory to the murder of convicts by confining them in such a wretchedly constructed place as that herein partially described.

KITCHEN AND BAKERY.

The kitchen and bakery are located in the basement, in a room 20x30 feet, with ceiling seven feet high, and steam pipes overhead. The oven was intended for 100 persons, and now it is required to serve from 350 to 375. The range capacity is less than one-half the present needs. There is little room for tables for carving and other purposes. In fact, there is scarcely room enough for those employed in the kitchen to enter and move about in the performance of their labor without jostling against each other. There are two storage rooms in the basement for vegetables and other provisions, but for some unaccountable reason steam pipes have been conducted through both of them, rendering it impossible to utilize them for the purposes intended, as the heat would destroy all perishable supplies. There is not room sufficient for washing dishes, and there are no cold storage rooms whatever for the preservation of butter, eggs, milk, fresh meats, etc. Besides, the kitchen is almost uninhabitable in summer, on account of the intense heat caused by the contracted apartment, the low ceiling, the steam pipes overhead and the furnace and oven. An additional wing is an absolute necessity. A safe and other office furniture are also needed.

THE CELLS.

In the cells the beds are kept clean, the floors regularly scrubbed, and in all respects the greatest care is observed with a view to the best sanitary effects that may be possible under the existing disadvantageous circumstances. In the west wing the bars of the cells are too light and too soft. We deem those cells insecure, especially for the confinement of desperate criminals, but they must be occupied. The upper tier of cells in this wing are not finished, but are in use. The corridors are lighted by electricity, but the lamps do not afford sufficient light to enable the convicts to read in the evening. A few of them have friends who furnish lamps. This vexes those less fortunate, and tends toward creating dissension and demoralization. There should be a four candle power electric light in every cell. There should also be an assembly room for night schools and lectures.

WORK ROOMS.

All the clothing and shoes for the convicts are manufactured on the premises. The tailor shop, shoe shop, bath room and a water closet are

located in a building, 16x40 feet, which seems liable to collapse at any time, owing to the defective foundation. There is only one bath tub, 8x10 feet, for over 300 persons. In order to comply with the prison regulations, and allow each convict a bath once a week, it is necessary to keep the primitive bathing appliances almost constantly in use.

WATER SUPPLY.

The water supply at the prison is deficient. Frequently when there is a drain on the water pipes from other sources it is impossible to obtain a drop of water in the building for several hours at a time. This could be remedied by constructing a tank in the prison enclosure, with a capacity of 20,000 gallons, which might be filled at night, affording a supply when the pressure is weakened by drains from other sources during the day. Your committee was informed that the water company has expressed a willingness to keep such a tank filled without additional expense, provided the state will defray the expenses of the construction thereof. We think the state should construct water works of its own, but the proposed tank would be sufficient for several years. If built on a foundation of brick, made in the prison brick yards, the tank could be constructed at a cost of about \$2,700.

BRICK YARDS.

The brick yards include four acres, enclosed in a stockade of plank. It is equipped with a machine having a capacity of 40,000 brick per day, and also a repress machine. The yards were constructed out of the maintenance fund, and the proceeds are covered into the state treasury. Last year the profits were \$6,074.38. If the brick yard is to be maintained it should be enclosed in a stone wall. A drying apparatus should also be procured.

JUTE GRAIN SACK FACTORY.

The estimate of the cost of establishing a jute grain sack factory (without operating) is \$150,900. This will afford a capacity for the manufacture of one and a half million grain sacks per year. The net profit (at 6½ cents per sack to farmers) is estimated at \$8,000 per annum. The regular market price of sacks ranging from 8 to 9 cents, the farmers will derive a direct benefit from the operation of this factory, which cannot possibly conflict with any other industrial class. There are now annually used on the Pacific coast forty million grain sacks, so there is little danger of failure to find a ready market near by, without incurring the expense of shipment. The factory will be beneficial in another direction. It will afford employment for the convicts, who are now supported in idleness, greatly tending to their further demoralization.

THE PRISON FARM.

The prison farm has not been thoroughly cultivated. Last year the commissioners sold 46 tons of wheat hay, retaining enough for the prison stock. They expect this year to engage to a greater extent in gardening.

FINANCIAL.

The deficiency January 1, 1891, amounted to \$15,520.94. Adding to this the \$40,000 appropriated for maintenance leaves \$55,520.94 charged to the

prison. Out of this was the expense of maintaining the brick yard. Since January 1st, the outstanding indebtedness to date is estimated at \$8,500, making a total of \$64,020.94. No salaries or other accounts have been paid for the quarter ending January 1st, as there have been no funds at the disposal of the commissioners. The state should provide a working capital of \$50,000 to enable those in charge of this institution to pay their bills promptly and obtain the benefit of a cash market. At present the employes are compelled to hawk their vouchers about and dispose of them either at a discount or as collateral. With a revolving fund to draw upon the commissioners could obtain great benefits in the purchase of jute, for the reason that if orders are in for August and September deliveries they will be filled from this year's crop, and the state will obtain the benefit of cheap rates on sailing vessels from Calcutta. Such fund would be fully protected through the office of the state auditor, and would be perpetual, the proceeds of the brick yard and jute factory being converted into it, offsetting, as far as possible, the amounts drawn out for operating expenses. It would enable the state officers of that institution to do business on business principles.

SALARIES.

Your committee believes that the salaries of the warden, book-keeper and physician are too low in consideration of the responsibility of their positions and the character and amount of labor required of them.

RECOMMENDATIONS.

The purposes herein explained, your committee recommends:

- (1) That \$112,228.49 be appropriated for maintenance for the years 1891 and 1892.
- (2) That \$33,000 be appropriated for the construction of an additional cell wing.
- (3) That a revolving fund of \$50,000 be set apart for the operation of the jute factory and brick yard.
- (4) That \$2,700 be appropriated for the construction of an iron tank to improve the water supply.
- (5) That \$5,000 be appropriated for the construction of a hospital building.
- (6) That \$1,200 be appropriated for removing the steam pipes from the kitchen and storage rooms, and enlarging the kitchen and bakery.
- (7) That \$1,000 be appropriated for the construction of a building for the care of convicts afflicted with contagious diseases.
- (8) That the salaries of the warden, physician and clerk be increased, or that a maximum be established by law and the salaries fixed by the commissioners, in their discretion.
- (9) That authority be given the penitentiary commissioners to send discharged convicts back to the places where they came from, in lieu of a \$10 order for a suit of clothes. That this remain discretionary with the warden and commissioners, who shall determine as to whether or not the suit worn by the convict upon entering the institution is suitable for use at the time of discharge. In making this recommendation we submit that it would be less expensive to the state, better for the discharged convicts,

who frequently sell their clothing orders and squander the money soon after obtaining their liberty, and would afford great relief to the community in which the prison is located, as it would remove this dangerous element to remote sections of the state, instead of allowing them to remain in the vicinity of the prison, greatly to the annoyance of the citizens.

REMARKS.

The improvements herein suggested are of a permanent character, not to be removed or changed within a few years. In submitting these recommendations we desire to add that we do not believe it is the wish of the people or of the legislature that the commissioners for the management of this state institution shall longer be kept in the attitude of beggars for actual necessities.

We desire to call attention to the fact that this is not a local but a state institution, and for the sake of the good name of the state we urge the passage of appropriations sufficient to make it creditable to the people of the state.

Respectfully submitted.

ALEX. WATT.

The other members of the committee being absent.

House bill No. 220, An act appropriating money for the improvement of the Washington penitentiary, was read third time, and passed by the following vote, to wit: Yeas 61, nays 2.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Taylor, Thalman, Tiffany, Tilotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Bass, and Frame.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Bothell, Caughran, Dysart, Frater, McClure, Metcalfe, Powell, Smith, Snively, Spinning, and Young.

The title of the bill was agreed to.

Senate bill No. 19, An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor, was read third time, and failed to pass by the following vote, to wit: Yeas 34, nays 24.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Collins, Cushman, De Steiguer, Flummerfelt, Garretson, Godman, Holt, Hutchinson, Jones, McKay,

McKnight, Miller, Murray, Nevin, Parcell, Peterson, Ready, Reitze, Rockwell, Sallee, Sharpstein, Smith, Thalman, Tiffany, Troy, Walter, Yancy, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Mason, Brock, Caughran, Chambers, Farrish, Fellows, Gandy, Hanson, Hunsaker, Johnson, Lawton, Lehman, Moore, Morse, Palmer, Pearson, Putney, Ragsdale, Reinhardt, Taylor, Tyler, Walker, Wyman, and Young.

Those absent and not voting were: Messrs. Andrews, Barlow, Bothell, Dysart, Frame, Frater, Kennedy, McClure, Meany, Megler, Metcalfe, Painter, Plummer, Powell, Schricker, Smyth, Snively, Spinning, Tillotson, and Wasson.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1891.

MR. SPEAKER:

The Senate has concurred in the House amendments to Senate bill No. 125, Relating to the jurisdiction of justices courts, and ordered the bill to be enrolled.

Also, concurred in the House amendments to Senate bill No. 145, An act relating to state library, and ordered the bill to be enrolled.

Also, concurred in the House amendments to Senate bill No. 124, An act for the protection of farmers, ranchmen, herders of cattle, etc., and ordered the bill enrolled.

Also, concurred in the House amendment to the enacting clause of Senate bill No. 175, For the purchase of Barton's Hand-Book, and ordered the bill enrolled.

The Senate has rejected House concurrent resolution No. 23, Relative to the subpoena of witnesses in investigating offices and accounts of state officers, and the House is notified of the same.

The president of the Senate has signed enrolled Senate bill No. 175, To provide for the purchase of Barton's Legislative Hand-Book.

Also, Senate bill No. 124, For the protection of farmers, ranchmen, herders of cattle, etc.

Also, Senate bill No. 145, To amend the act relative to a state library.

Also, Senate bill No. 66, Relative to boards of county commissioners to sell and convey county property.

The Senate has passed Senate bill No. 233, An act relating to crimes against public morals and decency.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bills Nos. 124, 66, 145, and 175 in open session of the House.

Mr. Gandy was called to the chair.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 166, entitled "An act for the relief of John Huntington and John D. Litle, co-partners known as Huntington & Litle, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Strike out of section 1 the words "seven hundred and sixty" and the figures "760," and insert in lieu thereof the words "two hundred and eighty."

Strike out of section 2 the same words and figures, and insert the same words as were inserted in section 1; and that as amended the bill do pass.

A. W. FRATER, Chairman.

MINORITY REPORT.

We do not concur in the report of the majority on the above bill for the reason that the claim does not appear to us to be established as legal or just. All correspondence and information procurable by us is herewith submitted. These documents were on file in the state auditor's office, from which place we procured the same.

Respectfully submitted,

JOHN L. SHARFSTEIN,

M. M. GODMAN.

On motion of Mr. Tyler, the majority report was adopted.

House bill No. 166, An act for the relief of John Huntington and John D. Litle, co-partners known as Huntington & Litle, and declaring an emergency, was read for information.

Mr. Walker moved that the bill be indefinitely postponed.

On motion of Mr. Plummer, the yeas and nays were ordered on the adoption of the motion to indefinitely postpone.

The House refused to indefinitely postpone the bill by the following vote, to wit: Yeas 28, nays 37.

Those who voted yea were: Messrs. Arrasmith, Bass, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Godman, Hanson, Holt, Hutchinson, Hunsaker, Moore, Painter, Palmer, Parcell, Peterson, Reinhardt, Rockwell, Schricke, Sharpstein, Smith, Troy, Walker, Walter, and Yeomans.

Those who voted nay were: Messrs. Anderson of Mason, Anderson of Whatcom, Berry, Brock, Caughran, De Steiguer, Frater, Gandy, Garretson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Morse, Murray, Pearson, Plummer, Putney, Ragsdale, Reitze, Sallee, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Wasson, Wyman, and Yaney.

Those absent and not voting were: Messrs. Adams, Andrews, Barlow, Bothell, Dysart, Johnson, McClure, Metcalfe, Nevin, Powell, Ready, Young, and Mr. Speaker.

On motion of Mr. Plummer, a call of the House was ordered.

The roll was called; all the members present except Messrs. Andrews, Barlow, Johnson, McClure, Metcalfe, Powell, Young, and Mr. Speaker.

On motion of Mr. Megler, Mr. Shaw, speaker of the House, was excused.

On motion of Mr. Plummer, further proceedings under call of the House were dispensed with.

The bill was read third time, and passed by the following vote, to wit: Yeas 49, nays 20.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Barlow, Bothell, Brock, Caughran, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frater, Gandy, Garretson, Hutchinson, Hunsaker, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Morse, Murray, Nevin, Palmer, Pearson, Plummer, Putney, Ragsdale, Reitze, Sallee, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Wasson, Wyman, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Arrasmith, Bass, Chambers, Flummerfelt, Frame, Godman, Hanson, Holt, Moore, Painter, Peterson, Ready, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Troy, Walker, and Walter.

Those absent and not voting were: Messrs. Andrews, Johnson, Kennedy, McClure, Metcalfe, Parcell, Powell, and Mr. Speaker.

The emergency clause failed to pass by the following vote, to wit: Yeas 40, nays 23.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Barlow, Berry, Bothell, Brock, Caughran, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frater, Gandy, Garretson, Hunsaker, Jones, Lawton, Lehman, McKnight, Miller, Morse, Murray, Nevin, Pearson, Plummer, Ragsdale, Reitze, Sallee, Smyth, Spinning, Taylor, Thalman, Tillotson, Tyler, Wasson, Wyman, and Yancy.

Those who voted nay were: Messrs. Arrasmith, Bass, Chambers, Flummerfelt, Frame, Godman, Hanson, Holt, Moore, Painter, Palmer, Peterson, Reinhardt, Rockwell, Schricker, Smith, Snively, Tiffany, Troy, Walker, Walter, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Hutchinson, Johnson, Kennedy, McClure, McKay, Meany, Megler, Metcalfe, Parcell, Powell, Putney, Ready, Sharpstein, and Mr. Speaker.

On motion of Mr. Megler, the title was amended by striking out the words "declaring an emergency" and inserting the words "making an appropriation therefor."

The title as amended was agreed to.

House bill No. 202, To appropriate money to pay deficiencies in appropriations for expressage, furniture, and for cleaning capitol building, and for other expenses, was read third time, and passed by the following vote, to wit: Yeas 55, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Berry, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Megler, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Peterson, Plummer, Putney, Ragsdale, Ready, Rockwell, Schricker, Sharpstein, Snively, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wyman, Yancy, Yeomans, and Young.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bass, Bothell, De Steiguer, Godman, Hutchinson, Kennedy, McClure, McKnight, Meany, Metcalfe, Pearson, Powell, Reitze, Reinhardt, Sallee, Smith, Smyth, Spinning, Taylor, Therman, Wasson, and Mr. Speaker.

The title of the bill was agreed to.

Senate bill No. 259, An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency, was read for information.

On motion of Mr. Megler, the House took a recess until 7:30 P. M.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Tuesday, March 3, 1891. }
 7:30 o'clock P. M. }

The House was called to order at 7:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Caughran, Smith, Snively, Tillotson, and Tyler.

JOINT CONVENTION.

At 7:45 P. M. the Senate and House of Representatives met in joint convention in the hall of the House of Representatives, for consideration of the charges against Judge Morris B. Sachs.

The Speaker of the House called the joint convention to order in the absence of the President pro tem. of the Senate.

The roll of the Senate was called; all the senators present except Messrs. Baker, Luce, and Owings.

The roll of the House was called; all the members present except Messrs. Andrews, Smith, and Tillotson.

Mr. Parkinson presented the following resolution, and moved its adoption, to wit:

WHEREAS, From the present status of this trial it would seem easily possible, with full justice to all concerned, to close the same with the arguments of council by to-morrow night; and

WHEREAS, Every hour which this legislature can now secure for attention to the business it should attend to before the close of the session, is important: therefore

Resolved, That the council in the case be and they are hereby respectfully requested to try and close it by to-morrow night.

The resolution was adopted.

On motion of Senator Dyer, the journal of the last joint session was approved.

Wm. Jones was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. Witness testified. (See page 287, Appendix "B.")

Mr. Ralph A. Moody was called as a witness on behalf of the prosecution, and was sworn by the president of the joint convention. Witness testified. (See page 289, Appendix "B.")

On motion of Senator Dyer, it was ordered that the joint convention hear two hours' argument to-night, the time to be divided between counsel for prosecution and respondent.

On motion of Mr. De Steiguer, the sergeant-at-arms was instructed to notify all absent members to appear at once.

At 8:45 p. m. Hon. Galusha Parsons, counsel for the prosecution, opened the argument in the case.

At 9:50 p. m. Hon. P. H. Winston began the argument on behalf of the respondent.

On motion of Senator Dyer, the joint convention rose at 10:50 p. m., and the Senate retired.

On motion of Mr. Gandy, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTY-SEVENTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, March 4, 1891. }
10 o'clock A. M.

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Barlow, Ragsdale, Reinhardt, Snively, Tyler, and Wyman.

On motion of Mr. Gandy, the rules were suspended, and the reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports from standing committees were read:

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 227, entitled "An act to amend section one of an act entitled 'An act to provide for prosecuting public offenses on information, approved Janu-

ary 29, 1890," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred Senate bill No. 174, entitled "An act requiring the appointment of police matrons in certain cities, designating their duties, and directing their compensation," respectfully reports the bill back to the House with the recommendation that it do pass.

Your Committee also recommends that Senate bill No. 182, entitled "An act to provide for the drainage of cities of the second and third class by the construction of sewers and drains," do pass.

J. M. MILLER, Chairman.

The Committee on Roads and Highways made the following report:

MR. SPEAKER:

Your Committee on Roads and Highways, to which was referred Senate bill No. 44, entitled "An act to amend section two of an act entitled 'An act to provide for the laying out, establishing, altering, changing the width of, or vacating any county road, and providing for assessment, payment of damages, and providing for appeal, approved March 7, 1890,'" respectfully reports the bill back to the House with the recommendation that said bill do pass.

P. E. BERRY, Chairman.

The Committee on Forestry made the following report:

MR. SPEAKER:

Your Committee on Forestry, to which was referred Senate bill No. 296, entitled "An act in relation to logging ways of necessity, amending an act entitled 'An act to provide for the locating, opening and maintaining of roads and chutes to be used for lumbering and logging purposes, and providing compensation for the use of lands condemned for such purposes,'" approved February 2, 1888, respectfully reports the bill back to the House with the recommendation that it do pass.

GEORGE BOTHELL, Chairman,

J. L. PEARSON,

SAMUEL BASS,

W. F. MCKAY.

The joint special committee on university made the following report:

MR. SPEAKER:

Your joint special committee on University, to which was referred Senate bill No. 283, entitled "An act in relation to the state university of Washington, amending sections 3, 7 and 9 of an act approved March 17, 1890, entitled 'An act in relation to the establishment and government of

the university of the State of Washington,'” respectfully reports the bill back to the House with the recommendation that the bill do pass without amendments. E. S. MEANY, Chairman.

The Committee on Medicine, Surgery and Pharmacy made the following report:

MR. SPEAKER:

Your Committee on Medicine, Surgery and Pharmacy, to which was referred House bill No. 301, entitled “An act for the dissection of dead bodies,” respectfully reports the bill back to the House with the recommendation that it do pass without amendment.

A. H. CHAMBERS, Chairman.

The following bills were read a second time by title, to wit:

House bill No. 227, An act to amend section 1 of an act entitled “An act to provide for prosecuting public offenses on information,” approved January 29, 1890.

Senate bill No. 41, An act to amend section 2 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 appeal,” approved March 7, 1890.

Senate bill No. 233, An act relating to crimes against public morals and decency, was read first and second time by title, and referred to Committee on Education.

On motion of Mr. Collins, the following resolution was adopted, to wit:

WHEREAS, The chief clerk and assistant clerk of this House receive less compensation than is paid for similar services in the Senate; less than was paid by either House at the last session in this state, or by the Oregon legislature for like services; and

WHEREAS, The chief clerk and assistant clerk have been required to perform extraordinary duties: therefore be it

Resolved, That for said extra services the following additional amounts shall be paid said clerks from the date of their election: Chief clerk \$2 per day, and assistant clerk \$1.50 per day.

Mr. Powell presented the following resolution, and moved its adoption:

WHEREAS, There is a difference in opinion as to the necessity of dividing the state into congressional districts: therefore be it

Resolved, That the chief clerk of the House be instructed to telegraph our representative in congress immediately, inquiring as to the new law on the subject.

The House refused to adopt the resolution.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 4, 1891.

MR. SPEAKER:

The Senate has concurred in the House amendments to Senate concurrent resolution No. 5, Relative to the Indian war records of 1855 and 1856, and ordered the resolution to be enrolled.

Senate bill No. 132, Relative to amending an act relative to municipal corporations, passed the Senate on February 28th, and sent to the House, was a substitute for House bill No. 184, and this notification is given in order to correct the history of the bill.

The president of the Senate has signed enrolled House bill No. 196, An act to appropriate \$480 for the insurance against fire of the capitol building and the state library.

The Senate has passed, with amendments, House bill No. 243, An act regulating and fixing railroad freight rates in the State of Washington.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 243, An act regulating and fixing railroad freight rates in the State of Washington, received from the Senate with amendments, was taken up.

Mr. Wasson moved that the House concur in the Senate amendments.

The House concurred in the Senate amendments by the following vote, to wit: Yeas 56, nays 9.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Bass, Berry, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Farrish, Flummerfelt, Frame, Frater, Gandy, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Reitze, Rockwell, Sallee, Schricker, Smith, Spinning, Taylor, Thalman, Tillotson, Troy, Tyler, Walker, Wasson, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, Collins, Fellows, Garretson, McKay, Smyth, Tiffany, Walter, and Yeomans.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, McClure, Murray, Ragsdale, Ready, Reinhardt, Sharpstein, Slively, Wyman, and Yancy.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 3, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 93, entitled "An act to provide for the disposal of money in certain cases, and declaring an emergency."

Also, House bill No. 190, entitled "An act to amend sections 1, 7 and 12 of an act entitled 'An act to protect salmon and other food fishes in the State of Washington, and upon all waters upon which this state has jurisdiction and concurrent jurisdiction,' approved February 11, 1890, and declaring an emergency to exist."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 3, 1891.

To the Honorable the Speaker and the members of the House of Representatives of the State of Washington:

GENTLEMEN—I have the honor to return, herewith, without my approval, House bill No. 79, entitled "An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof."

There is no law upon the statute books of this state which requires railroad companies to fence their tracks. The provisions of this bill do not require such fencing. The effect of the bill is clearly to make a corporation, which is not by law required to fence its tracks, and hence under no legal obligations to do so, liable in the event of stock being killed, regardless of the question whether such corporation has been guilty of any neglect, or of an omission to do anything required under the laws of the state. The provisions of this bill, should the same become a law, would impose a penalty upon railroad companies or corporations for acts or omissions constituting no fault at law. Under the decision of the supreme court of this state, in the case of the Oregon Railway & Navigation Company vs. Smalley, decided March 8th, 1890, and reported in vol. 23 of the Pacific Reporter, page 1008, such penalty is held to be clearly and unmistakably unconstitutional. In this case the court had under consideration sections 1 and 8 of an act of the legislative assembly of Washington Territory, found on page 51 of the Session Laws of 1883, which sections, considered together, are in effect tantamount to the provisions of this bill. The language of the supreme court in reference to these sections is as follows: "By this act, however, without imposing upon a railroad company the duty of fencing in any place where a fence would be reasonable,

a conclusive presumption of negligence on its part is enacted, and its absolute liability fixed without regard to the possible contributory negligence of the owner. . . . Liability of this kind is to be imposed upon him who is at fault, the injured party not being himself in the wrong; but here is a statute which imposes a penalty for no fault, which is a taking of property without due process of law, which is forbidden by the constitution. . . . But until the duty of fencing is imposed no such penalty can be attached to an omission to fence."

It was further held in this case that, as there is no law making it the duty of a railroad company to maintain a fence, the enforcement of this act would in many cases exact a penalty from one guilty of no fault, which would result in taking property without due process of law, and the act is, therefore, unconstitutional.

In corroboration of this opinion, I call your attention to the case of *Bielenberg vs. Montana Union Railway Company* (20 Pacific Reporter, 314), wherein the same question was considered by the supreme court of Montana, and a like provision was held to be unconstitutional.

The bill is, therefore, clearly unconstitutional. Apart from its unconstitutionality, a law of this kind would be manifestly unjust, in that it creates a different rule of liability as applying to railroad companies or corporations than that which obtains and is common with citizens or individuals under the law. It would be special in its application and contrary to the spirit, if not the letter, of the constitution of Washington.

I have the honor to be,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

On motion of Mr. Gandy, House bill No. 79, An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof, vetoed by the governor, was made a special order for 3 o'clock P. M., Friday, the 6th instant.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 4, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 235, An act providing for the establishment, location, maintenance and support of the university of Washington.

Also, passed Senate bill No. 389, Substitute for Senate bill No. 224, An act creating a board of land commissioners.

Also, passed House bill No. 195, To regulate salmon and sturgeon fishing.

Also, passed House bill No. 139, To take the census of the Colville Indians.

Also, passed Senate bill No. 206, To amend section 21 of chapter 185 of the Code of 1881, relating to corporations.

Also, passed Senate bill No. 231, An act providing for the appointment of shorthand reporters.

Also, passed Senate bill No. 137, To amend the code, section 2315, relative to acknowledgment of deeds and other instruments of writing.

The same are herewith transmitted to the Senate.

C. M. BARTON, Secretary.

Senate bill No. 259, An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency, was read for information.

Mr. Fellows moved to amend section 2 by adding the words: "*Provided*, That all agricultural land shall be valued by the acre."

The House rejected the amendment.

Mr. Fellows moved to amend section 5 by inserting the words "public highways and" after the word "for," in line 5.

The House rejected the amendment.

Mr. Tyler moved to amend section 5 by inserting the words "all church property, used exclusively for public worship, to an amount not exceeding ten thousand dollars," after the word "cemeteries," in line 6.

Mr. Sharpstein moved to amend Mr. Tyler's amendment by striking out the words "ten thousand dollars" and inserting the words "five thousand dollars."

The amendment to the amendment was adopted.

The House adopted Mr. Tyler's amendment as amended by the following vote, to wit: Yeas 46, nays 23.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frater, Garretson, Hanson, Johnson, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Miller, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Reitze, Rockwell, Sallee, Sharpstein, Smyth, Spinning, Thalman, Tiffany, Troy, Tyler, Wasson, Yancy, and Mr. Speaker.

Those who voted nay were: Messrs. Barlow, Flummerfelt, Frame, Gandy, Holt, Hutchinson, Hunsaker, Megler, Metcalfe, Moore, Morse, Murray, Nevin, Putney, Ready, Reinhardt, Schricker, Smith, Taylor, Walker, Walter, Yeomans, and Young.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Godman, Jones, McClure, Ragsdale, Snively, Tillotson, and Wyman.

Mr. Smyth moved to amend section 5 by striking out the words

“state colleges, state university, and state normal schools,” and insert in lieu thereof the words “and all colleges, universities, and normal schools.”

The House rejected the amendment.

On motion of Mr. Dysart, the House took a recess at 12:10 P. M. until 1:30 P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Wednesday, March 4, 1891. }
1:30 o'clock P. M. }

The House was called to order at 1:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Andrews, Frater, McClure, Plummer, Snively, and Tillotson.

REPORT OF COMMITTEE ON AGRICULTURE.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred House memorial No. 19, Relative to the passage of the Conger pure lard bill, respectfully reports the memorial back to the House with the recommendation that it do pass.

JOSEPH ARRASMITH, Chairman.

House memorial No. 19 was read third time, and passed by the following vote, to wit: Yeas 52, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Caughran, Chambers, Collins, Dysart, Farrish, Fellows, Flummerfelt, Frame, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Pearson, Peterson, Powell, Ragsdale, Ready, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Spinning, Taylor, Thalman, Tiffany, Walker, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of

Mason, Andrews, Barlow, Brock, Chambers, Cushman, De Steiguer, Frater, Gandy, Kennedy, McClure, McKay, McKnight, Parcell, Plummer, Putney, Reitze, Reinhardt, Smith, Snively, Tillotson, Troy, Tyler, Wasson, and Wyman.

REPORT OF COMMITTEE ON PENITENTIARY.

The Committee on Penitentiary made the following report:

MR. SPEAKER:

Your Committee on Penitentiary, to which was referred House bill No. 219, entitled "An act regulating the manufacture and sale of jute fabrics and brick at the Washington penitentiary, and making an appropriation for the purchase of material," respectfully reports the same back to the House with the recommendation that it do pass with the following amendments:

After the word "than," in line 3 of section 2 of the printed bill, add the words, "at least 15 per cent. above." After the word "clay," in line 3 of section 4, add the words, "and other material." After the word "clay," in line 5 of section 4, add the words, "and other material to be." Eliminate the conjunction "and" in line 10 of section 4. After the word "clay," in line 10 of section 4, add the words, "and other material."

J. C. PAINTER, Chairman.

On motion of Mr. Painter, the report was adopted.

Mr. Hunsaker presented a petition from citizens of Klickitat county, asking for the passage of House bill No. 258, An act requiring persons, companies or corporations owning or controlling railroads co-terminus with, or constructed around, any obstruction to navigation in any of the waters of the state, or on the boundaries thereof, to keep in good repair and operate the same on a given compensation, and declaring an emergency.

House bill No. 219, An act regulating the manufacture and sale of jute fabrics and brick at the Washington penitentiary, and making an appropriation for the purchase of material, was read for information.

On motion of Mr. Megler, section 2 was amended by inserting the words "and repairs" after the word "fuel," in lines 4 and 6.

Mr. Hutchinson moved to amend section 3 by adding the words "and it shall be a misdemeanor punishable by fine and removal from office for said directors to knowingly dispose of said jute fabrics to other than actual consumers."

The amendment was adopted.

On motion of Mr. Murray, the bill was amended by striking out the word "Washington" and inserting the word "state."

Mr. Sharpstein moved to amend section 4 by adding the words "*Provided*, That no more shall be drawn under this act in pursuance thereof, except in payment of materials purchased.

Mr. Megler moved to amend Mr. Sharpstein's amendment by adding the words "and said revolving fund is to remain in the state treasury and be drawn upon as needed."

The House rejected the amendment to the amendment.

The House adopted Mr. Sharpstein's amendment.

Mr. Sharpstein moved to amend section 3 by adding the words "and shall keep a correct account of all sales made, and the amount received, and submit such account to the legislature at each meeting thereof."

On motion of Mr. Megler, the bill was recommitted to the Committee on Penitentiary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 4, 1891.

MR. SPEAKER:

The President of the Senate has signed Senate concurrent resolution No. 5, Providing for the removal of the Indian war records of 1855-56 from the office of the secretary of state to the custody of the adjutant general.

Also, signed Senate bill No. 68, An act relating to the proper ventilation and safety of coal mines, etc.

The Senate has passed Senate concurrent resolution No. 25, Relative to amending rule 8 of joint rule of procedure in trying a superior judge, etc.

Also, passed Senate bill No. 120, To establish a state normal school.

Also, passed Senate bill No. 241, for the taxation of the net proceeds of mines, etc.

Also, passed Senate bill No. 49, to regulate the practice of pharmacy.

House memorial No. 13, for the improvement of Willapa and Nasel rivers.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The Committee on State Library, Buildings and Public Grounds made the following report:

MR. SPEAKER:

Your Committee on State Library, Buildings and Public Grounds, to which was referred House bill No. 122, entitled "An act to provide for the purchase of ground in the city of Olympia, and the erection of a building thereon for the use of the state, pending the erection of a permanent capitol building, and declaring an emergency," respectfully re-

ports the bill back to the House with the recommendation that it be indefinitely postponed.

GEORGE B. WALKER,
L. WALTER,
L. J. PEARSON,
M. ANDERSON.

We do not concur in the majority report, but recommend that the bill do pass.

U. L. COLLINS, Chairman,
I. N. CUSHMAN.

Mr. Thalman moved that the majority report of the committee be laid on the table.

The House refused to lay the majority report on the table by the following vote, to wit: Yeas 25, nays 34.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Brock, Collins, Cushman, Farrish, Fellows, Gandy, Hanson, Holt, McKay, Metcalfe, Miller, Moore, Morse, Reitze, Sallee, Schricker, Smyth, Thalman, Tiffany, Tyler, and Young.

Those who voted nay were: Messrs. Adams, Berry, Chambers, Dysart, Flummerfelt, Godman, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, McKnight, Meany, Megler, Murray, Nevin, Painter, Palmer, Peterson, Powell, Putney, Ragsdale, Reinhardt, Rockwell, Smith, Spinning, Troy, Walker, Walter, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Caughran, De Steiguer, Frame, Frater, Garretson, Lehman, McClure, Parcell, Pearson, Plummer, Ready, Sharpstein, Snively, Taylor, Tillotson, and Yancy.

House bill No. 122, An act to provide for the purchase of ground in the city of Olympia, and the erection of a building thereon for the use of the state, pending the erection of a permanent capitol building, and declaring an emergency, was read for information.

Mr. Walker moved that the bill be indefinitely postponed.

The House refused to indefinitely postpone.

On motion of Mr. Gandy, the bill was laid on the table.

The speaker signed Senate bill No. 68 and Senate concurrent resolution No. 5 in open session of the House.

REPORTS OF STANDING COMMITTEES.

The Committee on Harbors and Navigable Waters made the following report:

MR. SPEAKER:

Your Committee on Harbors and Navigable Waters, to which was referred Senate bill No. 168, entitled "An act to supplement an act to create a board of harbor line commissioners, prescribing their duties and compensation," approved March 28, 1890, respectfully reports the bill back to the House with the recommendation that it do pass.

A. WASSON, Chairman.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred Senate bill No. 69, entitled "An act to amend section 165 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. MILLER, Chairman.

The Committee on Enrolled Bills made the following report.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 243, entitled "An act regulating and fixing railroad freight rates in the State of Washington," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 243 in open session of the House.

The Committee on Medicine, Surgery and Pharmacy made the following report:

MR. SPEAKER:

Your Committee on Medicine, Surgery and Pharmacy, to which was referred Senate bill No. 28, entitled "An act to create and establish a board of health and bureau of vital statistics in the State of Washington," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Amend section 4 by striking out the word "and" in line 1, and inserting in line 2, after the word "accoucheurs," the words "and midwives."

Amend same section, line 5, by striking out the word "and" between "physicians" and "accoucheurs," and inserting after the word "accoucheurs," "and midwives."

Amend section 5, line 2, by striking out the word "or" between "physician" and "accoucheur," and inserting after the word "accoucheur" the words "or midwife."

Amend section 8, line 3, by striking out the word "and" after "physicians," and inserting in line 4, after the word "accoucheurs," the words "and midwives."

Amend section 8 by striking out at the end of section the words, "A fee

of ten cents for each marriage, birth or death reported shall be paid to the county auditor out of the state treasury."

Amend section 10 by striking out the words "and other" between the words "his" and "expenses," on line 4.

Amend by adding a new section, to be numbered section 12, to read as follows:

SEC. 12. That the secretary of state shall furnish to each county auditor the necessary books for record, and blank certificates in book form, which certificates the county auditor shall furnish to each physician practicing in his county.

Re-number sections 12, 13, 14 and 15 to read 13, 14, 15 and 16.

And as thus amended we recommend that the bill do pass.

A. H. CHAMBERS, Chairman.

On motion of Mr. Gandy, the amendments recommended by the committee were adopted.

The Committee on Corporations other than Municipal and Railroad made the following report:

MR. SPEAKER:

Your Committee on Corporations other than Municipal and Railroads, to which was referred Senate bill No. 206, entitled "An act to amend section 2421 of chapter CLXXXV of the code of 1881, relating to corporations, as amended by an act approved February 3, 1886; respectfully reports the bill back to the House with the recommendation that the same do pass.

W. D. TYLER, Chairman.

The Committee on Medicine, Surgery and Pharmacy made the following report:

MR. SPEAKER:

Your Committee on Medicine, Surgery and Pharmacy, to whom was referred House bill No. 1787, entitled "An act to regulate vital statistics," respectfully reports the bill back to the House with the recommendation that it pass without amendment.

A. H. CHAMBERS, Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House bill No. 271, entitled "An act to provide for the manner of commencing civil actions in the superior courts, and bringing the same to trial," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

House bill No. 271, An act to provide for the manner of commencing civil actions in the superior courts, and bringing the same to trial, was read second time by title.

The Committee on Mnicipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to whom was referred Senate bill No. 132, entitled "An act to amend an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,'" respectfully reports the bill back to the House with the recommendation that the same be passed as the Senate has passed it, as a substitute for House bill No. 184.

We also recommend that an emergency clause or section be adopted, herewith submitted for consideration, to wit:

"SEC. 5. Whereas, in consequence of cities and towns as enumerated in this act having an even number of councilmen, the public business of such cities suffers by reason of a tie vote on business of importance. Therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor."

J. M. MILLER, Chairman.

On motion of Mr. Miller, the report of the committee was adopted.

Senate concurrent resolution No. 25, Relative to amending rule 8 of the joint rules and mode of procedure for the removal of any judge of any court of record, attorney general, or any prosecuting attorney of the State of Washington, as provided for in section 9, article 4, of the constitution, was read.

On motion of Mr. Sharpstein, the resolution was laid on the table.

The following Senate bills were read first and second time by title and referred, to wit:

Senate bill No. 235, An act providing for the establishment, location, maintenance and support of the university of Washington; referred to Committee on State University and Normal Schools.

Senate bill No. 241, An act providing for the taxation of the net proceeds of mines, exempting mines and certain mining property from taxation, and regulating the reduction of ores to further taxation; referred to Committee on Mines and Mining.

Senate bill No. 49, 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; referred to Committee on Medicine, Surgery and Pharmacy.

Senate bill No. 137, An act to amend section 2315 of the Code of Washington, relative to acknowledgments of deeds, mortgages and other instruments in writing; referred to Committee on Judiciary.

Senate bill No. 389, An act creating a board of land commissioners and defining the powers and duties thereof, fixing the compen-

sation of the members, and declaring an emergency; referred to Committee on State Lands.

Senate bill No. 231, An act providing for the appointment of shorthand reporters, defining their duties, fixing their compensation, and making their report part of the record on appeal, after being properly certified; also, providing for bill of exceptions in case of the death of reporter; also, providing for additional bill of exceptions to be filed with the report, and declaring an emergency; referred to Committee on Judiciary.

Senate bill No. 120, An act providing for the establishment and location of a state normal school, the creation of a commission to locate the same, and making an appropriation; referred to Committee on University and Normal Schools.

Senate bill No. 206, An act amending section 2421 of chapter CLXXXV of the code of 1881, relating to corporations, as amended by an act approved February 3, 1886; referred to Committee on Corporations other than Municipal and Railroad.

House bill No. 254, A bill for an act to protect persons who have planted oysters upon tide and shore lands in this state prior to March 26, 1890, was read for information.

Mr. Megler moved to amend section 1 by adding the words: *Provided*, This shall not apply to tide lands within two miles of an incorporated city.

The amendment was adopted.

On motion of Mr. Sharpstein the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 52, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Bothell, Brock, Chambers, Collins, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, McKay, McKnight, Megler, Metcalfe, Miller, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Thalman, Tiffany, Troy, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Berry, Caughran, Cushman, Frater, Gandy, Garretson, Godman, Kennedy, Lehman, McClure, Meany, Moore, Murray,

Nevin, Plummer, Ragsdale, Ready, Reinhardt, Smith, Snively, Spinning, Taylor, Tillotson, and Tyler.

The emergency clause failed to pass by the following vote, to wit: Yeas 46, nays 4.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, McKay, McKnight, Megler, Miller, Moore, Painter, Palmer, Parcell, Pearson, Peterson, Putney, Reitze, Rockwell, Sallee, Smyth, Thalman, Troy, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. De Steiguer, Metcalfe, Powell, and Tiffany.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Berry, Caughran, Frater, Gandy, Garretson, Godman, Hanson, Lehman, McClure, Meany, Moore, Murray, Nevin, Plummer, Ragsdale, Ready, Reinhardt, Schricker, Sharpstein, Smith, Snively, Spinning, Taylor, Tillotson, Tyler, and Walter.

The title of the bill was agreed to.

House bill No. 255, A bill for an act relating to tide and shore lands, was read for information.

On motion of Mr. Putney, the bill was amended by striking out the emergency clause.

On motion of Mr. Yancy, the bill was considered engrossed, and was read third time.

On motion of Mr. Megler, a call of the the House was ordered.

The roll was called, and Messrs. Anderson of Mason, Brock, Caughran, Flummerfelt, Gandy, Garretson, Godman, Hanson, Johnson, Lehman, Meany, Moore, Murray, Palmer, Parcell, Peterson, Ragsdale, Reinhardt, Schricker, Snively, Spinning, Taylor, Tiffany, Tillotson, and Tyler were absent without leave.

On motion of Mr. Bass, the sergeant-at-arms was instructed to bring the absent members before the bar of the House.

The sergeant-at-arms brought Messrs. Brock, Caughran, Flummerfelt, Gandy, Garretson, Godman, Hanson, Johnson, Lehman, Meany, Moore, Murray, Palmer, Parcell, Peterson, Ragsdale, Reinhardt, Schricker, Snively, Spinning, Taylor, Tiffany, and Tyler before the bar of the House.

On motion of Mr. Nevin, the members were excused for their absence.

On motion of Mr. De Steiguer, further proceedings under call of the House were dispensed with.

The roll was called on the passage of House bill No. 255.

The bill passed by the following vote, to wit: Yeas 68, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Thalman and Tiffany.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Frater, Godman, McClure, Plummer, Snively, and Tillotson.

The title of the bill was agreed to.

House bill No. 28, An act to create and establish a board of health and bureau of vital statistics in the State of Washington, was read third time, and passed by the following vote, to wit: Yeas 47, nays 18.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Chambers, Cushman, De Steiguer, Fellows, Flummerfelt, Gandy, Hanson, Holt, Hunsaker, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Morse, Painter, Parcell, Peterson, Powell, Putney, Ragsdale, Reitze, Reinhardt, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Troy, Tyler, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Brock, Collins, Farrish, Garretson, Godman, Johnson, Miller, Moore, Murray, Nevin, Palmer, Pearson, Rockwell, Snively, Tiffany, Walker, and Walter.

Those absent and not voting were: Messrs. Anderson of Mason,

Andrews, Bothell, Caughran, Dysart, Frame, Frater, Hutchinson, McClure, Plummer, Ready, Tillotson, and Wyman.

The title of the bill was agreed to.

The Committee on Privileges and Elections made the following report:

MR. SPEAKER:

Your Committee on privileges and elections, to which was referred Senate bill No. 57, entitled "An act to fix the time of the commencement of the term of office of state officers," respectfully reports the bill back to the House with the recommendation that the same do pass.

GEORGE DYSART, Chairman.

House bill No. 57, An act to fix the time of the commencement of the term of office of state officers, was read third time, and passed by the following vote, to wit: Yeas 67, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schrieker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Caughran, De Steiguer, Frater, McClure, Moore, Plummer, Snively, and Tillotson.

The title of the bill was agreed to.

House bill No. 178½, An act to regulate vital statistics, was read for information.

On motion of Mr. Wasson, the words "register and recorder" were stricken out and the word "auditor" was inserted, in sections 1, 4 and 8.

On motion of Mr. Wasson, the words "register aforesaid" were stricken out of section 2 and the words "auditor of the county where said ceremony was performed" were inserted.

On motion of Mr. Gandy, the bill was considered engrossed, and was read third time and passed, by the following vote, to wit: Yeas 44, nays 6.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Gandy, Hanson, Holt, Hunsaker, Johnson, Jones, Lawton, McKay, McKnight, Meany, Metcalfe, Miller, Palmer, Parcell, Putney, Ragsdale, Reitze, Rockwell, Sallee, Sharpstein, Smith, Spinning, Taylor, Thalman, Tiffany, Troy, Walker, Wasson, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Farrish, Godman, Moore, Murray, Powell, and Walter.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Bass, Caughran, Frame, Frater, Garretson, Hutchinson, Kennedy, Lehman, McClure, Megler, Nevin, Painter, Pearson, Peterson, Plummer, Ready, Reinhardt, Schricker, Smyth, Snively, Tillotson, Tyler, Wyman, and Yancy.

The emergency clause failed to pass by the following vote, to wit: Yeas 42, nays 15.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Berry, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Gandy, Hanson, Holt, Hunsaker, Johnson, Jones, Kennedy, Lawton, McKay, McKnight, Meany, Metcalfe, Palmer, Parcell, Putney, Ragsdale, Reitze, Rockwell, Sallee, Sharpstein, Spinning, Thalman, Tiffany, Troy, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Brock, Farrish, Godman, Miller, Moore, Murray, Nevin, Painter, Powell, Ready, Schricker, Smith, Tyler, Walker, and Walter.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Bass, Frater, Garretson, Hutchinson, Lehman, McClure, Megler, Morse, Pearson, Peterson, Plummer, Reinhardt, Smyth, Snively, Taylor, Tillotson, Yancy, and Young.

The title of the bill was agreed to.

The speaker announced the appointment of Messrs. Meany, Palmer, Garretson, Flummerfelt, and Putney, as delegates to a commercial congress at Kansas City, in accordance with the provisions of House concurrent resolution No. 19.

Senate bill No. 196, An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings, was read third time, and passed by the following vote, to wit: Yeas 54, nays 1.

Those who voted yea were: Messrs. Adams, Arrasmith, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Gandy, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, McKay, McKnight, Meany, Metcalfe, Miller, Moore, Murray, Painter, Palmer, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Rockwell, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Walter voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Barlow, Bass, Caughran, Frame, Frater, Garretson, Lehman, McClure, Megler, Morse, Nevin, Parcell, Plummer, Powell, Reinhardt, Sallee, Snively, Tillotson, Troy, and Yancy.

The title of the bill was agreed to.

The Committee on Ways, Means and Claims made the following report:

MR. SPEAKER:

Your Committee on Ways, Means and Claims, to which was referred House bill No. 120, entitled "An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation," respectfully reports the bill back to the House with the recommendation that 'the same be amended by striking out the words "and costs" in line 9, and striking out "\$860.26" and inserting instead "\$844.26," and striking out in line 17 "\$860.26" and inserting instead "\$844.26," and recommend that the same pass with said amendments.

W. D. TYLER, Chairman.

On motion of Mr. Snively, the report was adopted.

House bill No. 120, An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation, was read third time, and passed by the following vote, to wit: Yeas 55, nays none.

Those who voted yea were: Messrs. Arrasmith, Barlow, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Gandy, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, McKay, Meany, Metcalfe, Moore, Murray, Nevin, Painter, Palmer, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of

Mason, Anderson of Whatcom, Andrews, Bass, Caughran, Frame, Frater, Garretson, Godman, Lehman, McClure, Megler, Miller, Morse, Parcell, Plummer, Reinhardt, Smyth, Snively, Tillotson, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 4, 1891.

MR. SPEAKER:

The president has signed House Bill No. 243, regulating and fixing railroad freight rates in the state.

The Senate has passed House bill No. 152, An act conforming sheriff's deeds.

Also, House bill No. 182, making it unlawful to kill trout at certain times.

Also, House bill No. 85, making an appropriation for the state penitentiary.

Also, House bill No. 45, to cure defective titles.

Also, Senate bill No. 165, relative to bringing actions against the state.

Also, Senate bill No. 190, removing cases from superior to supreme courts.

Also, Senate bill No. 239, to amend the municipal corporation act.

Also, Senate bill No. 189, redemption of real estate sold under judgment.

Also, Senate bill No. 159, conveyance of land sold for taxes.

Also, Senate bill No. 193, to amend the act authorizing cities and towns to make improvements and issue bonds.

Also, Senate bill No. 183, to prevent obstructions of highways and abate nuisances.

The same are herewith transmitted to to the House.

C. M. BARTON, Secretary.

House bill No. 228, An act to prevent the destruction of forests by fire on public lands, was read third time and passed by the following vote, to wit: Yeas 54, nays 4.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Gandy, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Meany, Metcalfe, Miller, Moore, Murray, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Reitz, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning,

Thalman, Tiffany, Troy, Tyler, Walker, Wasson, Wyman, and Yeomans.

Those who voted nay were: Messrs. Collins, McKay, Taylor, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Frame, Frater, Garretson, Lehman, McClure, McKnight, Megler, Morse, Plummer, Powell, Ready, Reinhardt, Snively, Tillotson, Walter, Yancy, and Young.

The title of the bill was agreed to.

The Committee on Labor and Labor Statistics made the following report:

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to which was referred House bill No. 214, entitled "An act for the protection of employes;" House bill No. 245, entitled "An act to protect laborers who are compelled to sue for their wages," and House bill No. 256 entitled, "An act making eight hours a legal day's work in and around all coal mines in the State of Washington," respectfully reports the bills back to the house with the recommendation that they be passed.

A. I. ADAMS, Chairman.

The Joint Committee on University made the following report:

MR. SPEAKER:

Your Committee on State University, to which was referred Senate bill No. 235, entitled "An act providing for the establishment, location, maintenance and support of the university of Washington," respectfully reports the bill back to the House with the recommendation that the bill be substituted on the calendar in place of House bill No. 270, as it is the same bill word for word with the exception of certain amendments adopted by the Senate.

E. S. MEANY, Chairman.

On motion of Mr. Meany, the report was adopted, and House bill No. 270 was indefinitely postponed.

On motion of Mr. Lawton, the House reconsidered the vote by which Senate bill No. 19, "An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor, failed to pass the House yesterday.

On motion of Mr. Sharpstein, the following resolution was adopted, to wit:

Resolved, That upon the dissolution of the joint convention to-night, the House remain in session for the consideration of the Sachs case.

On motion of Mr. Tyler, the House took a recess at 5:10 P. M. until 7:30 P. M.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Wednesday, March 4, 1891. }
 7:30 o'clock P. M.

The House was called to order at 7:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, McClure, Murray, Snively, and Tillotson.

JOINT CONVENTION.

At 7:30 P. M. the Senate and House of Representatives met in joint convention in the hall of the House of Representatives for consideration of the charges against Judge Morris B. Sachs.

The roll of the Senate was called; all the Senators present except Messrs. Baker, Forrest, Luce, Owings, and Van Houten.

The roll of the House was called; all the members present except Messrs. Andrews, McClure, Murray, and Tillotson.

On motion of Senator Dyer, the reading of the journal of the last preceding session of the joint convention was dispensed with.

At 7:45 P. M. Col. J. C. Haines, counsel for the respondent, continued the argument of the case on behalf of respondent.

Col. Haines closed the argument on the part of the respondent at 8:45 P. M.

At 8:45 P. M. Hon. Galusha Parsons began the closing argument on the part of the prosecution.

Mr. Parsons closed his argument at 9:45 P. M.

On motion of Mr. Yeomans the joint convention dissolved, and the Senate retired.

On motion of Mr. Sharpstein, a call of the House was ordered.

The roll was called; all the members present except Messrs. Andrews and McClure; excused.

On motion of Mr. Megler, further proceedings under the call of the House were dispensed with.

Mr. Powell presented the following resolution, and moved its adoption, to wit:

Resolved, That when the House considers the joint resolution relative to the removal of Judge Morris B. Sachs, the ballot shall be taken without debate.

The resolution was adopted.

On motion of Mr. Sharpstein, the following resolution was read, to wit:

House concurrent resolution No. 24, by joint committee on judiciary, was submitted, as follows:

WHEREAS, Morris B. Sachs, judge of the superior court of the counties of Jefferson, Island, Kitsap, San Juan and Clallam, has been guilty of the following acts, to wit:

1. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington; unmindful of his oath of office, and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit, on the — day of September, A. D. 1890, did engage in a game of faro then and there being played for money and for checks the representative of value. Said game was then and there in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Reception," by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially, and according to his best learning and judgment and discretion, to the great disgrace of the administration of public justice, and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was guilty of misbehavior, malfeasance and delinquency in office.

2. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in the said state, to wit, on the 9th day of December, 1890, did engage in a game of faro then and there being played for money and for checks the representative of value, which said game was then and there in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend," by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially, and according to his best learning, judgment and discretion, to the great disgrace to the public administration of justice, and to the evil example of persons in office, by reason whereof the said Morris B. Sachs was then and there guilty of misbehavior, malfeasance and delinquency in office.

3. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit, on the 10th day of December, 1890, did engage in a game of faro then and there being played for money and for checks the representatives of value, which said game was

then and there, in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the Reception, by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

4. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit, on the 25th day of December, 1890, did engage in a game of faro then and there being played for money and for checks the representatives of value, which said game was then and there, in the county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the Townsend, by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the public administration of justice and to the evil example of persons in office, by reason whereof the said Morris B. Sachs was then and there guilty of misbehavior, malfeasance and delinquency in office.

5. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit, on the first day of the week commonly called Sunday, the — day of December, A. D. 1890, did engage in a game of faro then and there being played for money and for checks, the representatives of value, which said game was then and there in the county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the Townsend, by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

6. That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, Jan Juan and Clallam, unmindful of his duties as judge and of the dignity and proprieties of his said office, and in violation of his oath of office, and in violation of the laws of the State of Washington, since the — day of November, A. D. 1889, at sundry places in the State of Washington, and within the counties

of Jefferson and Clallam, did demean himself in an immoral and disgraceful manner in this, that he, the said Morris B. Sachs, did then and there frequent public gambling houses where the game of faro and other gambling games were played publicly for money and checks, the representatives of value, and did then and there at times take part in managing said games, and did then and there consort with common gamblers, whereby he, the said Morris B. Sachs, has brought himself and his high office into disrepute, to the manifest injury of the morals of the youth and good citizens of the State of Washington, and disgrace of the administration of justice, and is thereby guilty of misbehavior, misdemeanors, malfeasance and delinquency in office.

7. That the said Morris B. Sachs, being a judge of the superior court for Jefferson, Island, Kitsap, San Juan, and Clallam, unmindful of his duties and of the proprieties of his office as such judge, and in violation of the laws of the State of Washington, did, on the — day of September, A. D. 1890, in the county of Jefferson, in the State of Washington, demean himself in an improper and disgraceful manner, in this, that he, the said Morris B. Sachs did, then and there, in said county, at a sale upon an execution issued out of his said court of the county of Jefferson, in the cases of the First National Bank of Port Townsend against Max Nathanson, and William Nathanson vs. Max Nathanson, which sale was held by the sheriff of said Jefferson county upon the — day of September, 1890, purchased at said sheriff's sale \$560 worth of merchandise, which said merchandise said Morris B. Sachs bid off at said time, but gave his note for the same, without paying the price therefor, and did importune said sheriff to accept said note in payment of said merchandise, in violation of the laws of the State of Washington, and did importune said First National Bank and one John Trumbull, the attorney thereof, to delay the enforcement of payment of said note; whereby he, the said Morris B. Sachs, by his acts as aforesaid, has brought himself and his high office into disrepute, to the manifest injury of the good citizens of the State of Washington, a disgrace to the administration of justice, and is thereby guilty of misbehavior, malfeasance and misdemeanor in office.

8. That Morris B. Sachs, being a judge of the counties of Jefferson, Island, Kitsap, San Juan, and Clallam, in the State of Washington, did, on the — day of September, A. D. 1890, in the case of the First National Bank of Port Townsend vs. Jago & Niblock, partners in trade, whose given names are unknown to this legislature, entered a judgment in said case in favor of the First National Bank of Port Townsend upon a promissory note given by the said firm of Jago & Niblock to one Henry Landes, assigned in blank to the First National Bank of Port Townsend, for a large sum of money, to wit, the sum of — dollars; and he, the said Morris B. Sachs, then and there being related to the said Henry Landes in the second degree of consanguinity, and he, said Henry Landes, also being a president, director and stockholder of said First National Bank of Port Townsend: therefore, be it

Resolved, By the Legislature of the State of Washington, both the Senate and the House concurring therein, that the said Morris B. Sachs, judge

as aforesaid, be and he is hereby removed from his said office, and the said office declared vacant.

Mr. Thalman moved the adoption of the resolution.

Mr. Ragsdale asked to be excused from voting on the adoption of the resolution.

The House refused to excuse Mr. Ragsdale.

Mr. Frame asked to be excused from voting on the adoption of the resolution.

The House refused to excuse Mr. Frame.

The roll was called on the adoption of the resolution.

The resolution was adopted by the following vote, to wit: Yeas 62, nays 14.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frater, Gandy, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Nevin, Painter, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Tyler, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Barlow, Bass, Frame, McKay, Morse, Murray, Ragsdale, Schricker, Smith, Taylor, Tillotson, Walker, and Walter.

On motion of Mr. Sharpstein, the House adjourned.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTY-EIGHTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, Thursday, March 5, 1891. }
 10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, McClure, and Plummer; excused.

On motion of Mr. Chambers, reading of the journal of yesterday was dispensed with.

The claims of Mr. O'Connor for stationery furnished for the House of Representatives; amounting to \$1,755.23, was referred to Committee on Ways, Means and Claims.

REPORTS OF STANDING COMMITTEES.

The Committee on Compensation and Fees of State and County Officers made the following report:

MR. SPEAKER:

Your Committee on Compensation and Fees of State and County Officers, to which was referred Senate bill No. 129, entitled "An act regulating fees of county clerks for services rendered as clerks, ex-officio, of the superior courts in probate matters, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

A. G. HANSON, Chairman.

The Committee on Labor and Labor Statistics made the following report:

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to which was referred House bill No. 282, entitled "An act to regulate the payment of wages in time checks and due bills," and Senate bill No. 220, entitled "An act making it a crime to make false reports against employes punishable, etc.," respectfully reports the bills back to the House with the recommendation that they be passed.

A. I. ADAMS, Chairman.

The Committee on Mileage and Contingent Expenses made the following report:

MR. SPEAKER:

Your Committee on Mileage and Contingent Expenses, to which was referred the bills herewith returned, beg leave to report that we have ex-

OLYMPIA, WASHINGTON, March 5, 1891.

amined the said bills and recommend that warrants be drawn in accordance therewith, as follows:

SPECIAL COMMITTEE ON STATE UNIVERSITY.

M. M. Godman	\$15 40
A. H. Anderson	15 40
E. S. Meany	15 40

HOSPITAL FOR INSANE.

E. L. Powell	\$92 00
J. C. Thalman	92 00
Wm. Farrish	92 00

SCHOOL FOR DEFECTIVE YOUTH.

J. S. Sallee	\$34 00
F. C. Yeomans	34 00

BRIBERY INVESTIGATION.

E. C. McDonald	\$35 00
A. C. Bowman and C. B. Eaton	298 47
M. M. Godman	92 00
Byron Barlow	92 00
D. M. Holt	92 00
E. S. Meany	92 00
W. K. Kennedy	92 00
C. B. Eaton	55 00
D. E. Lesh	166 30

Witnesses on said investigation as follows:

M. P. Shaefer	\$12 00
Steven Glasco	13 20
B. H. Taylor	12 00
A. W. Strong	2 00
A. J. Shaw	2 00
J. F. Pickett	2 00
L. B. Nash	2 00
J. M. Kinnard	2 00
S. C. Hyde	2 00
J. K. Edmiston	2 00
A. K. Clark	2 00
J. F. Carrere	2 00
J. M. Armstrong	2 00
Robert Abernathy	2 00
W. H. Townsend	2 00
H. L. Wilson	2 00
S. A. Wells	2 00
O. T. Smith	12 00
C. Parsons	13 20
C. Whitbeck	12 00
W. H. Smiley	2 00
P. F. Quinn	2 00

J. J. L. Peel	\$2 00
Eugene Miller	2 00
W. C. Jones	2 00
T. H. Griffiths	2 00
J. Edwards	2 00
T. H. Cavanaugh	2 00
A. F. Burleigh	16 80
H. A. Adams	2 00
C. E. Sutton	2 00
Samuel Vincent	2 00
H. Warner	2 00
Total, on bribery investigation	\$1,157 97

MISCELLANEOUS.

C. B. Eaton (Sachs committee)	\$225 45
Olympia Hotel (committee rooms)	465 00
George Darville	4 50
Olympia Steam Laundry	60

JOINT WATERWAY COMMITTEE.

P. E. Berry	\$24 60
J. L. Sharpstein	24 60
J. Hunsaker	25 60

Respectfully submitted.

R. A. HUTCHINSON, Chairman.

On motion of Mr. Kennedy, the report was adopted.

The Committee on Labor and Labor Statistics made the following report:

MR. SPEAKER:

Your Committee on Labor and Labor Statistics, to which was referred House bill No. 50, entitled "An act to establish a bureau of statistics of labor considered in all its relations to the growth and development of state industries," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed.

A. I. ADAMS, Chairman.

On motion of Mr. Painter, the report was adopted, and House bill No. 50 was indefinitely postponed.

The Committee on Penitentiary made the following report:

MR. SPEAKER:

Your Committee on Penitentiary, to which was referred House bill No. 219, entitled "An act regulating the manufacture and sale of jute fabrics and brick at the state penitentiary, and making an appropriation for the purchase of material," respectfully reports the bill back to the House with the recommendation that the following words be added after the words "other material" in the last line of section 4 on page 1 of the bill, being line 3 of section 4 of the printed bill, the words "to be drawn out of the

state treasury only upon vouchers issued for the payment of the cost of material actually purchased," and that as amended it do pass.

J. C. PAINTER, Chairman.

On motion of Mr. Chambers the report was adopted.

The following bills were read first and second time, under suspension of rules, and referred, to wit:

Senate bill No. 159, An act to provide for the conveyance of lands sold for taxes, levied under the laws of the Territory of Washington; referred to Committee on Revenue and Taxation.

Senate bill No. 183; An act to prevent the obstruction of highways, to abate nuisances thereon, providing a penalty therefor, and declaring an emergency; referred to Committee on Roads and Highways.

Senate bill No. 193, An act to amend an act entitled "An act authorizing cities and towns to construct internal improvements and to issue bonds to pay therefore, and declaring an emergency," approved March 26, 1890; referred to Committee on Municipal Corporations.

Senate bill No. 189, An act to provide for the redemption of real estate sold under judgment or foreclosure of mortgage; referred to Committee on Judiciary.

Senate bill No. 239, An act to amend sections 46 and 124 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved Feb. 26, 1890; referred to Committee on Municipal Corporations.

Senate bill No. 165, An act providing in what cases, by what persons, and in what courts an action may be brought against the state, and how summons shall be served therein; referred to Committee on Judiciary.

Senate bill No. 190, An act to amend section three of an act entitled "An act to provide a single and uniform method of removing cases from the superior courts to the supreme court, and to regulate the practice in the supreme court in such cases," approved March 22, 1890, and declaring an emergency; referred to Committee on Judiciary.

House bill No. 256, An act making eight hours a legal day's work in and around all coal mines in the State of Washington, was read second time by title.

House bill No. 214, An act entitled "An act for the protection of employes," was read second time by title.

House bill No. 245, An act to protect laborers who are compelled to sue to recover their wages, was read second time.

Mr. Megler was called to the chair.

House bill No. 219, "An act regulating the manufacture and sale of jute fabrics and brick at the Washington penitentiary, and making an appropriation for the purchase of material," was read for information.

Mr. Tyler moved to amend section 2 by inserting after the word "full" in line 3, the words "interest on investment at six per cent. and such other expenses as are incident to the manufacture of jute fabrics and brick," and by striking out the word "and" in line 2. The amendment was adopted.

On motion of Mr. Sharpstein section 2 was amended by striking out the words "at least fifteen per cent. above," in line 5.

On motion of Mr. Tyler, section 2 was amended by striking out the words "material, skilled labor," in line 5, and inserting the words "production based upon items above enumerated."

On motion of Mr. Sharpstein, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 59, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Brock, Caughran, Chambers, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Painter, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Rockwell, Schricker, Sharpstein, Smyth, Spinning, Taylor, Tbalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, and Young.

Mr. Frame voted nay.

Those absent and not voting were: Messrs. Andrews, Berry, Bothell, Collins, De Steiguer, Frater, Gandy, McClure, Murray, Nevin, Plummer, Reitze, Reinhardt, Sallee, Smith, Snively, Tillotson, and Mr. Speaker.

The title of the bill was agreed to.

The House resumed consideration of Senate bill No. 259, An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency.

Mr. Tyler, of Pierce, moved to amend the bill by striking out all of section 43.

The House rejected the amendment.

Mr. Gandy moved to amend section 43 by striking out the words "four mills" and inserting the words "three mills," in line 6.

Mr. Tyler moved to amend Mr. Gandy's amendment by striking out the words "three mills" and inserting the words "two mills."

The House rejected Mr. Tyler's amendment to Mr. Gandy's amendment by the following vote, to wit: Yeas 31, nays 38.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, De Steiguer, Dysart, Farrish, Holt, Hunsaker, Johnson, Kennedy, McKay, McKnight, Meany, Metcalfe, Miller, Palmer, Rockwell, Sallee, Schriker, Sharpstein, Spinning, Tillotson, Troy, Tyler, Yancy, and Young.

Those who voted nay were: Messrs. Bass, Caughran, Chambers, Collins, Cushman, Fellows, Flummerfelt, Frame, Gandy, Garretson, Hanson, Hutchinson, Jones, Lawton, Lehman, Megler, Moore, Morse, Murray, Nevin, Painter, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Reitze, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Walker, Walter, Wasson, and Yeomans.

Those absent and not voting were: Messrs. Andrews, Frater, Godman, McClure, Plummer, Reinhardt, Ready, Wyman, and Mr. Speaker.

Mr. Anderson moved to amend section 44 by inserting the words "in lieu of all other taxation" after the word "coal," in line 6.

The House rejected the amendment.

On motion of Mr. Powell, section 43 was amended by striking out the words "the preceding" and inserting "this," in line 8.

Mr. Frame moved to amend section 44 by striking out the words "coal or other mine or," in line 12, and "mine or," in line 13.

The House rejected the amendment.

Mr. Gandy moved to amend section 45 by adding the words: "Provided, That the numerical assessment shall not apply to the year 1891."

The amendment was adopted.

Mr. Tyler moved to amend section 60 by inserting after the word "tax," in line 8, the words "and if there shall be due said employe from said person, firm, corporation, or company, or agent thereof,

a sufficient sum to pay said poll tax at or before the date of said tax becoming delinquent.”

The amendment was rejected.

Mr. Hanson moved to amend section 60 by inserting the words “unless a good and sufficient reason is given for not being able to pay such tax.”

The amendment was rejected.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 391, entitled “An act concerning appropriation of water for irrigation, mining and manufacturing purposes, for supplying cities, towns and villages with water, and for the use of water works, and declaring an emergency.

Also, passed House memorial No 19, Relative to Conger pure lard bill.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

On motion of Mr. Hutchinson, the House took a recess, at 12:00 o'clock noon, until 1:30 P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASHINGTON, Thursday, March 5, 1891. }

2 o'clock P. M.

The House was called to order at 1:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, McClure, Metcalfe, Murray, Painter, Plummer, and Smith.

Claim of M. J. Fleming, sheriff of Clarke county, for \$225 costs for hanging of Edward Gallagher, was read and referred to Committee on Appropriations.

The following communication from the secretary of state was read:

SIG. 36.—HOUSE.

STATE OF WASHINGTON, OFFICE OF SECRETARY OF STATE,

OLYMPIA, March 6, 1891.

To the Honorable Speaker and Members of the House of Representatives:

I have the honor to submit herewith the report of L. K. Bowdish, expert on weights and measures, whose services I found myself obliged to secure in carrying into effect the provisions of the law making the secretary of state ex-officio sealer of weights and measures (pp. 266, 269, Session Laws 1889-90).

In the official report of the secretary of state, submitted to your honorable body early in the present session, you will find this subject reported upon pp. 10 and 11.

After procuring an outfit of weights and measures for the state, and having county outfits sent to Olympia to be tested and sealed as required by law, I found it impossible, on account of other duties, to give such personal attention to the testing and sealing as seemed necessary in order to perform that duty properly. Aside from this, however, I found that the most serious difficulty was, that owing to inexperience in such work I was not prepared to undertake it. In this dilemma I fortunately secured the services of Mr. Bowdich, who is amply qualified and who has performed the service in a most satisfactory manner, after devoting his entire time and personal attention to it for over a month. According to his report it will be seen that—

The expense incurred for wharfage, warehousing and rent of room suitable for inspecting weights and measures is.....	\$72 66
Expense in testing, repacking and shipping outfits for 32 counties, including 14 cases for the state unpacked and put in order.....	175 00
Total.....	\$247 66
Less the fees of each county—32 at \$3.05 each—as per requirements of the law.....	97 60
	\$150 06
Estimated expenses yet to be incurred in moving state outfit and setting up in other quarters.....	50 00
Total amount necessary to cover expenses.....	\$200 06

I would suggest that the whole matter be referred to your Committee on Appropriations with instructions to invite Mr. Bowdich to appear before them, and to inquire into the propriety of appropriating money to defray expenses above set forth.

Very respectfully,

ALLEN WEIR,

Secretary of State.

The report accompanying the communications and the subject matter of the communication were referred to the Committee on Appropriations.

Senate bill No. 391, An act concerning appropriation of water for irrigation, mining and manufacturing purposes, for supplying cities, towns and villages with water, and for the use of water

works, and declaring an emergency, was read and referred to Committee on Water, Water Rights and Irrigation.

On motion of Mr. Reinhardt, Mr. Hanson was excused indefinitely.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1891.

MR. SPEAKER:

The Senate has concurred in the House amendments to Senate bill No. 42, An act to amend section 324 of chapter 29 of the code relating to revival and continuance of judgments, and ordered the bill enrolled.

The Senate has passed House bill No. 222, Relative to county commissioners to issue bonds for road purposes, with an amendment to the title.

The Senate has passed Senate bill No. 321, Relative to drains and ditches (code bill).

The Senate has passed Senate bill No. 336, Relative to county auditors (code bill).

The Senate has passed Senate bill No. 157, Relative to location and registration of mines and mineral deposits.

The senate has passed House bill No. 83, entitled "An act concerning screening and weighing of coal.

The Senate has failed to pass House concurrent resolution No. 24, Relative to removing Morris B. Sachs: Yeas 16, nays 16, not voting 2.

The Senate has passed Senate bill No. 154, To prevent the sale, removal and secretion of mortgaged personal property, etc.

The Senate has passed House bill 261, To amend the act relative to the appointment of a commissioner to compile, re-arrange and annotate the laws of Washington, etc.

The President has signed enrolled Senate bill No. 42, To amend section 324, chapter 29 of the code, relative to the revival and continuance of judgments.

C. M. BARTON, Secretary.

The speaker signed Senate bill No. 42 in open session of the House.

The House resumed consideration of Senate bill No. 259, An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency.

Mr. Jones moved to amend the bill by striking out all of section 64.

Mr. Taylor moved to amend section 64 by inserting the words "as collector of poll tax" after the word "assessor," in line 1.

The House adopted the amendment.

The House refused to strike out section 64.

On motion of Mr. Powell section 65 was amended by striking out the word "ten," in line 2.

Mr. Caughran presented the following substitute for section 69, and moved its adoption, to wit:

SEC. 69. The county auditor shall make due record of the changes of the assessment lists determined by the county board of equalization, and make corrections accordingly. Having made such corrections of the real or personal lists, or both, as the case may be, he shall make duplicate abstracts of such corrected lists, one copy of which he shall file in his office, and one copy he shall forward to the auditor of state on or before the second Monday of September following each county equalization. The county auditor shall also, on or before the fifteenth day of December in each year, make out and transmit to the auditor of state, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres of land assessed, the value of such land, including the structures thereon; the value of town and city lots, including structures; the total value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized, and the total amount of taxes levied in the county for state, county, town and all other purposes for that year.

The House adopted the substitute.

Mr. Jones moved to amend section 69 by adding the words: "Should the auditor of any county fail to transmit to the state auditor the abstract provided for in this section by the time the state board of equalization convenes, and if, by reason of such failure to transmit said abstract, any county shall fail to collect and pay to the state its due proportion of the state tax for any year, the state board of equalization shall, at its next annual session, ascertain what amount of state tax said county has failed to collect; and the state auditor shall charge the amount to the proper county and notify the auditor of said county of the amount of said charge. Said sum shall be due and payable immediately by a warrant in favor of the state on the general county fund of said county."

The amendment was adopted.

Mr. Kennedy moved to amend section 71 by inserting after the word "value," in line 10, the words: "*Provided*, That said board shall not raise the value of any property in any county of this state unless said board shall first give ten days' notice to the board of county commissioners of said county."

The amendment was adopted.

On motion of Mr. Sharpstein, section 71 was amended by striking out the words "twenty days" and inserting the words "ten days."

On motion of Mr. Jones, section 72 was amended by inserting the words "within ten days after said board adjourns" after the word "board," in line 2.

On motion of Mr. Jones, section 73 was amended by inserting the word "estimated" before the word "county," in line 11, and by inserting the word "estimated" before the word "expenses," in line 13.

Mr. Jones moved to amend section 74 by striking out the words "purposes or other taxes" and inserting the word "expenses," in line 4.

The amendment was adopted.

Mr. Jones moved to amend section 78 by striking out the word "December" and inserting the word "January."

The amendment was adopted.

Mr. Hunsaker moved to amend section 80 by adding the words he shall notify each taxpayer in his county by postal card, at the expense of the county, having printed on said card the name of each tax, and the levy made on the same, of the amount of his real and personal property, and the total amount of tax due on the same.

Mr. Hutchinson moved to amend Mr. Hunsaker's amendment by inserting the words "when requested" before the word "notify."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Mr. Powell moved to amend section 82 by striking out the word "twenty" and inserting the word "ten."

The amendment was adopted.

Mr. Frater moved to amend section 97 by striking out the words "there shall be an allowance of rebate to all payers of taxes who shall pay the same within the year for which they are assessed, as follows: Five per cent. if paid on or before the first day of December; three per cent. if paid on or before the first day of January next ensuing; two per cent. if paid on or before the first day of February next ensuing; but" in lines 1, 2, 3, 4 and 5.

The amendment was rejected.

Mr. Sharpstein presented the following substitute for section 117, and moved its adoption, to wit:

SEC. 117. The auditor of each county shall, on or before the first day of April of each year, obtain from the local land offices in the state, and from the several land grant railroad companies, lists of lands sold, or con-

tracted to be sold, during the previous year, in his county, and certify them for taxation, together with the various classes of state lands sold during the same year, to the assessor of the county in which such lands may be situated. He shall also, at the same time, obtain lists of lands reverting to the railroad companies each year by reason of the forfeiture of contracts, for cancellation of taxes, and it shall be the duty of the railroad companies to report such sales and forfeiture on or before the first day of April, each year, to each county auditor of the county in which such lands are situated: *Provided*, That all forfeited lands not so reported shall be held for all taxes accruing thereon.

The substitute was adopted.

The bill was read third time, and passed by the following vote, to wit: Yeas 60, nays 3.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Moore, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Frame, Frater and Godman.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Bass, Caughran, Flummerfelt, Gandy, Hanson, McClure, Metcalfe, Murray, Painter, Smith, and Snively.

The emergency clause was adopted by the following vote: Yeas, 62, nays 1.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Moore, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Godman voted nay.

Those absent and not voting were: Messrs. Adams, Anderson

of Mason, Andrews, Bass, Brock, Caughran, Flummerfelt, Gandy, Hanson, McClure, Metcalfe, Murray, Painter, Plummer, Smith, and Snively.

The title of the bill was agreed to.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, March 4, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day signed and approved House bill No. 196, entitled “An act to appropriate \$480 for the insurance against fire of the capitol building and the state library.”

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

House bill No. 222, An act to amend section 2 of an act entitled “An act to authorize county commissioners to issue bonds for road purposes,” received from the Senate with the title amended by adding the words “approved March 22, 1890, and declaring an emergency,” was taken up.

On motion of Mr. Megler, the House concurred in the Senate amendments.

Senate bill No. 71, An act relating to the improvement of rivers and waterways in the State of Washington, and providing funds therefor, was recommitted to the Committee on Harbors and Navigable Waters, with instructions to report the same back to the House to-morrow morning.

House bill No. 279, An act relating to juvenile offenders, was read third time and passed by the following vote, to wit: Yeas 53, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sharpstein, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Nevin voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Chambers, Collins, De Steiguer, Hanson, Kennedy, McClure, Metcalfe, Moore, Morse, Murray, Painter, Plummer, Sallee, Schricker, Smith, Smyth, Snively, Wasson, and Wyman.

The title of the bill was agreed to.

REPORT OF COMMITTEE ON REFORM SCHOOL AND SCHOOL FOR DEFECTIVE YOUTH.

The Committee on Reform School and School for Defective Youth, made the following report:

MR. SPEAKER:

Your Committee on Reform School and School for Defective Youth, to which was referred Senate bill No. 217, entitled "An act making an appropriation for the maintenance and improvement of the state reform school," respectfully reports the bill back to the House with the recommendation that it do pass.

F. C. YEOMANS, Chairman.

Senate bill No. 217, An act making an appropriation for the maintenance and improvement of the state reform school, was read third time, and passed by the following vote, to wit: Yeas 53, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, Meany, Megler, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Godman, McKay, and Peterson.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Collins, De Steiguer, Hanson, Kennedy, McClure, McKnight, Metcalfe, Moore, Murray, Painter, Plummer, Powell, Ragsdale, Schricker, Sharpstein, Smith, Smyth, Snively, Wasson, and Wyman.

The title of the bill was agreed to.

House bill No. 156, An act to require railroad companies to con-

struct and maintain connections from one railroad to another, and to provide a penalty for a failure to comply therewith, was read for information.

Mr. Tyler moved to amend sections 1 and 2 by inserting the word "grade" before the word "crossings."

The amendment was adopted.

The bill was read third time, and passed by the following vote, to wit: Yeas 54, nays 2.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frater, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lehman, McKay, McKnight, Meany, Megler, Miller, Moore, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schrieker, Sharpstein, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Caughran, and Taylor.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, De Steiguer, Frame, Gandy, Hanson, Kennedy, Lawton, McClure, Metcalfe, Murray, Painter, Plummer, Powell, Reinhardt, Smith, Smyth, Snively, Spinning, Thalman, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 170, entitled "An act providing for the location and maintenance of the agricultural college, etc.," with an amendment.

Also, House bill No. 164, An act relative to private sales of real property belonging to estates, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 54, An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893, and to provide for the collection and levy of a tax and to create a fund therefor; to provide for the expenditure of such fund, and to declare an emergency, was taken up.

On motion of Mr. Meany, the printed bill was substituted for the manuscript bill.

The bill was read for information.

On motion of Mr. Holt, section 2 was amended by inserting the words "at Olympia" after the word "meet," in line 1, and by striking out the word "ten" and inserting the word "twenty," in line 1.

Mr. Snively moved to amend section 1 by striking out the words "William Kerr" and inserting the words "T. M. Vance."

The amendment was adopted.

Mr. Megler moved to amend section 8 by striking out the words "said sum to be paid out of the appropriation herein made."

The amendment was rejected.

On motion of Mr. Meany, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 56, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frater, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Moore, Nevin, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Schricker, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Godman, and Sharpstein.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Caughran, De Steigner, Dysart, Frame, Gandy, Hanson, McClure, Metcalfe, Morse, Murray, Painter, Plummer, Powell, Sallee, Smith, Tyler, and Wyman.

On motion of Mr. Megler, the title was amended by adding the words "and declaring an emergency."

The title as amended was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1891.

MR. SPEAKER:

The Senate desires to recall House bill No. 170, Relative to agricultural college, there having been entered a motion to reconsider the motion by

which the bill passed, and the bill having been sent to the House through a mistake at the secretary's desk. C. M. BARTON, Secretary.

The Committee on Enrolled Bills made the following reports:

REPORTS OF COMMITTEE ON ENROLLED BILLS.

MR. SPEAKER:

Your Committee on Enrolled bills respectfully reports that the enrolled copy of House bill No. 45, entitled "An act to cure defective titles to real estate by providing for the collection of unpaid taxes and assessments, and by securing record evidence in relation to real estate sold for taxes or assessments, in the offices of county treasurers and auditors," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 85, entitled "An act to appropriate money to cover the deficiency for maintaining the state penitentiary to January 1, 1891," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 139, entitled "An act to provide for taking a census on the Colville Indian reservation, and making an appropriation therefor, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 152, entitled "An act confirming sheriffs' deeds made by the successor in office of sheriffs who have sold land in pursuance of law, but have neglected to make deeds therefor," has been carefully compared with the original copy thereof and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 182, entitled "An act making it unlawful to catch or kill trout during certain months, or to take, catch or kill the same in any manner whatever other than hook and line, providing a punishment, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 195, entitled "An act to regulate salmon and sturgeon fishing in the rivers and waters of this state and over which it has concurrent jurisdiction," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bills Nos. 45, 85, 139, 152, 182, and 195, in open session of the House.

Mr. Miller moved that Senate bill No. 19, An act declaring it unlawful to employ an armed body of men in this state, and providing punishment therefor, be placed on final passage.

On motion of Mr. Snively, the yeas and nays were ordered on the adoption of the motion to place the bill on final passage.

The motion was adopted by the following vote, to wit: Yeas 39, nays 20.

Those who voted yea were: Messrs. Adams, Arrasmith, Bass, Collins, Cushman, Dysart, Frater, Godman, Holt, Hutchinson, Lawton, McKay, McKnight, Meany, Miller, Moore, Morse, Nevin, Palmer, Parcell, Peterson, Putney, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Snively, Thalman, Tiffany, Tillotson, Troy, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Mason, Anderson of Whatcom, Barlow, Berry, Brock, Farrish, Fellows, Garretson, Hunsaker, Johnson, Jones, Lehman, Megler, Pearson, Ragsdale, Reinhardt, Spinning, Taylor, Tyler, and Walker.

Those absent and not voting were: Messrs. Andrews, Bothell, Caughran, Chambers, De Steiguer, Flummerfelt, Frame, Gandy, Hanson, Kennedy, McClure, Metcalfe, Murray, Painter, Plummer, Powell, Smith, Smyth, and Wyman.

On motion of Mr. Sharpstein, the previous question was ordered.

The roll was called on the passage of the bill.

The bill passed by the following vote, to wit: Yeas 47, nays 16.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Bass, Berry, Chambers, Collins, Cushman, Dysart, Farrish, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Johnson, Jones, Lawton, McKay, McKnight, Meany, Miller, Moore, Nevin, Palmer, Parcell, Pearson, Peterson, Putney, Ready, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Snively, Thalman, Tiffany, Tillotson, Troy, Walter, Wasson, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Anderson of Mason, Arrasmith, Barlow, Brock, Caughran, Fellows, Hunsaker, Lehman, Megler, Morse, Ragsdale, Spinning, Taylor, Tyler, Walker, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Bothell, De Steiguer, Hanson, Kennedy, McClure, Metcalfe, Murray, Painter, Plummer, Powell, Schricker, Smith, Smyth, and Wyman.

The title of the bill was agreed to.

Mr. Sharpstein moved that the House reconsider the vote by which the bill passed.

On motion of Mr. Sharpstein, the motion to reconsider was laid on the table.

On motion of Mr. Miller, House bill No. 248, An act to authorize cities and towns to borrow money for municipal purposes, and to issue negotiable bonds therefor, was read third time, and passed by the following vote, to wit: Yeas 50, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Miller, Moore, Morse, Palmer, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Rockwell, Schricker, Sharpstein, Snively, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Collins, De Steiguer, Dysart, Gandy, Godman, Hanson, Kennedy, McClure, Megler, Metcalfe, Murray, Nevin, Painter, Parcell, Plummer, Powell, Reinhardt, Sallee, Smith, Smyth, Spinning, Taylor, Tillotson, and Wyman.

The emergency clause was passed by the following vote, to wit: Yeas 53, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Moore, Morse, Palmer, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Rockwell, Schricker, Sharpstein, Smyth, Snively, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Yancy, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Collins, De Steiguer, Dysart, Gandy, Godman, Hanson, McClure, Metcalfe, Murray, Nevin, Painter, Parcell, Plummer, Powell, Reinhardt, Sallee, Smith, Spinning, Taylor, Tillotson, Wyman, and Young.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 202, entitled "An act appropriating money to pay deficiencies for expressage, furniture, etc., and cleaning capitol building.

Also, House bill No. 166, relating to relief of Huntington and Lytle.

Also, Senate bill No. 222, Relating to summary proceedings in obtaining possession of real property, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

On motion of Mr. Lehman, the House took a recess at 5 o'clock P. M. until 7:30 o'clock P. M.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Thursday, March 5, 1891. }
7:30 o'clock P. M.

The House was called to order at 7:30 P. M., the speaker in the chair.

The roll was called; all the members present except Messrs. Andrews, Barlow, Caughran, Hanson, Kennedy, McClure, Moore, Murray, Plummer, Tillotson, and Tyler.

House bill No. 166; An act for the relief of John Huntington and John D. Litle, co-partners, known as Huntington & Litle, received from the Senate with the title amended by adding the words "and making an appropriation therefor," was taken up.

On motion of Mr. Megler, the House concurred in the Senate amendment.

The following bills were read first and second time, under suspension of the rules, and referred, to wit:

Senate bill No. 154, An act to amend section 1999 of the Code of the Territory of Washington, relating to sale, removal and secretion of mortgaged personal property, and to provide a penalty therefor; referred to Committee on Judiciary.

Senate bill No. 157, An act providing for the location and registration of mines and mineral deposits, and for other purposes; referred to Committee on Mines and Mining.

Senate bill No. 321, An act relating to drains and ditches, and amending sections 1, 17, 18, 25, 26, 28, 29, 31, 41, 46, 62, of the act approved March 19, 1890, entitled "An act to provide for the construction, repairing and protection of drains and ditches for agricultural, sanitary and domestic purposes, and to provide for the organization of drainage districts, and declaring an emergency;" and sections 3, 5, 6 and 7 of an act approved February 2, 1888, entitled "An act to provide for the construction and maintenance of dykes and dams in certain cases;" and section 2518 of the Code of Washington of 1881; referred to Committee on Judiciary.

Senate bill No. 336, An act relating to the election, powers and duties of county auditors, and amending sections 2707, 2708, 2710, 2713, 2718, 2720, 2721, 2722, 2723, 2724, 2725, 2730, 2735 and 2737 of the Code of Washington of 1881, and amending section 2736 of the Code of Washington as amended by an act approved January 15, 1886; referred to Committee on Judiciary.

Senate bill No. 222, An act in relation to summary proceedings for obtaining possession of real property in certain cases, and declaring an emergency; referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The Committee on State Library and Public Grounds made the following report:

MR. SPEAKER:

Your Committee on State Library and Public Grounds, to which was referred House bill No. 298, entitled "An act authorizing the procuring of accommodations for the state officers, providing for a commission for the same, making an appropriation therefor, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

U. L. COLLINS, Chairman.

On motion of Mr. Putney, the report was adopted, and the bill was indefinitely postponed.

The Committee on Water, Water Rights and Irrigation made the following report:

MR. SPEAKER:

Your Committee on Water, Water Rights and Irrigation, to which was referred House bill No. 306, entitled "An act to appropriate money for the prosecution of the artesian well," authorized and commenced under an act passed by the legislature of the Territory of Washington, and approved on the second day of February, 1888, respectfully reports the bill back to the House with the recommendation that it do pass.

C. H. FLUMMERFELT, Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 231, entitled "An act providing for the appointment of shorthand reporters, defining their duties, fixing their compensation, etc., respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education, to which was referred Senate bill No. 233, entitled "An act relating to crimes against public morals and decency," respectfully reports the bill back to the House with the recommendation that it do pass.

S. J. SMYTH, Chairman.

The Committee on Privileges and Elections made the following report:

MR. SPEAKER:

Your Committee on Privileges and Elections, to which was referred House bill No. 205, entitled "An act to amend an act entitled 'An act providing for printing and distributing ballots at public expense and to regulate voting at state and other elections,'" respectfully reports the bill back to the House with the recommendation that it do pass.

GEORGE DYSART, Chairman.

The Committee on Forestry made the following report:

MR. SPEAKER:

Your Committee on Forestry, to which was referred House bill No. 217, entitled "An act regulating the business of logging," respectfully reports the bill back to the House with the recommendation that it do pass.

GEO. BOTHELL, Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 261, entitled "An act to amend section 8 of an act entitled 'An act to appoint a commissioner to compile, rearrange and

annotate the laws of Washington, and to provide for the publication and distribution thereof, and for payment therefor,' approved February 18, 1890," has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 83, entitled "An act concerning the screening and weighing of coal, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The Committee on Privileges and Elections made the following report:

MR. SPEAKER:

Your Committee on Privileges and Elections, to which was referred House bill No. 204, entitled "An act to provide for the registration of voters in precincts where an incorporated city or town, or any portion thereof, forms a part of a voting precinct," respectfully reports the bill back to the House with the recommendation that it do pass.

GEORGE DYSART, Chairman.

The Committee on School for Defective Youth made the following report:

MR. SPEAKER:

Your Committee on School for Defective Youth, to which was referred House bill No. 71, entitled "An act to provide for the completion of the building of the Washington school for defective youth, and to appropriate money therefor," respectfully reports the bill back to the House with the recommendation that it do pass.

F. C. YEOMANS, Chairman.

The Committee on Constitution and Revision made the following report:

MR. SPEAKER:

Your Committee on Constitution and Revision, to whom was referred House joint resolution No. 4, A proposition for amending section 2 of article 2 of the constitution of the State of Washington, respectfully reports the resolution back to the House with the recommendation that it be indefinitely postponed.

A. H. GARRETSON, Chairman.

On motion of Mr. Sharpstein, the report was adopted.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs, to which was referred Senate joint resolution No. 1, In relation to establishing a gun factory for the manufacture of heavy ordnance on Puget Sound," respectfully reports

the resolution back to the House with the recommendation that said resolution do pass.

I. N. CUSHMAN, Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 222, entitled "An act in relation to summary proceedings for obtaining possession of real property in certain cases, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

A. W. FRATER, Chairman.

The Committee on Privileges and Elections made the following report:

MR. SPEAKER:

Your Committee on Privileges and Elections, to which was referred Senate bill No. 136, entitled "An act amending the election laws," respectfully reports the bill back to the House with the recommendation that it do pass.

GEORGE DYSART, Chairman.

Senate bill No. 136, An act to amend an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections," approved March 19, 1890, was read second time.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education, to whom was referred Senate bill No. 140, entitled "An act to amend sections 3, 4, 11, 12, 14, 16, 19, 20, 24, 28, 30, 34, 35, 37, 38, 52, 53, 54, 61, 62, 63, 64, 65, 66, 67, 68, 71 and 78 of an act entitled 'An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency,' approved March 27, 1890," respectfully reports the bill back to the House with the recommendation that it be amended as follows:

Commencing on line 57 of section 1, strike out the clause "He shall submit, quarterly, a sworn statement of mileage actually paid out," and insert in lieu thereof "He shall submit, quarterly, a statement of expenditures for traveling expenses."

In line 75 of section 3 strike out the words, "He shall apportion to each school district the sum of \$25. The remainder," and insert in lieu thereof "He shall apportion one-fourth of the total amount to be apportioned to each district, in proportion to the number of teachers employed therein, and shall determine the number of teachers by allowing one teacher for every seventy school census children and fraction thereof over thirty: *Provided*, That each school district shall be entitled to at least one teacher, except that to joint districts he shall give such proportionate amount as will be just and equitable. The remaining three-fourths."

Strike out line 27 of section 16, and in lines 32 and 33 of the same section strike out the phrase "unless otherwise provided by law."

Amend section 18 by striking out all that part commencing with the word "following," in line 3, down to and including the word "election" at the end of line 13, and insert in lieu thereof "Sec. 54. The election of directors and district clerks shall be held on the first Saturday of September of each year, at the district school house if there be one, or if there be none, or if there be more than one, then at a place to be designated by the board of directors.

S. J. SMYTH, Chairman.

On motion of Mr. Smyth, the report was adopted.

The claim of R. A. Ballinger, for making certified copies of records of the superior court of Jefferson county, in the matter of proceedings for the removal of Judge Morris B. Sachs, was referred to the Committee on Ways, Means and Claims.

Senate bill No. 230, An act in relation to attachments and garnishments, was laid on the table, on motion of Mr. Powell.

House bill No. 160, An act to appropriate money for water supply plant for the Eastern Washington hospital for the insane, was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 57, nays 0.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frater, Gandy, Garretson, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Schricker, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Canghran, De Steiguer, Frame, Godman, Hanson, Hutchinson, Kennedy, McClure, Moore, Murray, Painter, Plummer, Sallee, Sharpstein, Tillotson, Troy, Tyler, and Wasson.

The title of the bill was agreed to.

Senate bill No. 140, An act to amend sections 3, 4, 11, 12, 14, 16, 19, 20, 24, 28, 30, 34, 35, 37, 38, 52, 53, 54, 61, 62, 63, 64, 65, 66, 67, 68, 71 and 80 of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890, was laid on the table on motion of Mr. Snively.

Senate bill No. 220, An act making it a crime to make false reports against employes, and prescribing punishment therefor, was read for information.

On motion of Mr. Wyman, the bill was indefinitely postponed. House bill No. 71, An act to provide for the completion of the Washington School for Defective Youth, and to appropriate money therefor, was read for information.

On motion of Mr. Yeomans, sections 3 and 4 were stricken out.

On motion of Mr. Hunsaker, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 50, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Collins, Cushman, Farrish, Fellows, Frater, Garretson, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Morse, Palmer, Parcell, Pearson, Peterson, Putney, Ready, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bothell, Caughran, Chambers, De Steiguer, Dygart, Flummerfelt, Frame, Gandy, Godman, Hanson, Holt, Kennedy, McClure, McKnight, Moore, Murray, Nevin, Painter, Plummer, Powell, Ragsdale, Sallee, Tillotson, Tyler, and Wasson.

The title of the bill was agreed to.

On motion of Mr. Gandy, House bill No. 244, An act to amend section 33 of an act entitled "An act relating to building, loan and saving associations doing a general business, and declaring an emergency," was considered engrossed, and placed on final passage.

The bill failed to pass by the following vote, to wit: Yeas 30, nays 26.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bothell, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frater, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, McKnight, Meany, Megler, Metcalfe, Moore, Morse, Palmer, Parcell, Putney, Ragsdale, Ready, Reitze, Reinhardt, and Rockwell.

Those who voted nay were: Messrs. Bass, Berry, Brock, Gandy, Garretson, McKay, Miller, Pearson, Peterson, Schricker, Sharpstein, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of

Mason, Andrews, Barlow, Caughran, De Steiguer, Dysart, Frame, Godman, Hanson, Kennedy, Lehman, McClure, Murray, Nevin, Painter, Plummer, Powell, Sallee, Smith, Troy, and Tyler.

On motion of Mr. Gandy, the House reconsidered the vote by which the bill failed to pass.

On motion of Mr. Gandy the House reconsidered the vote by which the bill was considered engrossed, and read third time, and placed on final passage.

Mr. Sharpstein moved to amend section 1 by inserting the words "organized in this state prior to the passage of the act by which this act is amendatory" after the word "associations" in line 15.

The amendment was adopted.

On motion of Mr. Sharpstein, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 53, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Morse, Nevin, Palmer, Parcell, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Troy, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Tiffany voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Caughran, De Steiguer, Dysart, Farrish, Hanson, Kennedy, McClure, Megler, Metcalfe, Miller, Moore, Murray, Painter, Pearson, Plummer, Powell, Sallee, Tillotson, Tyler, Walker, and Wasson.

The emergency clause passed by the following vote, to wit: Yeas 56, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith,

Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Bass, Caughran, De Steiguer, Dysart, Godman, Hanson, Kennedy, McClure, Moore, Murray, Painter, Palmer, Plummer, Powell, Sallee, Tillotson, Tyler, Walker, and Wasson.

The title of the bill was agreed to.

House bill No. 204, An act to provide for the registration of voters in precincts where an incorporated city or town, or any portion thereof, forms a part of a voting precinct, was read for information.

On motion of Mr. Jones, section 2 was amended by adding the words "*Provided*, The board of county commissioners may appoint the clerk of a city or town in such a precinct, the officer of registration for that portion of such a precinct, without the city or town, but the votes within the city or town and those without shall be registered in separate poll books of registration."

On motion of Mr. Garretson, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 52, nays none.

Those who voted yea were: Messrs Adams, Anderson of Whatcom, Arrasmith, Bass, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Parcell, Pearson, Peterson, Putney, Ready, Reitze, Rockwell, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Walker, Walter, Wyman, Yancy, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Berry, Bothell, Caughran, De Steiguer, Hanson, Kennedy, McClure, Moore, Murray, Painter, Palmer, Plummer, Powell, Ragsdale, Rinehardt, Sallee, Schricker, Sharpstein, Tillotson, Tyler, Walker, Wasson, and Young.

The title of the bill was agreed to.

The speaker signed House bills Nos. 83 and 261 in open session of the House.

House bill No. 205, An act to amend an act entitled "An act providing for printing and distributing ballots at public expense

and to regulate voting at state and other elections," approved March 19, 1890, was read for information.

On motion of Mr. Jones, section — was amended by adding the words "whenever the secretary of state has duly certified to the clerk of the board of county commissioners any question to be submitted to a vote of the people, the clerk of the board of county commissioners shall have printed on the regular ballots the question in such form as will enable the electors to vote upon the question so presented, in the manner hereinafter provided. The clerk of the board of county commissioners shall also prepare the necessary ballots whenever any question is by law to be submitted to the vote of the electors of any locality, and not to the state generally: *Provided, however,* That in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the municipal clerk to provide the necessary ballots."

On motion of Mr. Gandy, the bill was laid on the table until tomorrow.

House bill No. 217, An act regulating the business of logging, was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 54, nays 3.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Metcalfe, Miller, Morse, Parcell, Pearson, Peterson, Powell, Putney, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Walter, Wasson, Wyman, Yancy, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Brock, Godman, and Hunsaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Caughran, Hanson, Kennedy, McClure, Megler, Moore, Murray, Nevin, Painter, Palmer, Plummer, Ragsdale, Ready, Reinhardt, Taylor, Tillotson, Tyler, Walker, and Young.

The emergency clause was passed by the following vote, to wit: Yeas 59, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flum-

merfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Morse, Nevin, Parcell, Pearson, Peterson, Powell, Putney, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Brock voted nay.

Those absent and not voting were: Messrs. Andrews, Barlow, Caughran, Hanson, Kennedy, McClure, Miller, Moore, Murray, Painter, Palmer, Plummer, Ragsdale, Ready, Reinhardt, Tillotson, Tyler, and Walker.

The title of the bill was agreed to.

Senate joint resolution No. 1, Relative to the establishment of a heavy ordnance factory on Puget Sound, was read third time and passed by the following vote, to wit: Yeas 57, nays 0.

Those who voted yea were: Messrs. Adams, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Barlow, Caughran, Fellows, Hanson, Kennedy, McClure, Moore, Murray, Painter, Palmer, Plummer, Ready, Reinhardt, Tillotson, Tyler, Walker, Walter, and Wyman.

House memorial No. 11, Relative to duty on grain bags, was read third time.

On motion of Mr. Frater, the memorial was laid on the table.

House memorial No. 16, In relation to federal courts, was read third time and placed on final passage.

The memorial passed by the following vote, to wit: Yeas 48, nays 4.

Those who voted yea were: Messrs. Adams, Arrasmith, Berry, Brock, Chambers, Collins, Cushman, Farrish, Frame, Frater, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones,

Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Parcell, Pearson, Peterson, Powell, Putney, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Bass, De Steigner, Fellows, and Flummerfelt.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Barlow, Bothell, Caughran, Dysart, Gandy, Hanson, Kennedy, McClure, Moore, Murray, Painter, Palmer, Plummer, Ragsdale, Ready, Reinhardt, Snively, Tillotson, Tyler, Walker, Walter, Wyman, and Yancy.

House memorial No. 15, In relation to the improvement of Olympia harbor, was read third time, and passed by the following vote, to wit: Yeas 58, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Parcell, Pearson, Peterson, Powell, Putney, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Caughran, Frame, Hanson, Kennedy, McClure, Moore, Murray, Painter, Palmer, Plummer, Ragsdale, Ready, Reinhardt, Smyth, Tillotson, Tyler, Walker, and Walter.

REPORT OF COMMITTEE ON HARBORS AND NAVIGABLE WATERS.

The Committee on Harbors and Navigable Waters made the following report:

MR. SPEAKER:

Your Committee on Harbors and Navigable Waters, to which was referred Senate memorial No. 9, Relative to a ship railway around The Dalles and Cascade locks, respectfully reports the memorial back to the House with the recommendation that it do pass.

A. WASSON, Chairman.

Senate memorial No. 9 was read third time, and passed by the following vote, to wit: Yeas 50, nays 2.

Those who voted yea were: Messrs. Adams, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Parcell, Pearson, Peterson, Powell, Putney, Reitze, Rockwell, Sallee, Sharpstein, Smith, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Collins and Garretson.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Barlow, Caughran, De Steiguer, Dysart, Godman, Hanson, Kennedy, McClure, Moore, Murray, Painter, Palmer, Plummer, Ragsdale, Ready, Reinhardt, Schricker, Smyth, Tillotson, Tyler, Walker, Walter, and Wyman.

House joint resolution No. 6, Relative to habits of fish, was read third time, and passed by the following vote, to wit: Yeas 48, nays 1.

Those who voted yea were: Messrs. Adams, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frater, Gandy, Garretson, Godman, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Parcell, Pearson, Peterson, Powell, Putney, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Snively, Spinning, Thalman, Troy, Wasson, Yancy, Yeomans, and Mr. Speaker.

Mr. Arrasmith voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Barlow, Bass, Caughran, Flummerfelt, Frame, Hanson, Holt, Kennedy, McClure, Moore, Murray, Painter, Palmer, Plummer, Ragsdale, Ready, Reinhardt, Smyth, Taylor, Tiffany, Tillotson, Tyler, Walker, Walter, Wyman, and Young.

On motion of Mr. Arrasmith, the House adjourned at 10 o'clock P. M.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

FIFTY-NINTH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, March 6, 1891. }
10 o'clock A. M.

The House was called to order at 10 A. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Dysart, Hanson, McClure, Moore, Painter, Plummer, Putney, and Tillotson.

On motion of Mr. Tiffany, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Miller presented House concurrent resolution No. 25, Relative to printing and distribution of the journals of the present session.

On motion of Mr. Holt, the resolution was adopted.

Mr. Megler presented House concurrent resolution No. 26, Relative to printing session laws of 1891.

On motion of Mr. Megler, the resolution was adopted.

REPORT OF COMMITTEE ON COUNTIES AND COUNTY LINES.

The Committee on Counties and County Lines made the following report:

MR. SPEAKER:

Your Committee on Counties and County Lines, to which was referred House bill No. 311, entitled "An act providing for the organization of new counties in the State of Washington," respectfully reports the bill back to the House with the recommendation that it be amended in line 7, section 1, by striking out the words "one-third" and inserting in lieu thereof the words "a majority," and that it do pass as amended.

A. W. TIFFANY, Chairman.

On motion of Mr. Tiffany, the report was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 170, entitled "An act relative to location and maintenance of agricultural college, etc.," and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 205, An act to amend an act, entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections," approved March 19, 1890, was read for information.

Mr. Hutchinson moved to amend section 1 by striking out the words "of the republican party shall be placed in the first column on the left-hand side of said ballot; of the democratic party in the second column, and of any other parties in such order as the clerk of the board of county commissioners shall determine," after the word "candidates," in line 25, and inserting the words "of the different parties shall be placed on the ballot in alphabetical order, commencing at the left-hand column."

The amendment was rejected.

On motion of Mr. Gandy, the bill was considered engrossed and was read third time and passed by the following vote, to wit: Yeas 41, nays 26.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Chambers, Cushman, De Steiguer, Farrish, Frater, Gandy, Garretson, Hutchinson, Hunsaker, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Morse, Parcell, Pearson, Ragsdale, Reitze, Sallee, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Walker, Wasson, Wyman, Yancy, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Mason, Bass, Brock, Collins, Fellows, Flummerfelt, Frame, Godman, Holt, Johnson, Metcalfe, Murray, Nevin, Palmer, Peterson, Powell, Rockwell, Schricker, Sharpstein, Smith, Snively, Troy, Tyler, Walter, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Caughran, Dysart, Hanson, McClure, Moore, Painter, Plummer, Putney, Ready, and Reinhardt.

The title of the bill was agreed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.

OLYMPIA, March 5, 1891.

To the Honorable the Senate and House of Representatives of the State of Washington:

GENTLEMEN—I have this day issued a pardon to William Russell, convicted at Colfax on the 19th day of January, 1890, for murder in the second degree, and sentenced to twenty (20) years' imprisonment in the state penitentiary, on the grounds that the prosecuting attorney who conducted the trial states that, in his belief, the shooting was purely accidental, and joins in a recommendation for executive clemency, and that the petition for the pardon is signed by representative men of Whitman, Walla Walla, and other counties.

I submit this pardon for the consideration of your honorable body in accordance with section 11, article 3, of the constitution.

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

House bill No. 170, An act to provide for the location and maintenance of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency, received from the Senate with an amendment to section 8, was read.

Mr. Adams moved that the House concur in the Senate amendment.

The House concurred in the Senate amendment by the following vote, to wit: Yeas 59, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Morse, Murray, Palmer, Parcell, Peterson, Plummer, Powell, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bass, Caughran, De Steiguer, Dysart, Garretson, Han-

son, McClure, Meany, Moore, Nevin, Painter, Pearson, Putney, Ragsdale, Ready, Reinhardt, and Walker.

House bill No. 299, An act defining the boundaries of Island county, was read third time, and passed by the following vote, to wit: Yeas 41, nays 7.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Frame, Frater, Gandy, Hutchinson, Hunsaker, Johnson, Lawton, Lehman, McKnight, Megler, Metcalfe, Morse, Palmer, Parcell, Pearson, Powell, Ragsdale, Reitze, Sallee, Sharpstein, Smyth, Spinning, Taylor, Tiffany, Tillotson, Tyler, Walter, Wyman, Yancy, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Holt, McKay, Miller, Peterson, Rockwell, Schricker, and Young.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Arrasmith, Barlow, Bass, Bothell, Caughran, Dysart, Flummerfelt, Garretson, Godman, Hanson, Jones, Kennedy, McClure, Meany, Moore, Murray, Nevin, Painter, Plummer, Putney, Ready, Reinhardt, Smith, Snively, Thalman, Troy, Walker, and Wasson.

The title of the bill was agreed to.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 219, Appropriating money for the manufacture of jute fabrics and bricks in the state penitentiary.

Also, passed House bill No. 120, An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation.

Also, passed Senate bill No. 390, An act for the relief of the county of Pierce.

The president has signed enrolled House bill No. 83, Screening and weighing of coal.

Also, House bill No. 152, Confirming sheriffs' deeds.

Also, House bill No. 182, Unlawful to kill trout, etc.

Also, House bill No. 195, Regulate salmon and sturgeon fishing.

Also, House bill No. 139, Census of Colville Indians.

The Senate has concurred in House amendments to Senate bill No. 28, To create a bureau of vital statistics and board of health.

The president has signed enrolled House bill No. 45, To cure defective titles to real estate.

Also, House bill No. 261, To amend the act to appoint a commissioner to compile, annotate and rearrange the code.

Also, House bill No. 85, To appropriate money to cover deficiency in state penitentiary.

The Senate has concurred in Senate bill No. 19, To prevent armed bodies of men, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House memorial No. 13, Memorializing congress for an appropriation for the improvement of Willapa river and Nasel river in Pacific county, Washington, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House memorial No. 19, Relative to the Conger pure lard bill, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 164, entitled "An act relating to private sales of real property belonging to estates of decedents, minors and insane persons," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 166, entitled "An act for the relief of John Huntington and John D. Litle, co-partners known as Huntington & Litle, and making an appropriation therefor," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 202, entitled "An act to appropriate money to pay deficiencies in appropriations for expressage, furniture for and cleaning of capitol building, and for other expenses," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 222, entitled "An act to amend section 2 of an act entitled 'An act to authorize county commissioners to issue bonds for road purposes,'" has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House memorials Nos. 13 and 19, and House bills Nos. 164, 166, 202 and 222 in open session of the House.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred House bill No. 231, entitled "An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants, respectfully reports the bill back to the House with the recommendation that it do pass.

JOSEPH ARRASMITH, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

The Senate has refused to concur in House amendments (as per memorandum accompanying the bill) to Senate bill No. 259, and asks the Senate to recede therefrom.

The Senate has passed Senate bill No. 261, Relative to amending the act referring to county printing.

Also, passed Senate bill No. 248, Amending the act relative to the state reform school.

Also, passed House bill No. 155, Appropriating money for the support of the feeble minded pupils of the state.

Also, passed House bill No. 130, Appropriating money for the erection of a building for feeble minded pupils of the state.

Also, House bill No. 220, Appropriating money for the improvement of the state penitentiary.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

Mr. Tyler moved that Senate bill No. 230, An act in relation to attachments and garnishments, be taken from the table for consideration.

The House refused to take the bill from the table.

On motion of Mr. Gandy, Senate bill No. 140, An act to amend sections 3, 4, 11, 12, 14, 16, 19, 20, 24, 28, 30, 34, 35, 37, 38, 52, 53, 54, 61, 62, 63, 64, 65, 66, 67, 68, 71 and 88 of an act entitled

“An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency,” approved March 27, 1890, was taken from the table for consideration.

Mr. Hunsaker moved to amend section 16 by adding the words “the provisions of this section shall be construed to apply to the entire county.”

The amendment was adopted.

Mr. Taylor moved to amend section 14, by striking out all after the word “superintendent” in line 12.

The amendment was adopted.

Mr. De Steiguer moved that the bill be indefinitely postponed. The House refused to indefinitely postpone the bill.

Mr. Sallee moved that the bill be read third time and placed on final passage.

The motion was adopted.

On motion of Mr. Gandy, the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, March 6, 1891. }
1:30 o'clock P. M.

The House was called to order at 1:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Dysart, Hanson, Kennedy, McClure, Metcalfe, Murray, Painter, and Reinhardt.

REPORTS OF STANDING COMMITTEES.

The following reports were read, to wit:

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 180, entitled “An act to enable cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency,” respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. READY, Acting Chairman.

Senate bill No. 180, was read second time by title.

The Committee on Harbors and Navigable Waters made the following report:

OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

Your Committee on Harbors and Navigable Waters, to which was referred Senate bill No. 71, An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor, respectfully report the same back to the House with the recommendation that it be amended as follows: After the word "adopt" in line 3 of section 2 of the printed bill, add "subject to the approval of the secretary of war, or an advisory board created by the secretary of war;" and in line 4 of section 2 of printed bill, after the word "improvements" add "within the harbor line strip;" in line 5 of same section, after the word "established" insert "as will conform as nearly as practicable to any permanent improvements constructed or under construction therein," and that when the bill is so amended it do pass. A. WASSON, Chairman.

On motion of Mr. Tiffany, the report was adopted.

The House resumed consideration of Senate bill No. 140.

On motion of Mr. Yeomans, the bill was read third time, and passed by the following vote, to wit: Yeas 52, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Miller, Morse, Nevin, Palmer, Pearson, Peterson, Ready, Reitze, Rockwell, Sallee, Schricker, Smyth, Snively, Spinning, Taylor, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Caughran, De Steiguer, Dysart, Gandy, Garretson, Godman, Hanson, Kennedy, McClure, Megler, Metcalfe, Moore, Murray, Painter, Parcell, Plummer, Powell, Putney, Ragsdale, Reinhardt, Sharpstein, Smith, Thalman, Tillotson, and Yancy.

The title of the bill was agreed to.

Senate bill No. 259, An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency, received from the Senate with its refusal to concur in certain House amendments to sections 71, 78, 82, 93 and 97 was taken up.

Mr. Sharpstein moved that the House recede from its amendments to sections 71, 78, 82, 93 and 97.

The motion to recede was adopted by the following vote, to wit: Yeas 57, nays 1.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walter, Wyman, Yancy, Yeomans, and Mr. Speaker.

Mr. Godman voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Brock, Jones, Hanson, Kennedy, McClure, Meany, Moore, Painter, Plummer, Powell, Sallee, Smyth, Snively, Tillotson, Walker, Wasson, and Young.

Mr. Meany presented House concurrent resolution No. 27, Relative to printing the revenue law.

On motion of Mr. Meany, the resolution was adopted.

Senate bill No. 222, An act in relation to summary proceedings for obtaining possession of real property in certain cases, and declaring an emergency, was read third time, and passed by the following vote, to wit: Yeas 54, nays 1.

Those who voted yea were: Messrs. Anderson of Mason, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Hutchinson, Hunsaker, Johnson, Jones, Lawton, McKay, McKnight, Meany, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Walter voted nay.

Those absent and not voting were: Messrs. Adams, Anderson of Whatcom, Andrews, Caughran, De Steiguer, Dysart, Gandy, Godman, Hanson, Holt, Kennedy, Lehman, McClure, Megler, Metcalfe, Moore, Murray, Painter, Powell, Putney, Reinhardt, Tillotson, and Yancy.

The emergency clause passed by the following vote, to wit: Yeas 55, nays none.

Those who voted yea were: Messrs. Anderson of Mason, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Hunsaker, Johnson, Jones, Lawton, McKay, McKnight, Meany, Miller, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Whatcom, Andrews, Caughran, Dysart, Gandy, Godman, Hanson, Holt, Hutchinson, Kennedy, Lehman, McClure, Megler, Metcalfe, Moore, Morse, Murray, Painter, Reinhardt, Tillotson, Walter, and Yancy.

The title of the bill was agreed to.

Claims for witness fees, etc., in the proceedings for the removal of Judge Morris B. Sachs, were referred to Committee on Mileage and Contingent Expenses.

Senate bill No. 71, An act relating to the improvement of harbors and navigable waters in the State of Washington, and providing funds therefor, was read for information.

On motion of Mr. Yancy, a call of the House was ordered.

The roll was called, and Messrs. Caughran, Murray, Metcalfe, Painter, Reinhardt, and Snively were found to be absent without leave.

On motion of Mr. Powell, further proceedings under call of the House were dispensed with.

Mr. Taylor moved to amend section 1 by striking out the words "seventy-five" and inserting the words "twenty-five," in line 1, and by striking out all after the word "lost" in line 9, and inserting the words "twenty-five per cent. to go to the road fund in the county in which such city is located, and the remaining fifty per cent. shall be paid into the general tide land fund of the state."

The amendment was rejected.

Mr. Powell moved to amend section 1 by striking out the words "twenty-five" and inserting the word "fifty," in line 9, and by striking out the words "seventy-five" in line 1, and inserting the words "twenty-five."

The amendment was rejected.

The bill was read third time, and passed by the following vote, to wit: Yeas 54, nays 11.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Chambers, Collins, De Steiguer, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Johnson, Jones, Lawton, McKay, McKnight, Meany, Megler, Miller, Morse, Palmer, Parcell, Pearson, Peterson, Plummer, Putney, Ready, Reitze, Rockwell, Sallee, Schricker, Smith, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Brock, Cushman, Farrish, Fellows, Flummerfelt, Godman, Hunsaker, Lehman, Nevin, Powell, and Sharpstein.

Those absent and not voting were: Messrs. Andrews, Caughran, Dysart, Hanson, Kennedy, McClure, Metcalfe, Moore, Murray, Painter, Ragsdale, Reinhardt, and Snively.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 26, Relative to the Northern Pacific lands in the state.

Also, passed House bill No. 205, To amend an act relative to printing and distributing ballots, etc.

Also, passed Senate concurrent resolution No. 27, Authorizing Senator Hyde to offer a bill.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

Senate concurrent resolution No. 27, Permitting the introduction of a bill, entitled "An act to amend section 1 of an act entitled 'An act creating and establishing municipal courts in cities of the State of Washington having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor,'" approved February 28, 1891, was read.

The House concurred in the resolution by the following vote, to wit: Yeas 61, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Barlow, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, and Bass.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Berry, Caughran, Dysart, Hanson, Kennedy, McClure, Metcalfe, Moore, Murray, Painter, Reinhardt, Taylor, and Tyler.

The following report was read:

REPORT OF JOINT SPECIAL COMMITTEE.

MR. SPEAKER:

The joint special committee appointed under a resolution by the Senate and House of Representatives to investigate the several state officers, proceeded in accord and with the instructions of the said resolution, and have to report that the committee has made as thorough an examination as the limited time would permit.

AUDITOR'S OFFICE.

A careful investigation of the office of the state auditor showed an admirable system of records and accounting. The vouchers for the current year were properly filed and indexed, and all the books, from the entry record to the final ledger, were in admirable form.

We find that under the law the auditor is required to pay expense bills of all other state officers upon presentation of certified statements, whether such statements are accompanied by vouchers, such as bills of purchase or receipts from original hands or not. This being the case, the auditor can exercise but little discretionary power, and feels compelled to pay, even when in doubt of the regularity of a claim.

Your committee would recommend, before warrants are issued for the payment of expenses, regular or incidental, that all state officers, other officials and commissioners be required, in addition to their official vouchers, to furnish an itemized statement or bill, properly receipted and certified to, with a memorandum of the book and page of the entry in the day book or ledger of the party or parties rendering the same. Except in cases of officials rendering vouchers for traveling expenses, that an itemized account of such expenses shall be rendered, showing cost of transportation, hotel fare, telegrams and other necessary incidentals.

Your committee find that the auditor has no facilities for filing and in-

dexing certificates and other vouchers of the past years. These are simply arranged in packages and placed into improvised spaces, assigned to the several state departments. More room and more cases are required to carry on and arrange the work of this office properly.

STATE TREASURER.

A careful examination of the affairs of the state treasurer resulted in a very satisfactory showing. The books were in good form, properly kept and the system simple, so that all entries and balances are easy to understand and verify. Your committee finds the office expenses, including clerk hire, janitor hire, rents, fuel and incidentals, to be less than \$1,000 per year. The ability and efficiency with which the affairs of this responsible office are managed deserves commendation.

Your committee in this connection would recommend that banks, where deposits of state funds are made, should be required to pay a fixed rate of interest on daily balances on such deposits.

We would further recommend the appointment of a special fiscal agent for the collection and custody of funds from the federal government, and that interest be required of banks holding the same on deposit.

SECRETARY OF STATE.

An examination of the affairs of the office of secretary of state disclosed some facts in the management of that department which, in the opinion of the committee, are, to express it conservatively, irregular and utterly inconsistent with the ordinary business rules and customs such as usually obtain in a department as important as this. Your committee finds no incidental expense account or record of current expenses kept in that office. All expenses, regular or incidental, are paid by the secretary by formal orders on the auditor, none of which are accompanied by original bills or itemized statements as vouchers. Example one: Your committee found in the auditor's office a formal order, dated January 16, 1891, for one hundred and fourteen dollars and fifty cents, on which was noted in red ink the words "repairs on furniture." Investigation disclosed the fact that the order was drawn by the secretary of state for moneys to pay for telegrams, coal oil and a bill for tacks, hooks and screws for office, amounting to \$19.40, and also for an alleged partial payment of \$95.00 on a metal filing case, billed July 15, 1890, total cost \$195.00, and which had not been paid for February the 28th, 1891.

Your committee also found another formal order drawn by the secretary of state on the auditor for one hundred dollars, dated January 31, 1891, with the words "metal filing case" balance noted thereon, this amount was the alleged balance due on metal filing case billed July 15, 1890, and which was not paid for February 28, 1891 (see telegram). None of the formal orders of the secretary of state are accompanied by certified and receipted itemized vouchers as they should be.

Your committee further called the attention of the secretary to the unused orders drawn for postage every consecutive month, which shows an average of fifty dollars per month, and which were unaccompanied by receipt from the postmaster. The secretary stated that his chief clerk

had kept a record for a term of three months beginning on the 18th day of November, A. D. 1889, and that the said postage for said term amounted to \$150.35. Mr. Davis (chief clerk) afterwards stated to your committee that an accurate account kept in his department during the month of February last, of about two-thirds of the total postage used in the office of secretary of state, amounted to \$10.54, and explains the discrepancy existing in the average of the three months above mentioned and the month of February last as occasioned by the enormous amount of mail being sent out incident to the territory entering statehood, notably commissions to notaries public, etc., etc.

The law provides that fees collected by the secretary of state must be paid into the state treasury from time to time as collected (see page 631, session laws of 1889-90).

Your committee finds that the payment of fees into the treasury were made with commendable regularity from April 11 until June 6, 1890. There followed a lapse of a month without payments, and on July 7 he paid into the treasury the sum of \$317.80. On the 11th, four days after, he paid over \$79.55. There were no more fees turned over from that time until September 30, when he paid into the treasury \$124.70. Another lapse of nearly three months went by without making any returns, and on December 27, 1890, he covered into the state treasury the sum of \$1,000.

On January 6, 1891, he paid in the sum of \$472.40, so that it is apparent that the secretary had retained in his hands between September 30, 1890, and January 6, 1891, the sum of nearly \$2,000.

In the matter of insurance, of which the secretary of state is ex-officio commissioner, your committee find that the sum of \$500 was appropriated for the compensation of the assistant insurance commissioner, until March 31, 1891. Section 15, session laws of 1890, relating to fees, contains this proviso: That the fees arising from this duty shall be paid into the state treasury. The secretary's interpretation of the law is, that the only fees to be turned into the treasury are those arising from the examination of companies organized in this state, and which amounts to five dollars per day for such examination. The fees thus far turned over from this source, up to January 5, 1891, amount to \$20. The total amount of fees charged up to February 21, 1891, including the appropriation, amounts to \$3,360.70. Expenses up to February 28th, amounts to \$1,646.07, leaving a balance of \$714.63, now in the hands of the insurance commissioner, which he claims, under his construction of the law, that he is personally entitled to. If it was the intention of the framers of this law that the secretary should retain the balance of fees over and above the expenses of this department, there should be charged to the insurance account a reasonable pro rata of the expenses of the office rent, light, fuel, janitor service, water, etc., now provided and paid for out of direct appropriations made for this purpose to the secretary of state. Your committee find that this has not been done.

Your committee also find that there was appropriated \$500 for indexing and distributing session laws under direction of the secretary of state.

As the time of the secretary was paid for by a salary appropriation, it was evidently the intention of the framers, that some one, under the direction of the secretary should index and distribute these laws. But your committee find that the secretary indexed and distributed them himself and diverted to his own use and benefit the amount so appropriated.

Your committee have also examined the executive department throughout, beginning at the governor's office. It is evident that fiscal affairs of this department are managed with care and due circumspection. Vouchers for all expenditures are carefully preserved and furnished to the auditor. The records are simple, accurate and comprehensive. The great need of more room for the governor's office is apparent to any visitor.

The mining bureau, in charge of the state geologist, is also managed in a conservative, painstaking manner, and which cannot be too highly commended for its efficiency and importance.

The condition of the affairs in the adjutant general's office are as indicated in his annual report. All matters in his hands, down to the minutest detail, are well arranged and classified. The same rules that govern the methods of the regular army in the items of records and accounts, appear to be adhered to in this office.

In conclusion we would say, it is the opinion of your committee that the management of the business of public institutions of the state — penal, educational and eleemosynary — should be entrusted to an ex-officio board of state officers, consisting, so far as might be practicable, of members composed of the different state officers for each institution, and such ex-officio board should have the entire control, management and auditing of the accounts of the institution; and that a general state board of examiners, consisting of the governor, lieutenant governor and state treasurer, be created, whose duty it shall be to finally examine and pass upon all accounts against the state in its various departments and institutions, before they should be sent to the auditor, thus relieving the latter officer of large responsibility. These various ex-officio members could and should perform the duties now being performed by the numerous commissions, and thereby a large saving to the state would accrue, as this would obviate all necessity for the existence of the commissions which are now composed of citizens of the state, whose average pay, while engaged in the business of the state, is five dollars per day. The suggestion is further made that all payments of money should be paid directly to the state treasurer, under a duplicate system of advices and receipts, thus perfecting a system of checking between the department to whose credit money is placed and the office of the treasurer.

Accompanying this you find vouchers and other data.

Respectfully submitted.

B. C. VAN HOUTEN,
F. H. LUCE,
GEORGE B. WALKER,
A. H. ANDERSON,
A. H. GARRETSON.

On motion of Mr. Garretson, the report was adopted, and the committee was discharged.

The following communication from the secretary of state was read, to wit:

OLYMPIA, WASHINGTON, March 6, 1891.

To the Honorable Speaker and members of the House of Representatives:

In order that no unjust impression may prevail from reading and publication of the report of the special joint committee of the legislature as to investigation of state officers, I desire to submit the following, and ask that it go on record along with the report of the committee:

1. There is no law requiring receipted, itemized vouchers to be filed with the state auditor covering incidental or other expenses of *any* state office, the custom being to fill out, upon an official voucher furnished by the auditor, the item or items charged, and to certify thereon as to correctness. This being the case, I had not deemed it necessary to file such vouchers. Upon inquiry by your committee, however, I procured and furnished receipted, itemized vouchers covering every item inquired about, and furnished such vouchers to the committee. The money for the metal filing case referred to had been forwarded to the company's agent, but had not been received by the company's home office up to February 28th. Ascertaining this to have been a fact, I telegraphed the money direct to the home office of Geo. D. Barnard & Co., St. Louis, and received from them by wire authority to receipt their bill.

2. As to the money appropriated for indexing, arranging in chapters and distributing session laws of 1889-90, I arranged with and engaged Col. T. V. Eddy, of Olympia, to perform the labor of indexing and arranging the laws. Mr. Eddy declined, however, almost at the last moment, to do this work as per agreement, after he had investigated and found it to be a much greater task than he had anticipated. I informed him that the cost of distributing these laws (sending upwards of 1,000 copies by express to the different counties in the state, and to each state and territory in the Union) would require nearly, if not quite, half the appropriation, but as the time for publishing the laws was limited, and as I knew of no other desirable opportunity to get the work done, I finally offered him the whole appropriation if he would perform his part of the work, and I would have advanced the money necessary for the distribution of the laws (something near \$250) and have looked to the legislature to reimburse me. Mr. Eddy declined even this. I had no desire whatever to do this work myself, because I doubted my ability to do it properly, and because I was already overburdened with other duties. Finally, in desperation, and to avoid delaying the state printer's work, I undertook and did accomplish this laborious job, by working nights and outside of office hours. The service was performed, and, so far as I am informed, to the satisfaction of lawyers and the public generally, and the money appropriated for the purpose was used for that and no other. The state has lost nothing, and, in fact, I saved to the state about \$250, as compared with what it would have cost had the person employed to do the work accepted my last offer to him. I stated these circumstances fully to the chairman of the joint committee (Senator Van Houten), calling the

attention of the committee through him to it at the very beginning of the investigation.

3. As to money appropriated for postage: I furnished the committee with an affidavit by my chief clerk, showing actual cost of postage stamps during the first three months of my incumbency of the office (a trifle over \$50 per month), upon which an appropriation at that rate was asked and granted, and has since been used without retaining vouchers. I also made, for a member of the legislature, an affidavit that to the best of my knowledge and belief I had expended as much or more money for postage stamps during the period covered by the appropriation than had been drawn from the treasury for that purpose. I am sorry now that I did not preserve vouchers for the postage used; but it is not now possible to procure such vouchers. I certainly shall do so in the future. The postage stamps used in the office sometimes exceed \$50 per month and sometimes run below that sum. The average is not far from that figure. The chief clerk, who was questioned, only spoke as to what stamps were used from his own desk, and had no reference to those used from the secretary's desk.

4. As to fees: All fees collected under the law were paid into the treasury, and I hold vouchers for same. A sworn statement as to these was also furnished to the committee. At the beginning of the present year (rumor having been current in December that these fees were not paid over to the treasurer as often as they should be), I instructed the chief clerk in my office to pay over such fees at least once a week hereafter. This makes more work for my office and for the treasurer, but is being done, and will be continued to the end of my term, in order that there may be no excuse for criticism. At my suggestion the bond of the secretary of state was fixed at \$10,000 instead of \$5,000 last winter, as it appeared in the bill then pending to regulate the office. My bondsmen are worth hundreds of thousands of dollars, and the state has at all times been amply secured for any funds in my hands at any time.

5. As to the insurance department: I fully explained, in my official report thereon, the dilemma in which I found myself, the way in which I came to construe the law—and accounted for every dollar received and expended. I furnished your committee a detailed statement of receipts and expenditures; and I have also furnished the chairman of your appropriation committee an official letter stating that if the legislature will appropriate sufficient money to defray necessary running expenses of the insurance department, and will require all fees of said department to be paid into the treasury, that it would be much more satisfactory to me than the present arrangement. Pursuant to this idea I have submitted to the appropriation committee an estimate of appropriation items necessary for this purpose.

I have given painstaking and laborious attention to the multitude of duties required of me by law, and am not conscious of having defrauded the state of a single cent. In performing these duties I have obeyed the requirements of a legislature who seemed to have been trying to get

about eight state offices filled on one salary. I refer to the numerous ex-officio duties imposed by law upon the secretary, and not necessarily belonging to the office.

I have the honor to be

Very respectfully,

ALLEN WEIR,

Secretary of State.

House bill No. 79, An act concerning the killing and injuring of live stock by railroad companies and to provide for the payment thereof, which was vetoed by the governor on the 3d inst., was taken up.

The roll was called on the question "Shall the bill pass, notwithstanding the objections of the governor?"

The bill failed to pass over the governor's veto, by the following vote, to wit: Yeas 13, nays 47.

Those who voted yea were: Messrs. Bass, Collins, Cushman, Flummerfelt, Garretson, Hutchinson, Miller, Peterson, Powell, Ready, Smyth, Tiffany, and Walter.

Those who voted nay were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bothell, Brock, Caughran, Chambers, Farrish, Fellows, Frame, Frater, Gandy, Godman, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Morse, Nevin, Palmer, Parcell, Pearson, Putney, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Smith, Snively, Spinning, Taylor, Troy, Walker, Wasson, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Berry, De Steiguer, Dysart, Hanson, Kennedy, McClure, Metcalfe, Moore, Murray, Painter, Plummer, Reinhardt, Sharpstein, Thalman, Tilotson, Tyler, and Yeomans..

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 57, entitled "An act to fix time for commencement of term of state officers."

The Senate has passed Senate concurrent resolution No. 28, Relative to interpretation of legislative days.

Also, passed S. B. No. 367, Relative to county jails.

Also, passed S. B. No. 359, Relative to recovery on official bonds.

Also, passed S. B. No. 370, Relative to construction of lien statutes.
Also, passed S. B. No. 358, Relative to extradition of fugitives.
Also, passed S. B. No. 383, Relative to bonds of contractors.
Also, passed S. B. No. 373, Relative to payment of employes.
Also, passed S. B. No. 382, Relative to use of water for irrigation.
Also, passed S. B. No. 350, Relative to property of non-residents.
Also, passed S. B. No. 380, Relative to foreign corporations.
Also, passed S. B. No. 328, Relative to county commissioners.
Also, passed S. B. No. 341, Relative to state geologist.
Also, passed S. B. No. 342, Relative to judges of supreme court.
Also, passed S. B. No. 344, Relative to court commissioner.
Also, passed S. B. No. 345, Relative to county officers.
Also, passed S. B. No. 332, Relative to county coroner.
Also, passed S. B. No. 340, Relative to attorney general.
The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 205, An act to amend an act entitled "An act providing for printing and distributing ballots at public expense and to regulate voting at state and other elections," approved March 19, 1890, was received from the Senate with the title amended by inserting the words "section 17" after the word "amend."

On motion of Mr. Meany, the House concurred in the Senate amendment to the title of the bill.

On motion of Mr. Yancy, House bill No. 306, An act to appropriate money for the prosecution of the artesian well authorized and commenced under an act passed by the legislature of the Territory of Washington, and approved on the 2d day of February, A. D. 1888, was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 52, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Brock, Chambers, Collins, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, Megler, Miller, Morse, Palmer, Pearson, Peterson, Powell, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Berry, Bothell, Caughran, Cushman, Dysart, Gandy, Godman, Hanson, Kennedy, McClure, McKay, McKnight, Meany,

Metcalf, Moore, Murray, Nevin, Painter, Parcell, Plummer, Putney, Ready, Reinhardt, and Tillotson.

The title of the bill was agreed to.

Senate concurrent resolution No. 28, Relative to the attorney general being requested to submit section 12 of article 2 of the constitution to the supreme court for interpretation of a legislative day, was read.

On motion of Mr. Sharpstein, the House concurred in the resolution.

House bill No. 258, An act requiring persons, companies or corporations owning or controlling railroads coterminus with, or constructed around, any obstructions to navigation in any of the waters of the state or on the boundaries thereof, to keep in good repair and operate the same on a given compensation, and declaring an emergency, was read the third time, and passed by the following vote, to wit: Yeas 50, nays 3.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garetson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKnight, Meany, Megler, Morse, Nevin, Pearson, Peterson, Powell, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Tiffany, Tillotson, Troy, Walter, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. McKay, Walker, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Berry, Bothell, Caughran, De Steiguer, Dysart, Hanson, Kennedy, McClure, Metcalfe, Miller, Moore, Murray, Painter, Palmer, Parcell, Plummer, Putney, Ready, Reinhardt, Thalman, Tyler, Wasson, and Wyman.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 19, entitled "An act relative to employing armed bodies of men in this state."

Also, Senate bill No. 196, An act defining forcible entry and detainer, etc.

Also, House bill No. 166, An act for relief of John Huntington and John D. Little, etc.

Also, House bill No. 202, An act appropriating money for deficiencies on account furniture and cleaning capitol building, etc.

Also, Senate bill No. 217, An act making appropriation for state reform school, etc.

Also, House bill No. 164, entitled "An act relative to private sales of estates of decedents.

Also, House bill No. 222, Relative to county commissioners issuing bonds for road purposes.

Also, House memorial No. 19, Relative to Conger pure lard bill.

Also, House memorial No. 13, Relative to improvement of Willapa harbor, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bills Nos. 19, 196 and 217 in open session of the House.

House bill No. 231, An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants, was read third time, and passed by the following vote, to wit: Yeas 50, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Bothell, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Jones, Lawton, Lehman, McKay, Megler, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Ragsdale, Reitze, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Tillotson, Troy, Tyler, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Berry, Brock, Caughran, Dysart, Hanson, Hunsaker, Johnson, Kennedy, McClure, McKnight, Meany, Metcalfe, Moore, Murray, Painter, Plummer, Powell, Putney, Ready, Reinhardt, Rockwell, Thalman, Tiffany, Walker, and Walter.

The title of the bill was agreed to.

Senate bill No. 231, An act providing for the appointment of shorthand reporters, was recommitted to the Committee on Judiciary.

Senate bill No. 206, An act to amend section 2421 of chapter CLXXXV of the code of 1881, relating to corporations, as amended by an act approved February 3, 1886, was read third time, and passed by the following vote, to wit: Yeas 57, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Bothell, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Megler, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Berry, Brock, Caughran, Dysart, Hanson, Kennedy, McClure, Meany, Metcalfe, Moore, Murray, Painter, Plummer, Powell, Putney, Ready, Reinhardt, and Walker.

The title of the bill was agreed to.

House bill No. 292, An act for the relief of Wilbur W. Waltman, was read for information.

On motion of Mr. Megler, section 1 was amended to read:

SECTION 1. There is hereby appropriated out of the state treasury out of any money not otherwise appropriated, the sum of one hundred and twenty-one and twenty-hundredth dollars (\$121.20) for the relief of Wilbur W. Waltman, and the state auditor is hereby authorized to issue a warrant for the above amount.

On motion of Mr. Sharpstein, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 52, nays 1.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Bothell, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Megler, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Taylor, Thalman, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Tiffany voted nay.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Berry, Brock, Caughran, De Steiguer, Dysart, Hanson, Hutchinson, Kennedy, McClure, Meany, Metcalfe, Moore, Murray, Painter, Plummer, Powell, Putney, Ready, Reinhardt, Snively, Spinning, and Walker.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 392, entitled "An act amending an act relating to municipal courts in certain cities."

C. M. BARTON, Secretary.

On motion of Mr. Yancy, the following resolution was adopted, to wit:

Resolved, That the sergeant-at-arms be instructed to deliver to the members of the House four copies each of Barton's Hand-Book of 1891.

On motion of Mr. Wasson, the House took a recess at 4:45 P. M. until 7:30 P. M.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Friday, March 6, 1891. }
7:30 o'clock P. M. }

The House was called to order at 7:30 o'clock P. M.; the speaker in the chair.

The roll was called. All the members present except Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Dysart, Hanson, Jones, McClure, Moore, Painter, Plummer, Powell, Tilotson, Walker, and Wasson.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 54, entitled "An act to provide for the exhibit of the products of the State of Washington at the World's Columbian Exposition in 1893, with amendments.

Also, passed House bill No. 254, To protect persons who have planted oysters upon tide and shore lands.

Also, passed House bill No. 255, An act relating to tide and shore lands.

Also, passed House bill No. 248, To authorize cities and towns to bor-

row money for municipal purposes, and to issue negotiable bonds therefor.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF THE COMMITTEE ON APPROPRIATIONS.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, to whom was referred House bill No. 300, entitled "An act making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes," respectfully reports the bill back to the House with amendments embodied into the original bill and recommend that the bill do pass.

J. G. MEGLER, Chairman.

House bill No. 300, "An act making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes," was read for information.

On motion of Mr. Megler, the bill was amended by adding the words "For the agricultural college, experiment station and school of science, sixty thousand dollars (\$60,000): *Provided*, The amount herein appropriated shall be returned to the state treasury from the proceeds of the first sale of lands donated to the state for agricultural college, experiment station and school of science."

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 120, entitled "An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bill No. 120 in open session of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

The following opinion as to whether Sunday is included in the sixty days of legislative session, has been received from judges of the supreme court.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

STATE OF WASHINGTON, SUPREME COURT,
OLYMPIA, March 6, 1891.

To the Honorable, the Senate and House of Representatives:

SIRS—The undersigned have to acknowledge the receipt of a copy of a concurrent resolution of your honorable bodies of this date, requesting the supreme court to forthwith advise you as to whether or not the provision of section 12, article 2, of the constitution of the state limiting legislative sessions to sixty days, means sixty days exclusive of Sundays.

Two of the members of the court were absent from the city when your resolution was received, therefore they do not join us in this.

We are aware of the emergency that exists, and would be glad if we could advise that the present session might lawfully extend a few days longer than the end of sixty days, including Sundays; but in our view there can be but one construction of the limitation, viz.: That it does include Sundays.

We express this view, not as a court, but as on so public a matter, and at your request, we do not feel it improper to say what our individual opinion is.

And we remain, very respectfully,

T. J. ANDERS,
R. O. DUNBAR,
T. L. STILES,

Judges of the Supreme Court.

The House resumed consideration of House bill No. 300, An act making appropriations for sundry civil expenses of the state government, etc., for the years 1891-2.

Mr. Hutchinson moved to amend section 1 by striking out the words "for traveling expenses of judges of the superior courts in counties where a judge is a judge of more than one county, in traveling between the county seats within his jurisdiction to be paid upon the certificate of said judges, six thousand dollars (\$6,000)."

The House adopted the amendment.

Mr. Tyler moved that the bill be made a special order for 10 o'clock A. M. to-morrow.

The House adopted the motion by a divisional vote of 31 yeas to 28 nays.

Mr. Sallee moved that the assistant sergeant-at-arms be allowed one dollar per day extra, for each day the sergeant-at-arms has been absent on special missions.

On motion of Mr. Sharpstein, the yeas and nays were ordered on the adoption of the motion.

The House adopted the motion by the following vote, to wit:
Yeas 38, nays 22.

Those who voted yea were: Messrs. Anderson of Whatcom, Barlow, Bothell, Collins, Cushman, Dysart, Farrish, Fellows, Gandy, Hutchinson, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Palmer, Parcell, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Smith, Snively, Thalman, Troy, Walter, Wasson, Wyman, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Arrasmith, Bass, Berry, Brock, Caughran, Frame, Frater, Garretson, Godman, Holt, Morse, Murray, Nevin, Pearson, Schricker, Sharpstein, Smyth, Spinning, Taylor, Tiffany, Tyler, and Walker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Chambers, De Steiguer, Flummerfelt, Hanson, Hunsaker, Johnson, Jones, Kennedy, McClure, Moore, Painter, Plummer, Powell, and Tillotson.

The following telegram was read:

PORT TOWNSEND, WASH., March 6, 1891.

To the Speaker of the House of Representatives:

The bar association and all good citizens send congratulations to you and large majority in the House for the manly stand in favor of decency and purity in office.

PRESIDENT AND SECRETARY BAR ASSOCIATION JEFFERSON COUNTY.

House bill No. 301, An act for the dissection of dead bodies, was read for information.

Mr. Godman moved to amend by adding the following as a new section, to wit: "Sec. 4. Any person violating the provisions of this act shall be fined in any sum not exceeding two hundred dollars."

The amendment was adopted.

On motion of Mr. Miller, the bill was amended by striking out the words "twenty-four hours" and inserting "forty-eight hours," in section 2.

On motion of Mr. Gandy, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 46, nays 8.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Bass, Berry, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Morse, Palmer, Par-

cell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Schricker, Smith, Spinning, Taylor, Troy, Walker, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Murray, Nevin, Peterson, Rockwell, Sharpstein, Tiffany, Walter, and Yancy.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Barlow, Bothell, Brock, Caughran, Flummerfelt, Hanson, Jones, Kennedy, McClure, Metcalfe, Moore, Painter, Pearson, Plummer, Powell, Sallee, Smyth, Snively, Thalman, Tillotson, Tyler, and Wasson.

REPORT OF COMMITTEE ON CONFERENCE.

The Committee on Conference on Senate bill No. 24, made the following report:

MR. SPEAKER:

Your Committee on Conference on Senate bill No. 24, entitled "An act regulating fees of county clerks for services to be rendered as ex-officio clerks of the superior courts," respectfully reports the bill back to the House with the recommendation that the House recede from its amendments Nos. 1 and 2, that the sum of \$5 in the third House amendment be made \$7.50, and the Senate committee will recommend that the Senate concur in House amendment No. 4.

H. J. SNIVELY,

Chairman House Committee.

Mr. Sharpstein moved the adoption of the report.

The report was adopted by the following vote, to wit: Yeas 53, nays 8.

Those who voted yea were: Messrs. Adams, Barlow, Bass, Berry, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Johnson, Lawton, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Murray, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Troy, Tyler, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Dysart, Farrish, Fellows, Hutchinson, Hunsaker, Lehman, Reinhardt, and Tiffany.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Arrasmith, Brock, Hanson, Jones, McClure, Kennedy, Moore, Nevin, Painter, Plummer, Powell, Spinning, Tillotson, and Wasson.

On motion of Mr. Meany, House bill No. 54, An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893, and to provide for the collection and levy of a tax and to create a fund therefor; to provide for the expenditure of such fund and to declare an emergency, received from the Senate with amendments, was taken up and the Senate amendments were concurred in by the following vote, to wit: Yeas 48, nays 12.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Barlow, Berry, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Garretson, Holt, Johnson, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Morse, Palmer, Parcell, Pearson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Taylor, Thalman, Troy, Tyler, Walter, Wyman, Yancy, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, Bass, Bothell, Farrish, Godman, Hunsaker, Miller, Murray, Peterson, Sharpstein, Tiffany, Walker, and Young.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Brock, Frame, Gandy, Hanson, Hutchinson, Jones, Kennedy, McClure, Moore, Nevin, Painter, Plummer, Powell, Spinning, Tillotson, and Wasson.

Senate bill No. 69, An act to amend section 165 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, was read second time by title.

On motion of Mr. Gandy, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 54, nays 2.

Those who voted yea were: Messrs. Adams, Arrasmith, Berry, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Morse, Murray, Nevin, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Troy, Tyler, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Godman, and Tiffany.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Barlow, Bass, Brock, Hanson, Jones, McClure, Miller, Moore, Painter, Palmer, Plummer, Powell, Schricker, Snively, Tillotson, Walker, and Wasson.

The emergency clause failed to pass; yeas 49, nays 3.

Those who voted yea were: Messrs. Adams, Bothell, Caughran, Chambers, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Kennedy, Lawton, Lehman, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Thalman, Troy, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Collins, Godman, and Tiffany.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Arrasmith, Barlow, Bass, Berry, Brock, Dysart, Hanson, Jones, McClure, McKay, McKnight, Moore, Murray, Painter, Palmer, Plummer, Powell, Snively, Taylor, Tillotson, Tyler, Walker, and Wasson.

The title of the bill was agreed to.

On motion of Mr. Yancy, a call of the House was ordered.

The roll was called, and Messrs. Anderson of Whatcom, Arrasmith, Jones, Painter, Tillotson, Walker, and Wasson were found absent without leave.

On motion of Mr. Flummerfelt, further proceedings under call of the House were dispensed with.

Senate bill No. 235, An act providing for the establishment, location, maintenance and support of the university of the State of Washington, was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 58, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Palmer, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Thalman, Tiffany, Troy, Tyler, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Caughran, Dysart, Hanson, Jones, Kennedy, McClure, Moore, Painter, Parcell, Pearson, Plummer, Powell, Spinning, Tillotson, Walker, Walter, and Wasson.

The emergency clause passed by the following vote, to wit: Yeas 57, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hutchinson, Hunsaker, Johnson, Kennedy, Lawton, Lehman, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Taylor, Tiffany, Troy, Tyler, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Arrasmith, Caughran, Dysart, Hanson, Holt, Jones, McClure, McKay, Moore, Murray, Painter, Plummer, Powell, Spinning, Thalman, Tillotson, Walker, Walter, and Wasson.

The title of the bill was agreed to.

On motion of Mr. Garretson, the House adjourned at 10:30 P. M.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

SIXTIETH DAY.

MORNING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday, March 7, 1891. }
10 o'clock A. M. }

The House was called to order at 10 o'clock A. M.; the speaker in the chair.

The roll was called; all the members present except Messrs. Andrews, Hanson, McClure, and Painter,

On motion of Mr. Gandy, the House took up the appropriation bill.

Mr. Chambers moved to amend section 1 by striking out the words "for examination of foundations of state house and repairs thereof, \$2,000," and inserting the words "for examination of foundations of state house and repairs thereof, and for survey of state capitol grounds, and fencing and improving the same, and painting the roof with fire proof paint, \$4,000."

Mr. Frater moved to amend the amendment by striking out "\$4,000" and inserting "\$1,000."

The amendment to the amendment was rejected.

The amendment was rejected.

Mr. Godman moved to strike out the words "for salary of deputy for state auditor, at \$1,800 per year, three thousand six hundred dollars (\$3,600)," and insert the words "for salary of deputy for state auditor, at \$1,500 per year, three thousand dollars (\$3,000)."

The amendment was rejected.

Mr. Gandy moved to amend by striking out all items for rent of offices for state officers and inserting the words "for rent of offices for state officers, \$16,000."

Mr. Frame moved to strike out "for state printing, etc., \$60,000" and inserting "\$40,000."

The House rejected the amendment.

Mr. Yeomans moved to amend by striking out "\$50,000 for geological survey, etc.," and inserting "\$25,000."

The House rejected the amendment.

Mr. Godman moved to strike out "\$40,000" for maintenance of harbor line commission, and inserting "\$30,000."

The amendment was rejected.

On motion of Mr. Megler, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 66, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler,

Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Godman and Schricker.

Those absent and not voting were: Messrs. Andrews, Caughran, Frater, Hanson, Hunsaker, McClure, Painter, Sharpstein, Snively, and Spinning.

The title of the bill was agreed to.

On motion of Mr. Chambers, the House concurred in the amendment to the title of House bill No. 217, An act regulating the business of logging, made by the Senate, in adding the words "and declaring an emergency."

House bill No. 276, An act to provide for the committing of juvenile offenders to the state reform school, received from the Senate with amendments, was read.

The House concurred in the Senate amendment, by the following vote, to wit: Yeas 63, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Sallee, Schricker, Smyth, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Dysart, Hanson, Holt, McClure, Nevin, Painter, Palmer, Parcell, Pearson, Rockwell, Sharpstein, Smith, and Spinning.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 236, Amending the municipal incorporation act, and declaring an emergency.

Also, Senate bill No. 253, To authorize the state militia to use certain grounds for encampment purposes.

Also, Senate bill No. 264, An act in relation to erecting a cell wing to the Washington penitentiary.

Also, Senate bill No. 244, An act to regulate the fishing industry of the state.

Also, Senate bill No. 266, An act to empower the purchase, sale or exchange of lands for the Medical Lake hospital for insane.

Also, Senate memorial No. 11, Relative to Canadian products and the tariff.

The Senate has indefinitely postponed House bill No. 86, An act to secure to workmen the payment of wages in lawful money.

Also, House bill No. 258, An act relative to railroads getting around obstructions to navigation.

The president of the Senate has signed enrolled House bill No. 120, entitled "An act for the relief of L. Coffin and Mary E. Teal, etc."

Also, Senate joint resolution No. 1, Relative to establishing a gun factory on Puget Sound.

Also, Senate bill No. 28, To create and establish a board of health and bureau of vital statistics.

Also, Senate memorial No. 9, In relation to the obstructions at The Dalles.

The Senate has passed House bill No. 128, To make time checks bear interest from date of issue.

Also, House bill No. 279, Commitment of juvenile offenders, with amendments.

Also, House bill No. 160, Appropriation for water supply for Eastern Washington hospital for insane.

Also, House bill No. 244, substitute for House bill No. 60, To amend the act relating to building, loan and saving associations.

Also, House bill No. 217, An act regulating the business of logging, with amendment to title.

Also, House bill No. 306, For an artesian well.

Also, House concurrent resolution No. 27, To print 1,500 copies of revenue law.

Also, House joint resolution No. 6, Relative to habits of fish.

Also, House memorial No. 15, Relative to dredging the harbor of Olympia.

Also, House memorial No. 16, Relative to federal courts.

Also, House bill No. 231, To prescribe the duties of the state board of horticulture in relation to hops and hop plants.

Also, House bill No. 204, To provide for the registration of voters in certain precincts.

Also, House bill No. 156, To require railroad companies to construct and maintain connections.

Also, House concurrent resolution No. 25, Printing and distributing journals of Senate and House.

Also, House concurrent resolution No. 26, Printing and distributing session laws.

Also, House bill No. 71, Completion of the building for the Washington school for defective youth.

Also, House bill No. 292, for the relief of Wilbur W. Waltman.
The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

Mr. Garretson moved that Senate bill No. 230, An act in relation to attachments and garnishments, be taken from the table and placed on the calendar.

The House adopted the motion.

On motion of Mr. Godman, the House reconsidered the vote by which the emergency clause of Senate bill No. 69 failed to pass yesterday.

On reconsideration, the emergency clause was passed by the following vote, to wit: Yeas 65, nays none.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Bass, Dysart, Hanson, McClure, Meany, Morse, Painter, Sharpstein, Snively, and Spinning.

The following receipts were read, and ordered spread upon the journal.

STATE OF WASHINGTON, HOUSE OF REPRESENTATIVES,

OLYMPIA, January 20, 1891.

Received of Amos F. Shaw, speaker, the sum of five hundred dollars, being the money reported to the House by Mr. Metcalfe, of Stevens, as paid to him by Harry Clarke, for his vote for W. H. Calkins for U. S. senator.

W. K. KENNEDY,

Chairman of investigating committee.

OFFICE OF STATE TREASURER,

OLYMPIA, WASH., March 7, 1891.

\$500.00.

Received of W. K. Kennedy, chairman of House special committee, Metcalfe-Clarke investigation, act approved March 4, 1891, Washington, the sum of five hundred dollars.

A. A. LINDSLEY,

School fund. No. 34.

State treasurer.

The following report was read:

MR. SPEAKER:

Your joint committee, appointed under House concurrent resolution No. 17, who were appointed to investigate the title to the state of the present capitol grounds, and to examine into all propositions which have been made to donate to the state other grounds, and examine into the title of the tract of land now used for the capitol grounds in the city of Olympia, have had the same under consideration, and beg leave to make the following report:

We find after a careful examination of an elaborate abstract that the title of the state to said grounds is perfect. We believe the best interests of the state will be subserved by retaining the present grounds, and purchasing about fifteen acres adjoining said land, which we understand can be done at a reasonable figure, making a total of twenty-five acres. This will place the capitol grounds so that no building or other obstructions can be erected near the north or west of said grounds. If a future legislature should see proper to change the location, the land we now purchase could be sold for a large advance on the price now paid. .

N. H. OWINGS,
W. R. FORREST,
J. G. MEGLER,
M. M. GODMAN.

House bill No. 203, An act to amend section eight of an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington," approved March 26, 1890, was read for information.

Mr. Jones moved to amend section 1 by striking out the words "three freeholders" and inserting the words "ten freeholders."

The amendment was adopted.

On motion of Mr. Sharpstein, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 59, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Bass, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, McKay, McKnight, Meany, Metcalfe, Miller, Moore, Morse, Nevin, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schriccker, Sharpstein, Smith, Smyth, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of What-

com, Andrews, Berry, Dysart, Gandy, Godman, Hanson, Kennedy, Lehman, McClure, Megler, Murray, Painter, Plummer, Snively, Spinning, Walter, Wasson, and Wyman.

The title of the bill was agreed to.

House bill No. 167, An act for the protection of all feathered game, was read for information.

On motion of Mr. Frame, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 62, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Miller, Moore, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Smith, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Metcalfe voted nay.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Bass, Berry, Hanson, Kennedy, McClure, Morse, Painter, Reitze, Sharpstein, Smyth, Snively, Spinning, and Wyman.

The title of the bill was agreed to.

The following resolution was read third time and placed on final passage, to wit:

HOUSE CONCURRENT RESOLUTION No. 10.

Be it resolved by the House of Representatives, the Senate concurring, That section 1 of article VII of the constitution of the State of Washington be amended to read as follows:

SECTION 1. The state may, for the purpose of constructing public buildings and other public works, and for the acquisition of lands and for other expenses incident to said construction, contract debts in any amount not to exceed in the aggregate one per cent. of the value of the taxable property within the state as shown by the assessment for county and state purposes last preceding the incurring of any such debts; and may further contract for any public purposes, debts not exceeding in the aggregate five hundred thousand dollars, and the moneys arising from the loans creating such debts shall be applied to the purposes for which they were obtained, or to repay the debts so contracted, and to no other purposes whatever.

The resolution was passed by the following vote, to wit: Yeas 56, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKnight, Meany, Megler, Metcalfe, Miller, Murray, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Smith, Taylor, Thalman, Tillotson, Troy, Tyler, Walker, Walter, Yancy, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Moore, Nevin, Schricker, Tiffany, and Yeomans.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Flummerfelt, Godman, Hanson, Kennedy, McClure, McKay, Morse, Painter, Plummer, Sharpstein, Smyth, Snively, Spinning, Wasson, and Wyman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 259, entitled "An act in relation to directors, trustees and commissioners of state institutions.

Also, H. B. No. 299, An act defining boundaries of Island county.

Also, H. B. No. 16, An act requiring railroad companies to fence tracks.

Also, H. M. No. 3, Relative to public lands.

Also, S. B. No. 212, An act declaring Labor Day a legal holiday.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bill No. 28, Senate memorial No. 9, and Senate joint resolution No. 1, in open session of the House.

House bill No. 16, An act requiring railroad corporations to fence their tracks, received from the Senate with an amendment, was taken up.

The House concurred in the Senate amendment by the following vote, to wit: Yeas 56, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Cushman, De Steiguer, Dysart, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Johnson, Jones, Lawton, Lehman,

McKay, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Collins voted nay.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Caughran, Farrish, Fellows, Hanson, Hunsaker, Kennedy, McClure, McKnight, Meany, Painter, Pearson, Sallee, Smyth, Snively, Spinning, Taylor, Tillotson, and Wasson.

The title of the bill was agreed to.

On motion of Mr. Walker, the House took a recess at 12 o'clock until 1:30 p. m.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday, March 7, 1891. }
1:30 o'clock p. m.

The House was called to order at 1:30 o'clock p. m.; the speaker in the chair.

The roll was called. All the members present except Messrs. Andrews, Bass, Flummerfelt, Hanson, Holt, McClure, Painter, Peterson, Plummer, Smith, Snively, Yancy, and Young.

On motion of Mr. Powell, Senate bill No. 266, An act empowering the board of commissioners of the hospital for the insane at Medical Lake to purchase, sell or examine lands, to condemn other lands for state purposes, and declaring an emergency, was read first and second time by title under suspension of the rules.

Mr. Miller moved to amend section 1 by adding the words "to the extent of the appropriation now made."

The amendment was adopted.

On motion of Mr. Powell, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 56, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Bothell, Brock, Caugh-

ran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Godman, Hunsaker, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Smyth, Taylor, Thalman, Tiffany, Tillotson, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Berry, Dysart, Flummerfelt, Hanson, Holt, Hutchinson, Johnson, Kennedy, McClure, Moore, Painter, Peterson, Plummer, Sharpstein, Smith, Snively, Spinning, Troy, Yancy, and Young.

The emergency clause was passed by the following vote, to wit: Yeas 57, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Jones, Lawton, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Murray, Nevin, Palmer, Parcell, Pearson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Taylor, Thalman, Tillotson, Tyler, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Tiffany voted nay.

Those absent and not voting were: Messrs. Andrews, Bass, Flummerfelt, Hanson, Hutchinson, Johnson, Kennedy, Lehman, McClure, McKay, Morse, Painter, Peterson, Plummer, Smith, Spinning, Snively, Troy, Wasson, and Yancy.

The title of the bill was agreed to.

House bill No. 227, An act to amend section 1 of an act entitled "An act to provide for prosecuting public offenses on information," approved January 29, 1890, was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Megler, Metcalfe, Miller, Moore, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Rock-

well, Sallee, Schricker, Sharpstein, Smyth, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Andrews, Barlow, Bass, Flummerfelt, Hanson, Kennedy, McClure, McKnight, Meany, Morse, Painter, Plummer, Reinhardt, Smith, Snively, Spinning, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 300, entitled "An act making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes," with amendments noted in the body of the bill and by rider.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 272, An act providing for the relief of persons who have made improvements upon school lands within two miles of any incorporated city, town or village, was read for information.

On motion of Mr. Ready, section 1 was amended by inserting the words "or to the county clerk for the use of the owner" after the words "owner of the same," and by striking out the words "at the time" and inserting the words "within thirty days after the date of such sale."

On motion of Mr. Ready, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 51, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, Miller, Morse, Nevin, Palmer, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Snively, Spinning, Taylor, Thalman, Tillotson, Troy, Tyler, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Murray, and Tiffany.

Those absent and not voting were: Messrs. Andrews, Bass, Caughran, De Steiguer, Gandy, Godman, Hanson, Holt, Kennedy, McClure, McKay, McKnight, Meany, Megler, Metcalfe, Moore, Painter, Parcell, Pearson, Plummer, Reinhardt, Smith, Smyth, Wasson, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 53, nays 1.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frater, Garretson, Godman, Hunsaker, Jones, Lawton, Lehman, McKay, Meany, Megler, Miller, Morse, Nevin, Palmer, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Snively, Spinning, Taylor, Thalman, Tillotson, Troy, Tyler, Walker, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Mr. Tiffany voted nay.

Those absent and not voting were: Messrs. Adams, Andrews, Caughran, De Steiguer, Frame, Gandy, Hanson, Holt, Hutchinson, Johnson, Kennedy, McClure, McKnight, Metcalfe, Moore, Murray, Painter, Parcell, Plummer, Reinhardt, Smith, Smyth, Wasson, and Yancy.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The Senate has passed Senate concurrent resolution No. 29, Relative to introducing new bills by Senator Forrest.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled bills respectfully reports that the enrolled copy of House bill No. 155, entitled "An act appropriating money for the support and education of the feeble minded pupils of the Wash-

ington school for defective youth," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 170, entitled "An act to provide for the location and maintenance of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 205, entitled "An act to amend section 17 of an act entitled 'An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections,' approved March 19, 1890," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed bills Nos. 155, 170 and 205 in open session of the House.

REPORT OF COMMITTEE ON ROADS AND HIGHWAYS.

The Committee on Roads and Highways made the following report:

MR. SPEAKER:

Your Committee on Roads and Highways, to which was referred Senate bill No. 122, entitled "An act authorizing county commissioners to build bridges across navigable streams," respectfully reports the bill back to the House with the recommendation that it do pass.

P. E. BERRY, Chairman.

House bill No. 300, An act making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes, received from the Senate amended by inserting the words "for traveling expenses of judges of the superior courts in counties where a judge is a judge of more than one county, in traveling between the county seats within his jurisdiction to be paid upon the certificate of said judges, six thousand dollars (\$6,000)," and by adding the words "for defraying the expenses of commission to locate agricultural college, experiment station and school of science, \$1,000," was taken up.

The House concurred in the first Senate amendment by the following vote, to wit: Yeas 41, nays 19.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Barlow, Berry, Bothell, Caughran, Chambers, Dysart, Fellows, Flummerfelt, Frater, Gandy, Jones, Lawton, Lehman, McKay, Meany, Megler, Morse, Pearson, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Sallee, Schricker, Snively, Spinning, Thalman, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yancy, Yeomans, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, Bass, Brock, Collins, Cushman, Garretson, Godman, Holt, Hunsaker, Johnson, Miller, Murray, Nevin, Palmer, Rockwell, Sharpstein, Tiffany, Walker, and Young.

Those absent and not voting were: Messrs. Adams, Andrews, De Steiguer, Farrish, Frame, Hanson, Hutchinson, Kennedy, McClure, McKnight, Metcalfe, Moore, Painter, Parcell, Plummer, Smith, Smyth, and Taylor.

The House concurred in the second Senate amendment by the following vote, to wit: Yeas 45, nays 4.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Megler, Miller, Moore, Morse, Murray, Palmer, Parcell, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Rockwell, Sallee, Schricker, Snively, Spinning, Taylor, Thalman, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yancy, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Nevin, Sharpstein, Tiffany, and Yeomans.

Those absent and not voting were: Messrs. Adams, Andrews, De Steiguer, Farrish, Frame, Godman, Hanson, Kennedy, McClure, McKnight, Meany, Metcalfe, Painter, Pearson, Plummer, Reinhardt, Smith, Smyth, and Walker.

Senate bill No. 122, An act authorizing county commissioners to build bridges across navigable streams, was read third time, and passed by the following vote, to wit: Yeas 55, nays none.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummer-

felt, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Johnson, Jones, Lawton, McKay, Megler, Miller, Morse, Nevin, Palmer, Parcell, Peterson, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Snively, Spinning, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Andrews, Caughran, De Steiguer, Frame, Hanson, Hutchinson, Kennedy, Lehman, McClure, McKnight, Meany, Metcalfe, Moore, Murray, Painter, Pearson, Plummer, Sallee, Smith, Smyth, Taylor, and Tyler.

The title of the bill was agreed to.

House bill No. 287, An act to provide for the appointment of an agent to prosecute the claims of the State of Washington against the United States, and to procure payment of moneys due said state from the United States on account of public lands disposed of by the United States in said State of Washington; also to present and prosecute the claims of the State of Washington against the United States for moneys due the said state on account of expenses incurred in organizing troops for the military service of the United States, and for material and supplies furnished the same, and on account of Indian depredations, was read for information.

Mr. Miller moved to amend section 3 by striking out the words "ten per cent." and inserting the words "five per cent."

The House rejected the amendment.

The bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 63, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Cushman, De Steiguer, Dy-sart, Farrish, Fellows, Flummerfelt, Frater, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Meany, Megler, Miller, Morse, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Collins voted nay.

Those absent and not voting were: Messrs. Andrews, Frame,

Gandy, Hanson, Kennedy, McClure, McKnight, Metcalfe, Moore, Murray, Nevin, Painter, Reitze, and Smith.

The emergency clause was passed by the following vote, to wit: Yeas 62, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dy-sart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, McKay, Meany, Megler, Miller, Moore, Murray, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Ready, Reitze, Reinhardt, Rockwell, Schricker, Smyth, Snively, Spinning, Thalman, Tillotson, Troy, Tyler, Walker, Walter, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Taylor, and Tiffany.

Those absent and not voting were: Messrs. Andrews, Hanson, Johnson, Kennedy, McClure, McKnight, Metcalfe, Morse, Nevin, Painter, Sallee, Sharpstein, and Smith.

The title of the bill was agreed to.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 187, entitled "An act to provide for taking territory from one county and transferring it to and making it a part of another county," respectfully reports the bill back to the House with the recommendation that it be indefinitely postponed, and that the substitute submitted herewith do pass.

A. W. FRATER, Chairman.

On motion of Mr. Tyler, the report was adopted, and House bill No. 187 was indefinitely postponed.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 25, Providing for printing and distributing the journals of the House and Senate of the present session, has been carefully compared with the original copy thereof and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 26, Providing for printing

and distribution of session laws, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 27, Relative to printing the revenue laws, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 54, entitled "An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893, and declaring an appropriation therefor," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 71, entitled "An act to provide for the completion of the building of the Washington school for defective youth, and to appropriate money therefor," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 128, entitled "An act to make time checks for labor negotiable and bear interest from date of issue," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 130, entitled "An act to provide for the erection of a building to accommodate the feeble minded pupils of the Washington school for defective youth, and to appropriate money therefor," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled bills respectfully reports that the enrolled copy of House bill No. 217, entitled "An act regulating the business of logging, and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 219, entitled "An act regulating the manufacture and sale of jute fabrics and brick at the state penitentiary, and making an appropriation for the purchase of material," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 231, entitled "An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 254, entitled "An act to protect persons who have planted oysters upon tide and shore lands in this state prior to March 26, 1890," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills, respectfully reports that the enrolled copy of House bill No. 292, entitled "An act for the relief of Wilbur W. Waltman," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House concurrent resolutions Nos. 25, 26 and 27, and House bills Nos. 54, 71, 128, 130, 217, 219, 231, 254 and 292 in open session of the House.

House bill No. 314 (reported by Committee on Judiciary as a substitute for House bill No. 187), An act to provide for annexing certain county territory to a neighboring county to which it is contiguous, was read first time.

On motion of Mr. Caughran, the rules were suspended, and the bill was read second time.

On motion of Mr. Gandy, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 54, nays 11.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Barlow, Brock, Caughran, Chambers, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Jones, Kennedy, Lehman, McKay,

Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reinhardt, Rockwell, Sharpstein, Smyth, Snively, Spinning, Taylor, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Bothell, Farrish, Lawton, Ready, Reitze, Sallee, Schricker, and Thalman.

Those absent and not voting were: Messrs. Andrews, Berry, Collins, Hanson, Hunsaker, Johnson, McClure, McKnight, Painter, Palmer, Parcell, Smith, and Walter.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 156, entitled "An act to require railroad companies to construct and maintain connections from one railroad to another, and to provide a penalty for a failure to comply therewith," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 160, entitled "An act to appropriate money for water supply plant for the Eastern Washington hospital for the insane," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 204, entitled "An act to provide for the registration of voters in precincts where an incorporated city or town, or any portion thereof, forms a part of a voting precinct," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 220, entitled "An act appropriating money for the improvement of the state penitentiary," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 255, entitled "An act relating to tide and shore lands," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 202, entitled "An act in relation to directors, trustees and commissioners of state institutions," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 279, entitled "An act to provide for the committing of juvenile offenders to the state reform school at Chehalis," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bills Nos. 156, 160, 204, 220, 255, 259 and 279 in open session of the House.

On motion of Mr. Anderson of Mason, Senate concurrent resolution No. 29, Permitting the introduction of a bill entitled "An act to regulate the disbursement of all moneys disbursed by the officers of the State of Washington, and all district, county, and precinct officers and commissioners of the State of Washington, and declaring an emergency," was taken up.

The House concurred in the resolution by the following vote, to wit: Yeas 61, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Parcell, Pearson, Peterson, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Berry, Caughran, Dysart, Hanson, Hunsaker, Johnson, Jones, McClure, Painter, Palmer, Plummer, Ready, Schricker, Smith, Snively, and Wyman.

Mr. Anderson of Whatcom presented the following resolution, to wit:

Resolved, That W. M. Chandler, assistant clerk of the House of Representatives, be and hereby is authorized to prepare the "copy" of the journal of the present session for the printer and to superintend the publication of the same, and to prepare a suitable index for the said journal: *Provided*, That the said W. M. Chandler shall receive no other or greater compensation for such work than the sum appropriated therefor in the general appropriation bill.

On motion of Mr. Collins, the resolution was adopted.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House bill No. 57, entitled "An act to amend section 842 of the Code of Washington, relating to malicious trespass," respectfully reports the bill back to the House with the recommendation that the same do pass.

A. W. FRATER, Chairman.

House bill No. 57, An act to amend section 842 of the Code of Washington, relating to malicious trespass, was read second time.

On motion of Mr. Gandy, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 51, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Parcell, Peterson, Plummer, Reitze, Reinhardt, Rockwell, Sallee, Sharpstein, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walter, Wasson, Yancy, Yeomans, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Caughran, Dysart, Fellows, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, McClure, McKnight, Murray, Painter, Palmer, Pearson, Powell, Putney, Ragsdale, Ready, Schricker, Smith, Tilotson, Walker, Wyman, and Young.

The title of the bill was agreed to.

Mr. Plummer was called to the chair.

House bill No. 250, An act to amend section 1 of an act entitled

“An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,” was read for information.

On motion of Mr. Adams, the bill was amended by striking out the words “not separated therefrom by a navigable body of water,” in section 1.

On motion of Mr. Adams, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 49, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Jones, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Parcell, Pearson, Peterson, Plummer, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Snively, Spinning, Thalman, Tiffany, Troy, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, Dysart, Garretson, Godman, Hanson, Holt, Hutchinson, Hunsaker, Johnson, Kennedy, McClure, Meany, Murray, Nevin, Painter, Palmer, Powell, Putney, Ready, Smith, Taylor, Tillotson, Tyler, Walker, Walter, and Wyman.

The emergency clause was passed by the following vote, to wit: Yeas 60, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Megler, Metcalfe, Miller, Moore, Morse, Murray, Parcell, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Rockwell, Sharpstein, Smyth, Snively, Spinning, Thalman, Tiffany, Tillotson, Troy, Tyler, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Godman voted nay.

Those absent and not voting were: Messrs. Andrews, Dysart, Hanson, Hunsaker, McClure, Meany, Nevin, Painter, Palmer, Putney, Ready, Sallee, Schricker, Smith, Taylor, Walker, and Wyman.

The title of the bill was agreed to.

The Committee on State Library, Buildings and Public Grounds made the following report:

MR. SPEAKER:

Your Committee on State Library, Buildings and Public Grounds, to which was referred House bill No. 297, entitled "An act to create a commission ex-officio composed of state officers, and for the purpose of leasing suitable accommodations for state offices and for the preservation of the state archives and making an appropriation therefor," respectfully reports the bill back to the House with the recommendation that the same be indefinitely postponed.

U. L. COLLINS, Chairman.

House bill No. 297, An act to create a commission ex-officio, composed of state officers, for the purpose of leasing suitable accommodations for the state offices, and for the preservation and safe keeping of the state archives, and making an appropriation therefor, was read for information.

Mr. Megler moved to amend the bill by adding the following to section 3, to wit: "*Provided*, That the rent allowed the different state officers in the general appropriation bill shall be applied as a part of the appropriation here made: *Provided*, This shall not apply to the mining bureau."

The amendment was adopted.

On motion of Mr. Megler, the bill was considered engrossed, and was read third time, and passed by the following vote, to wit: Yeas 54, nays 4.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Berry, Bothell, Brock, Caughran, Chambers, Collins, Dysart, Farrish, Fellows, Flummerfelt, Frame, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Parcell, Pearson, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Spinning, Taylor, Troy, Tyler, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Cushman, Thalman, Tiffany, and Walker.

Those absent and not voting were: Messrs. Adams, Andrews, Bass, De Steiguer, Frater, Godman, Hanson, Lehman, McClure, Nevin, Painter, Palmer, Peterson, Putney, Ready, Smith, Snively, Tillotson, Walter, and Wyman.

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER,
OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The president of the Senate has signed House bill No. 54, entitled "An act relative to World's Columbian Exposition."

Also, House bill No. 130, An act relative to feeble minded, etc.

Also, House bill No. 71, An act relative to building school for defective youth, etc.

Also, House bill No. 231, An act relative to hogs, etc.

Also, House bill No. 219, An act relative to penitentiary, etc.

Also, House bill No. 254, An act relative to oysters, etc.

Also, House bill No. 292, An act for relief of W. W. Waltman.

Also, House bill No. 217, An act relative to logging, etc.

Also, House concurrent resolution No. 27, Relative to revenue law.

Also, House concurrent resolution No. 25, Relative to journals, etc.

Also, House concurrent resolution No. 26, Relative to session laws, etc.

The president of the Senate has signed House bill No. 205, entitled "An act relative to printing ballots, etc."

Also, House bill No. 170, Relative to agricultural college, etc.

The Senate has passed House bill No. 287, Relative to prosecuting state claims, but failed to pass the emergency clause.

Also, House bill No. 203, Relative to appraising state lands, etc.

Also, House bill No. 185, Relative to presidential electors.

Also, House bill No. 227, Relative to prosecuting public offenses, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

House bill No. 311, An act to provide for the organization of new counties in the State of Washington, was read for information.

On motion of Mr. Ragsdale, section 1 was amended by striking out the words "two years" and inserting the words "three years."

Mr. Brock moved to amend section 3 by striking out the words "a majority" and inserting the words "three-fifths" in line 2.

The amendment was rejected.

Mr. Moore moved to amend section 1 by inserting the words "such territory in" between the words "in" and "their" in line 9.

The amendment was rejected.

On motion of Mr. Frame, the bill was considered engrossed, and was read third time, and placed on final passage.

The bill failed to pass by the following vote, to wit: Yeas 39, nays 21.

Those who voted yea were: Messrs. Barlow, Berry, Bothell,

Caughran, Chambers, De Steiguer, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hutchinson, Johnson, Jones, McKay, Megler, Miller, Moore, Morse, Murray, Parcell, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Sallee, Sharpstein, Smyth, Snively, Spinning, Taylor, Tiffany, Troy, Walter, and Yancy.

Those who voted nay were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Brock, Collins, Cushman, Holt, Hunsaker, Lawton, Meany, Metcalfe, Peterson, Rockwell, Schricker, Tyler, Walker, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Andrews, Dysart, Hanson, Kennedy, Lehman, McClure, McKnight, Nevin, Painter, Palmer, Pearson, Putney, Ready, Smith, Thalman, Tillotson, and Wyman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The Senate has passed Senate bill No. 393, Relating to disbursements of public moneys.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

Senate bill No. 393, An act to regulate the disbursement of all moneys disbursed by the officers of the State of Washington, and all district, county and precinct officers and commissioners of the State of Washington, and declaring an emergency, was read first and second time by title, under suspension of rules.

On motion of Mr. Gandy, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 57, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hutchinson, Hunsaker, Johnson, Jones, Lawton, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Parcell, Peterson, Plummer, Powell, Ragsdale, Reinhardt, Rockwell, Schricker, Sharpstein, Smyth, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Barlow, Hanson, Holt, Kennedy, Lehman, McClure, Murray, Nevin, Painter, Palmer, Pearson, Putney, Ready, Reitze, Sallee, Smith, Snively, Tillotson, and Wyman.

The emergency clause was passed by the following vote, to wit: Yeas 64, nays none.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Parcell, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smyth, Spinning, Taylor, Thalman, Tiffany, Tillotson, Trøy, Tyler, Walker, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Andrews, Barlow, Hanson, Hutchinson, McClure, Moore, Painter, Palmer, Putney, Ready, Smith, Snively, and Wyman.

The title of the bill was agreed to.

On motion of Mr. Walker, the House took a recess at 5 o'clock p. m. until 7 o'clock p. m.

EVENING SESSION.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, Saturday, March 7, 1891. }
7 o'clock P. M.

The House was called to order at 7 o'clock p. m., the speaker in the chair.

The roll was called; all the members present except Messrs. Andrews, Flummerfelt, Hanson, McClure, Painter, and Ready.

REPORTS OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following reports:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred Senate bill No. 80, entitled "An act in relation to proceedings in probate," etc., respect-

fully reports the bill back to the House with the recommendation that it do pass. A. W. FRATER, Chairman.

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate bill No. 74, entitled "An act providing for appeals in the supreme court," respectfully reports the bill back to the House with the recommendation that it do pass. A. W. FRATER, Chairman.

On motion of Mr. Sharpstein, Senate bill No. 80, An act in relation to proceedings in probate, amending sections 1299, 1300, 1311, 1313, 1314, 1345, 1358, 1360, 1361, 1368, 1384, 1385, 1399, 1404, 1409, 1410, 1411, 1413, 1415, 1419, 1430, 1456, 1481, 1482, 1485, 1488, 1489, 1508, 1515, 1547, 1556, 1568, 1572, 1573, 1594 and 1601 of the Code of Washington of 1881, and repealing sections 623, 624, 625, 627, 628, 639, 632, 633 and 634 of said code, was read second time, the rules were suspended, the bill was read third time, and passed by the following vote, to wit: Yeas 57, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Bass, Brock, Caughran, Chambers, Cushman, Farrish, Fellows, Frater, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Berry, Bothell, Collins, Dysart, Flummerfelt, Frame, Gandy, Hanson, Jones, Kennedy, McClure, Moore, Painter, Ready, Smith, Smyth, Snively, and Tyler.

The title of the bill was agreed to.

Senate bill No. 74, An act providing for appeals to the supreme court, was read second time.

On motion of Mr. Sharpstein, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 53, nays none.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Bass, Bothell, Brock, Caughran, Chambers, Collins, Cushman, Farrish, Fellows, Frater, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, McKay, McKnight,

Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Taylor, Tiffany, Tillotson, Walker, Walter, Wasson, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Anderson of Mason, Andrews, Barlow, Berry, De Steiguer, Dysart, Flummerfelt, Frame, Gandy, Hanson, Johnson, Kennedy, McClure, Painter, Ready, Sallee, Smith, Smyth, Snively, Spinning, Thalman, Troy, Tyler, and Yeomans.

The title of the bill was agreed to.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 6, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 45, entitled “An act to cure defective titles to real estate, by providing for the collection of unpaid taxes and assessments, and by securing record evidence in relation to real estate sold for taxes or assessments in the offices of county treasurers and auditors.”

House bill No. 85, entitled “An act to appropriate money to cover the deficiency for maintaining the state penitentiary to January first, eighteen hundred and ninety-one (1891).”

House bill No. 139, entitled “An act to provide for taking a census on the Colville Indian reservation, and making an appropriation therefor, and declaring an emergency.”

House bill No. 152, entitled “An act confirming sheriffs' deeds made by the successor in office of sheriffs who have sold land in pursuance of law but have not made deeds therefor.”

House bill No. 164, entitled “An act relating to private sales of real property belonging to estates of decedents, minors and insane persons.”

House bill No. 166, entitled “An act for the relief of John Huntington and John D. Litle, co-partners, known as Huntington & Litle, and making an appropriation therefor.”

House bill No. 182, entitled “An act making it unlawful to catch or kill trout during certain months, or to take, catch or kill the same in any manner whatever other than by hook and line, providing a punishment, and declaring an emergency.”

House bill No. 195, entitled “An act to regulate salmon and sturgeon fishing in the rivers and waters of this state, and over which it has-concurrent jurisdiction.”

House bill No. 202, entitled “An act to appropriate money to pay de-

iciencies in appropriations for expressage, furniture for and cleaning up of capitol building, and for other expenses."

House bill No. 222, entitled "An act to amend section two of an act entitled 'An act to authorize county commissioners to issue bonds for road purposes,' approved March 22, 1890, and declaring an emergency."

House bill No. 261, entitled "An act to amend section 8 of an act entitled 'An act to appoint a commissioner to compile, rearrange and annotate the laws of Washington, and to provide for the publication and distribution thereof, and for payment therefor.'"

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 5, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 228, entitled "An act to prevent the destruction of forests by fire on public lands.

Also, Senate bill No. 388, substitute for Senate bill No. 221, An act providing for the commitment, in cities and towns, of certain females, etc.

The president of the Senate has signed enrolled House bill No. 279, To provide for the commitment of juvenile offenders.

Also, House bill No. 220, Appropriating money for state penitentiary.

Also, House bill No. 255, Relating to tide and shore lands.

Also, House bill No. 128, To make time checks for labor bear interest.

Also, House bill No. 259, Relative to directors, trustees, etc., of state institutions.

Also, House bill No. 204, To provide for registration of voters in certain cities and towns.

Also, House bill No. 160, For a water supply for Medical Lake hospital.

Also, House bill No. 156, To require railroad companies to construct and maintain connections.

The Senate has passed Senate bill No. 208, Relative to prevention of cruelty to children, animals and fowls.

Also, House memorial No. 14, Relative to the reclamation of desert lands.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

Mr. Frater presented House concurrent resolution No. 28, Permitting the introduction of a bill entitled "An act authorizing the removal of a case for trial from before one judge of the superior court to another, and declaring an emergency."

The resolution was rejected; yeas 50, nays 14.

Those who voted yea were: Messrs. Brock, Caughran, Chambers, Collins, Cushman, Dysart, Farrish, Frame, Frater, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Morse, Nevin, Palmer, Parcell, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Smith, Smyth, Snively, Spinning, Tiffany, Tillotson, Troy, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Fellows, Moore, Murray, Peterson, Sharpstein, Taylor, Thalman, and Walter.

Those absent and not voting were: Messrs. Adams, Andrews, Bothell, De Steiguer, Flummerfelt, Gandy, Hanson, Johnson, Kennedy, McClure, Painter, Pearson, Ready, and Tyler.

On motion of Mr. Megler, House bill No. 150, entitled "An act to provide for the inspection and registration of horses, mules, sheep and neat cattle sold, consumed, shipped or slaughtered within the State of Washington, and providing penalties for the violation thereof, and declaring an emergency," was indefinitely postponed.

On motion of Mr. Lehman, House bill No. 262, An act to establish a state fish hatchery, and making an appropriation therefor, was indefinitely postponed.

House bill No. 263, An act relating to the payment of salaries of state officers, was read.

On motion of Mr. Godman, section 3 was stricken out.

The bill was read third time and passed by the following vote, to wit: Yeas 65, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Barlow, Flummerfelt, Hanson, Johnson, Kennedy, McClure, McKay, McKnight, Painter, Ready, and Sallee.

The title of the bill was agreed to.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 185, entitled "An act providing for the election and prescribing the duties of electors of president and vice president of the United States," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House joint resolution No. 6, Relating to the habits of fish, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 16, entitled "An act requiring railroad corporations to fence their tracks," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House joint resolution No. 6, and House bills Nos. 16 and 185 in open session of the House.

REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to whom was referred Senate bill No. 181, entitled "An act authorizing cities and towns to submit to the voters therein, propositions to fund indebtedness of such cities and towns by the issuance of bonds," respectfully reports the bill back to the House with the recommendation that it do pass.

J. M. MILLER, Chairman.

Senate bill No. 181, An act authorizing cities and towns to submit to the voters therein propositions to fund indebtedness of such cities and towns by the issuing of bonds therefor, at the same election at which the previous attempted incurring of such indebtedness, or any part thereof, may be ratified, was read third time, and passed; yeas 68, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dy-

sart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, McKay, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Flummerfelt, Godman, Hanson, Johnson, Kennedy, McClure, Painter, Ready, and Smyth.

The emergency clause passed by the following vote, to wit: Yeas 65, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, Miller, Moore, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Flummerfelt, Godman, Hanson, Johnson, Kennedy, McClure, McKay, McKnight, Morse, Painter, Ready, and Smyth.

The title of the bill was agreed to.

Senate bill No. 180, An act to enable cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency to exist, was read third time, and passed by the following vote, to wit: Yeas 65, nays 3.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Jones, Lawton, McKnight, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Parcell, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze,

Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Godman, Lehman, and McKay.

Those absent and not voting were: Messrs. Andrews, Flummerfelt, Hanson, Johnson, Kennedy, McClure, Painter, Ready, Smyth, and Spinning.

The emergency clause passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sharpstein, Smith, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Dysart, Flummerfelt, Frame, Godman, Hanson, Kennedy, McClure, McKay, McKnight, Painter, Parcell, Ready, Sallee, Schricker, Smyth, and Tillotson.

The title of the bill was agreed to.

Senate bill No. 200, An act to define, regulate and govern the state penitentiary, and declaring an emergency, was read third time, and passed by the following vote, to wit: Yeas 58, nays 4.

Those who voted yea were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Berry, Brock, Chambers, Collins, Cushman, De Steiguer, Farrish, Fellows, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Bass, Frame, Godman, and Yancy.

Those absent and not voting were: Messrs. Adams, Anderson of

Mason, Andrews, Bothell, Caughran, Dysart, Flummerfelt, Hanson, Kennedy, McClure, McKnight, Painter, Parcell, Ready, Smyth, and Walter.

The emergency clause was passed by the following vote, to wit: Yeas 60, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Brock, Chambers, Collins, De Steiguer; Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Palmer, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Bothell, Caughran, Cushman, Flummerfelt, Hanson, Johnson, Kennedy, McClure, McKnight, Nevin, Painter, Parcell, Ready, Sallee, Smyth, Tillotson, and Yancy.

The title of the bill was agreed to.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER;

OLYMPIA, WASH., March 7. 1891.

MR. SPEAKER:

The Senate has passed House bill No. 57, entitled "An act relating to malicious trespass."

Also, House bill No. 297, Creating a commission to lease suitable state offices.

The Senate has failed to pass House bill No. 250, An act relating to municipal corporations.

The Senate has passed House bill No. 167, Relative to protecting game.

The Senate has failed to pass House bill No. 121, Providing for selection of state lands.

The Senate has indefinitely postponed House bill No. 272, Relating to relief of certain persons.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 266, entitled "An act relating to commissioners of insane hospital at Medical Lake.

Also, Senate bill No. 222, Relating to summary proceedings for obtaining real property.

Also, Senate bill No. 71, Relative to improving harbors and waterways.

Also, Senate bill No. 206, Amending code in relation to corporations.

Also, Senate concurrent resolution No. 27, Relative to introducing bills.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills, respectfully reports that the enrolled copy of House bill No. 244, entitled "An act to amend section 33 of an act entitled 'An act relating to building, loan and saving associations doing a general business,' and declaring an emergency," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 287, entitled "An act to provide for the appointment of an agent to prosecute the claims of the State of Washington against the United States," etc, has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 306, entitled "An act to appropriate money for the prosecution of the artesian well authorized and commenced under an act passed by the legislature of the Territory of Washington, approved February 2, 1888," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed Senate bills Nos. 266, 222, 71, and 206, and Senate concurrent resolution No. 27, and House bills Nos. 244, 287, and 306, in open session of the House.

REPORT OF COMMITTEE ON MINES AND MINING.

The Committee on Mines and Mining made the following report:

MR. SPEAKER:

Your Committee on Mines and Mining, to which was referred Senate bill No. 241, entitled "An act providing for the taxation of the net proceeds of mines, exempting mines and certain mining property from

taxation, and regulating the reduction of ores to further taxation," respectfully reports the bill back to the House with the recommendation that it pass.

JOHN L. METCALFE, Chairman.

Senate bill No. 241, An act providing for the taxation of the net proceeds of minés, exempting mines and certain mining property from taxation, and regulating the reduction of ores, etc., was read third time, and passed by the following vote, to wit: Yeas 47, nays 6.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Brock, Collins, Cushman, De Steiguer, Dysart, Farrish, Frame, Frater, Gandy, Godman, Hutchinson, Hunsaker, Jones, Lawton, Meany, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Smith, Snively, Taylor, Thalman, Tiffany, Tillotson, Troy, Walker, Wasson, Wyman, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Fellows, Garretson, Lehman, Pearson, and Sharpstein.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Berry, Bothell, Caughran, Chambers, Flummerfelt, Hanson, Holt, Johnson, Kennedy, McClure, McKay, McKnight, Megler, Painter, Palmer, Parcell, Ready, Sallee, Schricker, Smyth, Spinning, Tyler, Walter, and Yancy.

The emergency clause was passed by the following vote, to wit: Yeas 58, nays 3.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Jones, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Snively, Thalman, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Pearson, Spinning, and Tiffany.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Berry, Hanson, Hunsaker, Johnson, Kennedy, McClure,

McKnight, Painter, Palmer, Parcell, Ready, Sallee, Smyth, Taylor, and Walter.

The title of the bill was agreed to.

Senate bill No. 132, An act to amend an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, was read third time, and passed by the following vote, to wit: Yeas 54, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Barlow, Bass, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, McKay, Meany, Metcalfe, Miller, Moore, Morse, Murray, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Bothell, and Nevin.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Berry, Brock, Farrish, Godman, Hanson, Kennedy, Lawton, Lehman, McClure, McKnight, Megler, Painter, Palmer, Parcell, Ready, Reinhardt, Smith, Smyth, Tillotson, and Wyman.

The emergency clause was passed by the following vote, to wit: Yeas 63, nays none.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Metcalfe, Miller, Moore, Morse, Murray, Pearson, Peterson, Plummer, Powell, Putney, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Troy, Tyler, Walker, Walter, Wasson, Wyman, Yancy, Yeomans, Young; and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Hanson, Kennedy, McClure, McKnight, Meany, Megler, Nevin, Painter, Palmer, Parcell, Ready, and Tillotson.

The title of the bill was agreed to.

Senate bill No. 389, An act creating a board of land commis-

sioners and defining the powers and duties thereof, fixing the compensation of the members, and declaring an emergency, was indefinitely postponed, on motion of Mr. Frater.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate.

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The Senate has passed House concurrent resolution No. 10, Amending constitution.

The Senate has refused to pass House bill No. 263, Relating to salaries of state officers.

The Senate has passed House bill No. 301, Relative to dissection of dead bodies.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 259, Revenue law.

Also, S. C. R. No. 29, Relating to introducing new bills.

Also, H. B. No. 185, Relating to presidential elections.

Also, H. B. No. 155, Relating to feeble minded school appropriation.

Also, H. B. No. 16, Relating to Railway corporations fencing tracks.

Also, H. B. No. 244, Relating to building and loan associations.

Also, H. B. No. 287, Relating to agent to prosecute state claims.

Also, H. J. R. No. 6, Relating to habits of fish.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON AGRICULTURE.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture, to which was referred Senate bill No. 46, entitled "An act to regulate warehouse men, wharfingers, commission men, and others of like character and employment, and to declare the effect of warehouse receipts," respectfully reports the bill back to the House with the recommendation that it do pass.

JOSEPH ARRASMITH, Chairman.

Senate bill No. 46 was read for information.

Mr. Powell moved that section 3 be amended by adding the following, to wit: "*Provided*, That nothing in this act shall be construed to prohibit any person operating any warehouse, commission house, forwarding house, mill, wharf, or other place where grain,

pork; wool, or other produce or commodity offered for storage, separate and apart, from other produce or commodity by marking such produce or commodity in such a manner that it can be identified and delivered on presentation of the warehouse receipt or voucher which was given for same, in which case the receipt given shall designate the mark on the produce or commodity so stored."

The amendment was adopted.

Mr. Caughran moved to amend section 8 by adding the words "*Provided*, This shall not apply to warehouses west of the Cascade mountains."

The amendment was rejected.

The bill was read third time, and passed by the following vote, to wit: Yeas 51, nays 6.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Arrasmith, Bass, Berry, Brock, Chambers, Collins, Cushman, Dysart, Farrish, Fellows, Flummerfelt, Frame, Frater, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Palmer, Peterson, Powell, Putney, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Snively, Spinning, Thalman, Tiffany, Tillotson, Troy, Walker, Wasson, Wyman, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Barlow, Caughran, Pearson, Plummer, Tyler, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bothell, De Stèiguer, Gandy, Hanson, Kennedy, McClure, McKay, McKnight, Meany, Murray, Painter, Parcell, Ragsdale, Ready, Reitze, Sallee, Smyth, Taylor, and Walter.

Mr. Tyler presented the following resolution, and moved its adoption:

WHEREAS, There has been an alleged investigation into the reasons why the lands granted to the state by the United States, by act of congress approved February 22, 1889, have not been surveyed; and

WHEREAS, There is an attempt to reflect upon the ability, capability and integrity of Hon. Thos. H. Cavanaugh, U. S. surveyor general for the State of Washington: therefore, be it

Resolved by the House, the Senate concurring, That the legislature of the State of Washington has full faith and confidence in the integrity, capability and devotion to the interests of the state of Surveyor General Cavanaugh, and that we endorse and commend him for his efforts to secure such amendments to existing laws and the modification of the department instructions controlling the surveys of the public domain as will expedite the survey of the public lands in this state.

The resolution was adopted by a unanimous vote of the House. On motion of Mr. Collins, the following resolution was adopted, to wit:

Resolved, That the state librarian, who is by law custodian of the state capitol buildings and grounds, be and is hereby allowed the sum of twenty dollars for taking an inventory of the public property remaining in the House and adjoining rooms at the close of the session, in cleaning up the hall, adjoining rooms and grounds, but the clerk is not to deliver the certificate for the same until the work is done to the satisfaction of the secretary of state.

REPORT OF COMMITTEE ON BILLS OF M. O'CONNOR.

The Committee on Ways, Means and Claims made the following report:

MR. SPEAKER:

Your Committee on Ways, Means and Claims respectfully reports that they had the bill of M. O'Connor under consideration, and recommend that the amount be allowed with a discount of fifteen per cent., and that the same be drawn out of the legislative fund. Your committee also recommend that the bill of Drury and Son, for hauling mail and supplies, be allowed, \$76.75, the same to be drawn on the legislative appropriation.

Respectfully submitted.

J. E. GANDY, Chairman.

On motion of Mr. Tyler, the report was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 299, entitled "An act defining the boundaries of Island county," has been carefully compared with the enrolled copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House concurrent resolution No. 29, and Senate bill No. 259, and House bill No. 299 in open session of the House.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.

OLYMPIA, March 7, 1891.

To the Honorable, the House of Representatives of the State of Washington:

GENTLEMEN—I return herewith House bill No. 217, entitled "An act regulating the business of logging, and declaring an emergency," and

have approved the same with the exception of section 2, which reads as follows: "That it shall be unlawful for the owners or their agents to go upon the premises of another with or without a team and gather up and take away any saw logs or piling, or any other property, by them owned or to the possession of which they are entitled, and the party so doing shall pay the actual damage, and it shall not be construed to be a trespass."

Section 16, article 1, of the constitution provides as follows: "No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner. . . ." This section clearly and distinctly authorizes the persons specified therein to damage private property for a private use without making any provision for compensation to be first made, or paid into court for the owner. For this reason I am constrained to withhold my approval of section 2 above referred to.

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

The roll was called on the question, "Shall the bill pass notwithstanding the objections of the governor?"

The bill failed to pass over the governor's veto by the following vote, to wit: Yeas 29, nays 27.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Bass, Berry, Bothell, Collins, Farrish, Frame, Garretson, Holt, Hutchinson, Johnson, Lawton, McKay, Meany, Metcalfe, Miller, Moore, Pearson, Peterson, Reitze, Rockwell, Sallee, Spinning, Thalman, Troy, Walter, and Wyman.

Those who voted nay were: Messrs. Barlow, Brock, Chambers, Cushman, Dysart, Fellows, Frater, Gandy, Hunsaker, Jones, Lehman, Megler, Morse, Murray, Nevin, Palmer, Plummer, Powell, Reinhardt, Taylor, Tiffany, Tillotson, Walker, Wasson, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Adams, Andrews, Caughran, De Steiguer, Flummerfelt, Godman, Hanson, Kennedy, McClure, McKnight, Parcell, Painter, Putney, Ragsdale, Ready, Schricker, Sharpstein, Smith, Smyth, Snively, Tyler, and Yancy.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, March 7, 1891.

To the Honorable, the House of Representatives, of the Legislature of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 120,

entitled "An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation."

House bill No. 292, entitled "An act for the relief of William W. Waltman."

House bill No. 254, entitled "An act to protect persons who have planted oysters upon tide and shore lands in this state prior to March 26, 1890."

House bill No. 231, entitled "An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants."

House bill No. 205, entitled "An act to amend section 17 of an act entitled 'An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections,' approved March 19th, 1890."

House bill No. 71, entitled "An act to provide for the completion of the building of the Washington school for defective youth, and to appropriate money therefor."

House bill No. 54, entitled "An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893, and making an appropriation therefor."

House bill No. 219, entitled "An act regulating the manufacture and sale of jute fabrics and brick at the state penitentiary, and making an appropriation for the purchase of material."

House bill No. 130, entitled "An act to provide for the erection of a building to accommodate the feeble minded pupils of the Washington school for defective youth, and to appropriate money therefor."

House bill No. 160, entitled "An act to appropriate money for water supply plant for the Eastern Washington hospital for the insane."

House bill 204, entitled "An act to provide for the registration of voters in precincts where an incorporated city or town, or any portion thereof, forms a part of a voting precinct."

House bill No. 220, entitled "An act appropriating money for the improvement of the state penitentiary."

I have the honor to be

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

REPORT OF COMMITTEE ON WATER AND WATER RIGHTS.

The Committee on Water and Water Rights made the following report:

MR. SPEAKER:

Your Committee on Water and Water Rights, to which was referred Senate bill No. 391, entitled "An act concerning the appropriation of water for irrigation, mining and manufacturing purposes, for supplying cities, towns and villages with water, and for the use of water works, and declaring an emergency," respectfully reports the bill back to the House without recommendation.

C. H. FLUMMERFELT, Chairman.

Senate bill No. 391 was read third time, and passed by the following vote, to wit: Yeas 61, nays 1.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Kennedy, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Nevin, Palmer, Pearson, Plummer, Putney, Reitze, Reinhardt, Rockwell, Sallee, Schricker, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Mr. Peterson voted nay.

Those absent and not voting were: Messrs. Andrews, Bothell, Brock, Caughran, Flummerfelt, Hanson, McClure, McKnight, Painter, Parcell, Powell, Ragsdale, Ready, Sharpstein, Smith, and Walter.

The emergency clause was passed by the following vote, to wit: Yeas 59, nays 3.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Fellows, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Nevin, Pearson, Peterson, Plummer, Putney, Reinhardt, Rockwell, Sallee, Schricker, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Frame, Frater, and Smith.

Those absent and not voting were: Messrs. Andrews, Flummerfelt, Hanson, Kennedy, McClure, McKnight, Murray, Painter, Palmer, Parcell, Powell, Ragsdale, Ready, Reitze, Sharpstein, and Walter.

The title of the bill was agreed to.

House bill No. 315 (reported by the Committee on Constitution and Revision), An act to provide for voting on a constitutional amendment at the general election to be held in 1892, was read first and second time by title, and placed at the foot of the calendar.

Senate bill No. 168, An act entitled "An act to supplement an act to create a board of harbor line commissioners, prescribing their duties and compensation," approved March 28, 1890, was read for information.

On motion of Mr. Wasson, section 3 was stricken out.

On motion of Mr. Wasson, section 7 was amended by striking out the last provision in said section and inserting the words, "*Provided*, That if the appraisal made by the commission is not satisfactory, an appeal may be taken therefrom to the superior court of the county wherein the property may be located, and upon such appeal the question of the value of such improvements shall be tried in the same manner as an action at law."

The bill failed to pass by the following vote, to wit: Yeas 29, nays 31.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Caughran, Chambers, Collins, Cushman, De Steiguer, Dysart, Frame, Frater, Gandy, Garretson, Jones, McKay, Meany, Megler, Morse, Murray, Pearson, Putney, Reitze, Sallee, Schricker, Thaman, Tyler, Walker, Wasson, Yancy, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Arrasmith, Barlow, Brock, Farrish, Fellows, Flummerfelt, Godman, Holt, Hunsaker, Johnson, Lawton, Lehman, Metcalfe, Moore, Nevin, Palmer, Peterson, Plummer, Reinhardt, Rockwell, Sharpstein, Smith, Snively, Spinning, Taylor, Tiffany, Troy, Walter, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Bass, Berry, Bothell, Hanson, Hutchinson, Kennedy, McClure, McKnight, Miller, Painter, Parcell, Powell, Ragsdale, Ready, Smyth, Tillotson, and Wyman.

On motion of Mr. Shaw, the House reconsidered the vote by which House bill No. 262, An act to establish a fish hatchery, and making an appropriation therefor, was indefinitely postponed.

On reconsideration the House refused to indefinitely postpone the bill.

The bill was read third time, and passed by the following vote, to wit: Yeas 46, nays 4.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Frame, Frater, Garretson, Holt, Johnson, Jones, Lawton, McKay, Meany, Megler, Metcalfe, Miller,

Morse, Murray, Palmer, Pearson, Peterson, Plummer, Putney, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Spinning, Taylor, Thalman, Troy, Walker, Wasson, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Anderson of Whatcom, Hunsaker, Moore, and Tiffany.

Those absent and not voting were: Messrs. Andrews, Bass, Berry, Brock, Dysart, Fellows, Flummerfelt, Gandy, Godman, Hanson, Hutchinson, Kennedy, McClure, Lehman, McKnight, Nevin, Painter, Parcell, Powell, Ragsdale, Ready, Sallee, Smyth, Snively, Tillotson, Tyler, Walter, and Wyman.

The title of the bill was agreed to.

REPORT OF COMMITTEE ON MILEAGE AND CONTINGENT EXPENSES.

OLYMPIA, WASH., March 6, 1891.

MR. SPEAKER:

Your Committee on Mileage and Contingent Expenses, to which was referred the several bills herewith returned, beg leave to report that we have examined the same, and respectfully recommend that the bills be allowed and ordered paid as follows:

MORRIS B. SACHS' CASE.

D. E. Lesh, sergeant-at-arms, miscellaneous.....	\$75 75
T. N. McBride, deputy sergeant-at-arms.....	13 40
John McInnes, deputy sergeant-at-arms, bill \$33.20 reduced to.....	27 20
Ben. Pilcher, deputy sergeant-at-arms.....	16 30
W. C. Hammond, deputy sergeant-at-arms.....	14 40
Robert Black, deputy sergeant-at-arms, bill of \$58.20 allowed at.....	50 20
J. W. Horner, deputy sergeant-at-arms, trip to Seattle.....	16 00
S. J. Smyth, special committee, mileage.....	23 00
G. M. Johnson, special committee, mileage.....	23 00
H. J. Snively, special committee, mileage.....	23 00
G. E. De Steiguer, special committee, expenses.....	4 50

Witnesses on said case as follows:

E. B. Mastick.....	46 40
D. W. Bryan.....	46 40
W. B. Gould.....	46 40
W. K. Clark.....	46 40
Frank W. Bartlett.....	27 60
Thomas Cranney.....	42 00
John Kelly.....	54 00
C. M. Pendegast.....	33 60
F. C. Harper.....	33 60
O. Wood.....	33 60
S. P. Carnsi.....	46 40

S. G. Morse.....	\$50 40
G. V. Smith.....	46 40
James Seavy.....	27 60
John Trumbull.....	29 60
John A. Power.....	43 00
R. H. Wansbrough.....	54 00
A. R. Holton.....	33 60
I. M. Harrison.....	33 60
W. H. H. Learned.....	33 60
C. H. Pink.....	33 60
G. M. Rouse.....	45 60
John O'Connor.....	33 60
D. S. Harmon.....	33 60
Del Cary Smith.....	31 60
J. D. Ford.....	31 60
Richard Delanty.....	41 60
R. A. Ballinger.....	41 60
Robt. Biles.....	37 60
G. W. Downs.....	35 60
J. W. Lysons.....	35 60
J. E. Tucker.....	54 00
J. Sweeny.....	54 00
Geo. E. Cooper.....	43 00
W. W. Fegler.....	31 60
Warren I. Hastings.....	33 60
W. Nathanson.....	39 60
A. Weymouth.....	33 60
R. W. Jennings.....	41 60
R. H. Ballinger.....	29 60
E. F. Plummer.....	33 60
R. C. Calhoun.....	33 60
G. H. Jones.....	33 60
Wm. Payne.....	37 60
W. J. Jones.....	41 60
John Trumbull.....	31 60
R. E. Moody.....	29 60
J. A. Kubn.....	35 60
Warren Carroll.....	39 60
F. C. Robertson.....	41 60
W. R. Gay.....	46 40
H. B. Wilson.....	50 40
W. F. Fennimore.....	45 60
John A. Van Boklen.....	33 60
M. L. Nathanson.....	33 60
L. A. Sisley.....	33 60
C. S. Griller.....	33 60
D. T. Ruffin.....	35 60

Assistant sergeant-at-arms:	
Ben. Pilcher, bill of \$21.30 allowed at.....	\$2 00
W. Hammond, bill of \$28.30 allowed at.....	11 90
Thomas N. McBride, bill of \$31.60 allowed at.....	28 60
Total expense Sachs' case herewith reported.....	\$2,571 05

MISCELLANEOUS BILLS.

Clayton Aldridge, wood.....	50 00
J. W. Horner, assistant sergeant-at-arms, bill of \$32.85 allowed at..	7 85
R. A. Ballinger, certified copies of papers in Sachs' case.....	42 80
Fred. Comstock.....	33 00
E. G. Ames.....	33 00
Nathan Bucklin.....	33 00
Thomas Ross.....	33 00
	\$2,803 60

Respectfully submitted.

R. A. HUTCHINSON, Chairman.

On motion of Mr. Garretson, the report was adopted, and the claims were ordered paid.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 314, entitled "An act relative to 'slicing' off a piece of King county," and the same is herewith transmitted to the House.

C. M. BARTON, Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 57, entitled "An act to amend section 852 of the Code of Washington, relating to malicious trespass," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill 167, entitled "An act for the protection of all feathered game," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 203, entitled "An act to amend section 8 of an act

entitled 'An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington,' approved March 26, 1890," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 227, entitled "An act to amend section 1 of an act entitled 'An act to provide for prosecuting public offenses on information,' approved January 29, 1890," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 228, entitled "An act to prevent the destruction of forests by fire on public lands," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 248, entitled "An act to authorize cities and towns to borrow money for municipal purposes and to issue negotiable bonds therefor," has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 300, entitled "An act making appropriation for sundry civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes," has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bills Nos. 57, 167, 203, 227, 228, 248 and 300 in open session of the House.

REPORT OF COMMITTEE ON MILITARY AFFAIRS.

The Committee on Military Affairs made the following report:

Your Committee on Military Affairs, to whom was referred Senate bill No. 59, entitled "An act appropriating eighteen thousand seven hundred and seventy-eight dollars and sixty-nine cents on account of a deficiency in the fund for the support of the national guard of Washington for the years 1889-90," respectfully reports the bill back to the House with the recommendation that the bill be amended as follows:

Amend by striking out of lines three, four and five in section one the

words "eighteen thousand seven hundred and seventy-eight dollars and sixty-nine cents," and inserting in lieu thereof the words "eight thousand three hundred and ninety-one dollars and fifty-five cents; and out of the military fund of any year the sum of ten thousand three hundred and eighty-seven dollars and fifty-five cents."

And amend by striking out all of section one after the words "national guard of Washington" in line seven.

And as amended recommend that the bill do pass.

I. N. CUSHMAN, Chairman.

On motion of Mr. Wasson, the amendments recommended by the committee were adopted.

The bill was read third time, and passed by the following vote, to wit: Yeas 45, nays 12.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Berry, Bothell, Brock, Caughran, Chambers, Cushman, Fellows, Frater, Gandy, Garretson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Meany, Megler, Miller, Moore, Morse, Murray, Palmer, Pearson, Plummer, Powell, Putney, Reitze, Sallee, Schricker, Sharpstein, Smith, Smyth, Spinning, Taylor, Thalman, Troy, Walker, Wasson, Yancy, and Yeomans.

Those who voted nay were: Messrs. Bass, Collins, Farrish, Flummerfelt, Frame, Holt, Metcalfe, Peterson, Rockwell, Tiffany, Walter, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, De Steiguer, Dysart, Godman, Hanson, Kennedy, McClure, McKnight, Nevin, Painter, Parcell, Ragsdale, Ready, Reinhardt, Snively, Tillotson, Tyler, Wyman, and Young.

The title of the bill was agreed to.

On motion of Mr. Lehman, House bill No. 121 was returned to the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House concurrent resolution No. 10, Relative to amending section 8 of the constitution of the State of Washington," has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted. W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 297, entitled "An act to create a commission

ex officio, composed of state officers, for the purpose of leasing suitable accommodations for the state officers, and for the preservation and safe keeping of the state archives, and making an appropriation therefor," has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 301, entitled "An act for the dissection of dead bodies," has been carefully compared with the original copy thereof, and found correctly enrolled. Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House concurrent resolution No. 10, and House bills Nos. 297 and 301 in open session of the House.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 393, entitled "An act relative to disbursements of state moneys," etc.

Also, Senate bill No. 235, Relative to state university.

Also, House bill No. 299, Defining boundaries of Island county.

Also, House bill No. 306, Relative to artesian wells.

Also, Senate bill No. 122, Relative to county commissioners.

Also, Senate bill No. 140, Relative to common schools.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

MR. SPEAKER:

The Senate has passed House bill No. 263, entitled "An act relating to payment of salaries of state officers," without emergency clause.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bills Nos. 235, 122, 140 and 393 in open session of the House.

REPORT OF COMMITTEE ON JUDICIARY.

The Committee on Judiciary made the following report:

Your Committee on Judiciary, to which was referred House bill No. 233, entitled "An act to protect innocent purchasers of community real property, and declaring an emergency," respectfully reports the bill back to the House with the recommendation that the same do pass, with the addition of a new section described as section 3, appended to the bill, and that each of the sections be renumbered after section 3 by advancing each section one number, and that with this amendment the bill pass.

A. W. FRATER, Chairman.

On motion of Mr. Snively, the report was adopted.

On motion of Mr. Snively, the rules were suspended, and the bill was read second time by title.

The bill was read for information.

Mr. Shaw moved that the bill be indefinitely postponed.

The House refused to indefinitely postpone the bill.

On motion of Mr. Snively, the rules were suspended, and the bill was read third time, and passed by the following vote, to wit: Yeas 42, nays 25.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Barlow, Bass, Berry, Caughran, De Steiguer, Dysart, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Holt, Hunsaker, Jones, Kennedy, McKay, Meany, Miller, Moore, Murray, Plummer, Powell, Putney, Reitze, Rockwell, Sallee, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Tillotson, Troy, Tyler, Walker, Wasson, and Yancy.

Those who voted nay were: Messrs. Arrasmith, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Hutchinson, Lawton, Lehman, Megler, Metcalfe, Morse, Pearson, Peterson, Reinhardt, Taylor, Thalman, Tiffany, Walter, Wyman, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Hanson, Johnson, McClure, McKnight, Nevin, Painter, Palmer, Parcell, Ragsdale, and Ready.

The emergency clause failed to pass by the following vote, to wit: Yeas 24, nays 35.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Barlow, Caughran, De Steiguer, Dysart, Frater, Garretson, Godman, Lehman, McKay, Meany, Megler, Miller, Rockwell, Sallee, Smyth, Snively, Spinning, Tillotson, Troy, Walker, Yancy, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, Bass, Berry, Bothell, Brock, Chambers, Collins, Cushman, Farrish, Fellows, Flummerfelt, Frame, Gandy, Holt, Hutchinson, Hunsaker, Jones, Metcalfe, Morse, Murray, Peterson, Plummer, Powell, Putney, Reinhardt, Sharpstein, Smith, Taylor, Thalman, Tiffany, Walter, Wasson, Wyman, Yeomans, and Young.

Those absent and not voting were: Messrs. Adams, Andrews, Hanson, Johnson, Kennedy, Lawton, McClure, McKnight, Moore,

Nevin, Painter, Palmer, Parcell, Pearson, Ragsdale, Ready, Reitze, Schricker, and Tyler.

Mr. Snively moved that the House reconsider the vote by which the bill passed.

Mr. Murray moved that the motion to reconsider be laid on the table.

The motion to lay on the table was rejected.

The motion to reconsider was rejected.

The title of the bill was agreed to.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The president of the Senate has signed House bill No. 227, Relative to prosecuting public offenses.

Also, H. B. No. 228, Relative to destruction of forests by fires.

Also, H. B. No. 57, Relative to malicious trespass.

Also, H. B. No. 300, Appropriation bill.

Also, H. B. No. 248, Relative to cities and towns borrowing money.

Also, H. B. No. 203, Relative to tide lands.

The Senate has passed House bill No. 121, Relative to state granted lands, with amendments.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

MR. SPEAKER:

The president of the Senate has signed House bill No. 167, entitled "An act relative to feathered game."

Also, House bill No. 297, Relative to commission to lease state offices.

Also, House bill No. 301, Relative to dissection of dead bodies.

Also, House concurrent resolution No. 10.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

MR. SPEAKER:

The Senate has passed House bill No. 262, entitled "An act to establish a state fish hatchery, and making an appropriation therefor."

Also, House concurrent resolution No. 29, Expressing confidence in Surveyor General Thos. H. Cavanaugh.

The president has signed Senate bill No. 181, Relative to funding indebtedness of cities and towns, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bill No. 181 in open session of the House.

House bill No. 121, received from the Senate with amendments, was read.

The House concurred in the Senate amendments by the following vote, to wit: Yeas 50, nays 2.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Chambers, Collins, Cushman, Dysart, Fellows, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hunsaker, Johnson, Jones, Lawton, Megler, Miller, Moore, Morse, Murray, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Rockwell, Sallee, Schrieker, Sharpstein, Smith, Taylor, Thalman, Tiffany, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Godman, and Metcalfe.

Those absent and not voting were: Messrs. Andrews, Bothell, Brock, Caughran, De Steiguer, Farrish, Hanson, Hutchinson, Kennedy, Lehman, McClure, McKay, McKnight, Meany, Nevin, Painter, Parcell, Putney, Ready, Smyth, Snively, Spinning, Tillotson, Troy, Tyler, and Walter.

REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations, to which was referred Senate bill No. 193, entitled "An act to amend an act entitled 'An act authorizing cities and towns to make improvements and issue bonds, etc.,'" respectfully reports the bill back to the House with the recommendation that it do pass.

Your committee also make the same recommendation in the case of Senate bill No. 239, entitled "An act to amend sections 24 and 124 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.'" J. M. MILLER, Chairman.

On motion of Mr. Tyler, the report was adopted.

Senate bill No. 193, was read third time, and passed by the following vote, to wit: Yeas 52, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Arrasmith, Berry, Caughran, Chambers, De Steiguer, Dysart, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hutchinson, Hunsaker, Johnson, Jones, Lawton, Lehman, McKay, Meany, Megler, Miller, Moore, Morse, Palmer, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Rockwell,

Sallee, Schricker, Sharpstein, Smith, Snively, Spinning, Thalman, Tiffany, Troy, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those who voted nay were: Messrs. Collins, Cushman, Fellows, Hanson, and Metcalfe.

Those absent and not voting were: Messrs. Andrews, Barlow, Bass, Bothell, Brock, Farrish, Kennedy, McClure, McKnight, Murray, Nevin, Painter, Parcell, Putney, Ready, Reinhardt, Smyth, Taylor, Tillotson, and Walter.

The title of the bill was agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following report.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 262, entitled "An act to establish a state fish hatchery, and making an appropriation therefor," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 263, entitled "An act relating to the payment of salaries of state officers," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 314, entitled "An act to provide for annexing certain county territory to a neighboring county to which it is contiguous," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bills Nos. 262, 263 and 314 in open session of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The Senate has passed House bill No. 233, entitled "An act relative to community property.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

Mr. Snively moved that the House reconsider the vote by which Senate bill No. 168 failed to pass.

Mr. Sharpstein moved to lay the motion on the table.

The motion was rejected.

The motion to reconsider was adopted by the following vote, to wit: Yeas 39, nays 17.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Bass, Berry, Bothell, Chambers, Collins, Cushman, De Steiguer, Dysart, Frame, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, McKay, Meany, Megler, Miller, Morse, Murray, Peterson, Powell, Reitze, Sallee, Schricker, Smith, Snively, Taylor, Thalman, Troy, Tyler, Walker, Wasson, Yancy, and Mr. Speaker.

Those who voted nay were: Messrs. Arrasmith, Fellows, Flummerfelt, Frater, Gandy, Lawton, Lehman, Moore, Pearson, Plummer, Rockwell, Sharpstein, Spinning, Tiffany, Walter, Yeomans, and Young.

Those absent and not voting were: Messrs. Andrews, Barlow, Brock, Caughran, Farrish, Hanson, Johnson, Kennedy, McClure, McKnight, Metcalfe, Nevin, Painter, Palmer, Parcell, Putney, Ragsdale, Ready, Reinhardt, Smyth, Tillotson, and Wyman.

The roll was called on the passage of the bill.

The bill failed to pass by the following vote, to wit: Yeas 38, nays 21.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Bass, Berry, Bothell, Chambers, Collins, Cushman, De Steiguer, Frame, Garretson, Hutchinson, Johnson, Jones, Kennedy, Lawton, McKay, Meany, Megler, Miller, Morse, Murray, Peterson, Powell, Ragsdale, Reitze, Sallee, Schricker, Smith, Smyth, Snively, Taylor, Thalman, Troy, Tyler, Walker, Wasson, and Yancy.

Those who voted nay were: Messrs. Arrasmith, Farrish, Fellows, Flummerfelt, Frater, Gandy, Holt, Hunsaker, Lehman, Metcalfe, Moore, Pearson, Plummer, Rockwell, Sharpstein, Spinning, Tiffany, Walter, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Andrews, Barlow, Brock, Caughran, Dysart, Godman, Hanson, Johnson, McClure, McKnight, Nevin, Painter, Palmer, Parcell, Putney, Ready, Reinhardt, Tillotson, and Wyman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER :

The president of the Senate has signed House bill No. 262, entitled "An act relative to state fish hatchery."

Also, House bill No. 263, Relative to salaries of state officers.

Also, House bill No. 314, Relative to annexing certain territory of one county, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 391, entitled "An act concerning an appropriation of water for irrigation."

Also, Senate bill No. 80, An act in relation to proceedings in probate.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bills Nos. 80 and 391 in open session of the House.

Mr. Dysart moved that the rules be suspended, and that Senate bill No. 182, An act to provide for the drainage of cities of the second and third class by the construction of sewers and drains, be read third time by title and placed on final passage.

The motion was adopted.

The bill was read third time, and passed by the following vote, to wit: Yeas 51, nays 7.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Anderson of Whatcom, Barlow, Bass, Berry, Bothell, Caughran, Chambers, Collins, De Steiguer, Dysart, Farrish, Flummerfelt, Frame, Frater, Gandy, Garretson, Godman, Hunsaker, Jones, Lawton, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Rockwell, Schricker, Sharpstein, Smith, Snively, Spinning, Taylor, Thalman, Troy, Tyler, Walker, Wasson, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Arrasmith, Brock, Cushman, Lehman, Reinhardt, Tiffany, and Walter.

Those absent and not voting were: Messrs. Andrews, Fellows, Hanson, Holt, Hutchinson, Johnson, Kennedy, McClure, McKnight, Nevin, Painter, Palmer, Parcell, Putney, Ready, Sallee, Smyth, Tillotson, Wyman, and Mr. Speaker.

The emergency clause was passed by the following vote, to wit: Yeas 52, nays 8.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Caughran, Chambers, De Steiguer, Dysart, Flummerfelt, Frame, Frater, Gandy, Garretson, Holt, Hunsaker, Jones, Kennedy, Lawton, McKay, Meany, Megler, Miller, Moore, Morse, Murray, Pearson, Peterson, Plummer, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Smyth, Snively, Spinning, Thalman, Tillotson, Troy, Tyler, Walker, Walter, Wasson, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Collins, Cushman, Godman, Hutchinson, Lehman, Metcalfe, Taylor, and Tiffany.

Those absent and not voting were: Messrs. Andrews, Brock, Farrish, Fellows, Hanson, Johnson, McClure, McKnight, Nevin, Painter, Palmer, Parcell, Powell, Putney, Ready, Sallee, Wyman, and Mr. Speaker.

The title of the bill was agreed to.

REPORT OF COMMITTEE ON REVENUE AND TAXATION.

The Committee on Revenue and Taxation made the following report:

MR. SPEAKER:

Your Committee on Revenue and Taxation, to which was referred Senate bill No. 179, entitled "An act making the state treasurer ex-officio fiscal agent of the state, defining his duties and declaring an emergency," respectfully reports the bill back to the House with the recommendation that it do pass.

ALF. A. PLUMMER, Chairman.

On motion of Mr. Megler the bill was read third time and passed by the following vote, to wit: Yeas 52, nays 4.

Those who voted yea were: Messrs. Anderson of Mason, Barlow, Bass, Berry, Bothell, Chambers, Collins, Cushman, Dysart, Farrish, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Lawton, Lehman, McKay, Meany, Megler, Miller, Moore, Morse, Murray, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smith, Snively, Spinning, Thalman, Tiffany, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Arrasmith, Flummerfelt, Metcalfe, and Walter.

Those absent and not voting were: Messrs. Adams, Anderson of

Whatcom, Andrews, Brock, Caughran, De Steiguer, Fellows, Hanson, Johnson, Kennedy, McClure, McKnight, Nevin, Painter, Palmer, Parcell, Putney, Ready, Sallee, Smyth, Taylor, and Mr. Speaker.

The emergency clause failed to pass; yeas 48, nays 3.

Those who voted yea were: Messrs. Anderson of Mason, Anderson of Whatcom, Arrasmith, Barlow, Bass, Berry, Bothell, Chambers, Collins, Cushman, De Steiguer, Dysart, Farrish, Frame, Frater, Gandy, Garretson, Godman, Hunsaker, Jones, Lawton, Lehman, Meany, Megler, Miller, Moore, Morse, Pearson, Peterson, Plummer, Powell, Ragsdale, Rockwell, Schricker, Sharpstein, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Flummerfelt, Holt, and Metcalfe.

Those absent and not voting were: Messrs. Adams, Andrews, Brock, Caughran, Fellows, Hanson, Hutchinson, Kennedy, McClure, McKay, McKnight, Murray, Nevin, Painter, Palmer, Parcell, Putney, Ready, Reitze, Reinhardt, Sallee, Smith, Smyth, Troy, Walter, and Mr. Speaker.

The title of the bill was agreed to.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, March 7, 1891.

To the Honorable the House of Representatives of the Legislature of the State of Washington:

GENTLEMEN—I have this day approved and signed the following bills: House bill No. 259, entitled "An act in relation to directors, trustees and commissioners of state institutions."

House bill No. 279, entitled "An act to provide for the committing of juvenile offenders to the state reform school of Chehalis."

House bill No. 155, entitled "An act appropriating money for the support and education of the feeble minded pupils of the Washington school for defective youth."

House bill No. 244, entitled "An act to amend section 33 of an act entitled 'An act relating to building, loan and savings associations doing a general business, and declaring an emergency.'"

House bill No. 299, entitled "An act defining the boundaries of Island county."

House bill No. 306, entitled "An act to appropriate money for the prosecution of the artesian well authorized and commenced under an act passed by the legislature of the Territory of Washington."

House bill No. 300, entitled "An act making appropriations for sundry

civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes."

House bill No. 301, entitled "An act for the dissection of dead bodies."

House bill No. 227, entitled "An act to amend section one of an act entitled 'An act to provide for prosecuting public offenses on information,' approved January 29, 1890."

House bill No. 57, entitled "An act to amend section 842 of the Code of Washington relating to malicious trespass."

House bill No. 228, entitled "An act to prevent the destruction of forests by fire on public lands."

House bill No. 248, entitled "An act to authorize cities and towns to borrow money for municipal purposes, and to issue negotiable bonds therefor."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

Senate bill No. 49, 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," was read third time, and passed by the following vote, to wit: Yeas 47, nays 6.

Those who voted yea were: Messrs. Adams, Anderson of Whatcom, Barlow, Berry, Bothell, Chambers, Collins, Cushman, De Steiguer, Dysart, Frame, Frater, Gandy, Garretson, Holt, Jones, Lawton, Lehman, McKay, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Pearson, Peterson, Plummer, Ragsdale, Reitze, Reinhardt, Rockwell, Schrieker, Snively, Spinning, Taylor, Thalmann, Tillotson, Troy, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, and Young.

Those who voted nay were: Messrs. Arrasmith, Farrish, Godman, Palmer, Tiffany, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Andrews, Bass, Brock, Caughran, Fellows, Flummerfelt, Hanson, Hutchinson, Hunsaker, Johnson, Kennedy, McClure, McKnight, Nevin, Painter, Parcell, Powell, Putney, Ready, Sallee, Sharpstein, Smith, Smyth, and Walter.

The title of the bill was agreed to.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 233, entitled "An act to protect innocent purchasers of community real property," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

MR. SPEAKER:

Your Committee on Enrolled Bills submit the following list of extra clerical assistance, and recommend the issuance of warrants therefor:

Robert Black.....	\$15 00
T. M. Henry.....	5 00
A. J. Munson.....	5 00
E. C. McDonald.....	15 00
D. Sternberg.....	25 00
Mrs. Culver.....	15 00
Mrs. Leavitt.....	15 00
Mrs. Follansbee.....	10 00
D. S. Baker.....	10 00
C. N. Hale.....	5 00

W. K. KENNEDY, Chairman.

On motion of Mr. Snively, the report was adopted.

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 121, entitled "An act to provide for the selection of lands granted to the State of Washington under act of congress approved February 22, 1889, for the purpose of the erection of public buildings and a penitentiary; the use and support of agricultural and scientific normal schools and charitable penal and reformatory institutions, also providing for selection of lands granted to the State of Washington, under sections 1947, 2275 and 2276, of the revised statutes of the United States," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted.

W. K. KENNEDY, Chairman.

The speaker signed House bills Nos. 121 and 233 in open session of the House.

Senate bill No. 392, An act to amend section 1 of an act entitled "An act creating and establishing municipal courts in cities of the State of Washington, having more than 20,000 inhabitants, defining and describing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor, and declaring an emergency," was read first time by title.

On motion of Mr. Meany the rules were suspended, and the bill was read second and third times by title and passed by the following vote, to wit: Yeas 49, nays none.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Berry, Caughran, Chambers, Collins, De Steiguer, Dysart, Farrish, Frame, Frater, Gandy, Garretson, Godman, Hunsaker, Jones, Lawton, Lehman, Meany, Megler, Metcalfe, Miller, Moore, Morse, Murray, Palmer, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Snively, Spinning, Taylor, Tiffany, Troy, Tyler, Walker, Wasson, Wyman, Yancy, Yeomans, and Young.

Those absent and not voting were: Messrs. Anderson of Mason,

Anderson of Whatcom, Andrews, Bass, Bothell, Brock, Cushman, Fellows, Flummerfelt, Hanson, Holt, Hutchinson, Johnson, Kennedy, McClure, McKay, McKnight, Nevin, Painter, Parcell, Putney, Ready, Sallee, Smith, Smyth, Thalman, Tillotson, Walter, and Mr. Speaker.

The emergency clause was passed by the following vote, to wit: Yeas 55, nays none.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Bass, Berry, Bothell, Brock, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Frame, Frater, Gandy, Garretson, Godman, Holt, Hutchinson, Hunsaker, Jones, Lehman, McKay, Meany, Megler, Miller, Moore, Morse, Murray, Palmer, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Walker, Wasson, Wyman, Yancy, Yeomans, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Dysart, Fellows, Flummerfelt, Hanson, Johnson, Kennedy, Lawton, McClure, McKnight, Metcalfe, Nevin, Painter, Parcell, Putney, Ready, Sallee, Smith, Tillotson, Troy, Tyler, and Walter.

The title of the bill was agreed to.

Senate bill No. 230, An act in relation to attachments and garnishments, was read third time and failed to pass by the following vote, to wit: Yeas 36, nays 5.

Those who voted yea were: Messrs. Adams, Anderson of Mason, Arrasmith, Barlow, Caughran, Collins, De Steiguer, Frame, Gandy, Garretson, Hutchinson, Hunsaker, Jones, Kennedy, McKay, Meany, Metcalfe, Murray, Palmer, Pearson, Powell, Ragsdale, Reinhardt, Rockwell, Schricker, Sharpstein, Smyth, Spinning, Taylor, Troy, Tyler, Walker, Wasson, Wyman, Yancy, and Young.

Those who voted nay were: Messrs. Bass, Flummerfelt, Godman, Peterson, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Whatcom, Andrews, Berry, Bothell, Brock, Chambers, Cushman, Dysart, Farrish, Fellows, Frater, Hanson, Holt, Johnson, Lawton, Lehman, McClure, McKnight, Megler, Miller, Moore, Morse, Nevin, Painter, Parcell, Plummer, Putney, Ready, Reitze, Sallee, Smith, Snively, Thalman, Tiffany, Tillotson, Walter, and Yeomans.

Senate bill No. 253, An act to authorize the state militia to use certain grounds for encampment purposes, was read first time.

On motion of Mr. Taylor, the rules were suspended, and the bill was read second and third time, and passed by the following vote, to wit: Yeas 48, nays none.

Those who voted yea were: Messrs. Adams, Arrasmith, Barlow, Bass, Berry, Bothell, Caughran, Chambers, Collins, Cushman, De Steiguer, Farrish, Frame, Frater, Gandy, Garretson, Hunsaker, Jones, Lehman, McKay, Meany, Megler, Miller, Morse, Murray, Pearson, Peterson, Plummer, Powell, Ragsdale, Rockwell, Schricker, Sharpstein, Smyth, Snively, Spinning, Taylor, Thalman, Tiffany, Tillotson, Troy, Tyler, Walter, Wasson, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Brock, Dysart, Fellows, Flummerfelt, Godman, Hanson, Holt, Hutchinson, Johnson, Kennedy, Lawton, McClure, McKnight, Metcalfe, Moore, Nevin, Painter, Palmer, Parcell, Putney, Ready, Reitze, Reinhardt, Sallee, Smith, Walker, and Yeomans.

The title of the bill was agreed to.

On motion of Mr. De Steiguer, the rules were suspended, and House bill No. 315, An act to provide for voting on a constitutional amendment at the general election to be held in November, 1892, was read third time, and passed by the following vote, to wit: Yeas 48, nays none.

Those who voted yea were: Messrs. Adams, Barlow, Berry, Bothell, Caughran, Chambers, Collins, De Steiguer, Dysart, Farrish, Frame, Frater, Gandy, Garretson, Hunsaker, Jones, Kennedy, Lawton, Lehman, Meany, Megler, Miller, Morse, Murray, Pearson, Peterson, Plummer, Powell, Ragsdale, Reitze, Reinhardt, Rockwell, Schricker, Sharpstein, Smyth, Snively, Spinning, Taylor, Tiffany, Tillotson, Troy, Tyler, Wasson, Wyman, Yancy, Young, and Mr. Speaker.

Those absent and not voting were: Messrs. Anderson of Mason, Anderson of Whatcom, Andrews, Arrasmith, Bass, Brock, Cushman, Fellows, Flummerfelt, Godman, Hanson, Holt, Hutchinson, Johnson, McClure, McKnight, Metcalfe, Moore, Nevin, Painter, Palmer, Parcell, Putney, Ready, Sallee, Smith, Thalman, Walker, Walter, and Yeomans.

The title of the bill was agreed to.

On motion of Mr. Sharpstein, the following resolution was adopted:

Resolved, That the thanks of this House be extended to Hon. Amos F. Shaw, as speaker, for the satisfactory, impartial and courteous manner

in which he has presided over the deliberations of this body, and that he accept the gavel used during this session as a token of the regards of this House.

On motion of Mr. Snively, the following resolution was adopted:

Resolved, That the thanks of the House be extended to Hon. T. G. Nicklin, for the efficient manner in which he has conducted the clerical work of the House.

On motion of Mr. Hunsaker, the following resolution was adopted, to wit:

Resolved, That a committee of three be appointed to inform the Senate, and a like committee of three to inform His Excellency the Governor, that the House has completed its business; and is ready to adjourn.

Messrs. Hunsaker, Sharpstein, and Gandy were appointed to wait upon the governor and inform him that the House has completed its labors.

On motion of Mr. Sharpstein, a vote of thanks was tendered the members of the press for favors shown, etc.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The president of the Senate has signed House bill No. 233, entitled "An act relative to purchasers of community property."

Also, House bill No. 297, To create a commission to lease state offices.

Also, House bill No. 121, Relative to selection of state lands, etc.

The Senate has passed House bill No. 315, An act relative to voting on constitutional amendment.

The president of the Senate has signed Senate bill No. 46, An act regulating warehouse men, etc.

Also, Senate bill No. 49, Pharmacy bill.

And the same are herewith transmitted to the House.

C. M. BARTON, Secretary.

SENATE CHAMBER,

OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 74, entitled "An act providing for appeals to the supreme court."

Also, Senate bill No. 69, An act relative to municipal corporations.

Also, Senate bill No. 59, N. G. W. deficiency bill.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bills Nos. 46, 49, 59, 69 and 74 in open session of the House.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 7, 1891.

To the Honorable the House of Representatives of the State of Washington:

GENTLEMEN—I have this day signed:

House bill No. 262, entitled "An act to establish a state fish hatchery, and making an appropriation therefor."

House bill No. 263, entitled "An act relating to the payment of salaries of state officers."

I have the honor to be,

CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 7, 1891.

To the Honorable the House of Representatives of the Legislature of the State of Washington:

GENTLEMEN—I have this day approved and signed House bill No. 297, entitled "An act to create a commission ex-officio, composed of state officers for the purpose of leasing suitable accommodations for the state offices, and for the preservation and safe keeping of the state archives, and making an appropriation therefor."

I have the honor to be,

CHAS. LAUGHTON,
Lieutenant and Acting Governor.

On motion of Mr. Pearson, all bills pending in the House were indefinitely postponed.

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills made the following reports:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully reports that the enrolled copy of House bill No. 315, entitled "An act relating to constitutional amendments," has been carefully compared with the original copy thereof, and found correctly enrolled.

Respectfully submitted. S. J. SMYTH, Chairman.

The Speaker signed House bill No. 315 in open session of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER,
OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 182, entitled "An act relative to drainage of cities," etc.

Also, House bill No. 315, Relative to voting on constitutional amendment.

Also, Senate bill No. 193, Relative to authorizing cities and towns to issue bonds.

Also, Senate bill No. 179, Making the state treasurer fiscal agent, etc.

Also, Senate bill No. 392, Relative to municipal courts.

Also, Senate bill No. 253, Relative to state militia, etc.

The same are herewith transmitted to the House.

C. M. BARTON, Secretary.

The Speaker signed Senate bills Nos. 179, 182, 193, 253 and 392 in open session of the House.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, March 7, 1891.

To the Honorable the House of Representatives of the Legislature of the State of Washington:

GENTLEMEN— I have this day approved and signed House bill No. 315, entitled "An act to provide for voting on a constitutional amendment at the general election to be held in November, 1892."

I have the honor to be,

CHAS. E. LAUGHTON,
Lieutenant and Acting Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
OLYMPIA, WASH., March 7, 1891.

MR. SPEAKER:

The president of the Senate has signed Senate bill No. 132, Relative to municipal corporations.

Also, Senate bill No. 200, Relative to state penitentiary.

I am requested by the Senate to say that the Senate is ready to adjourn, and request that a committee of two on the part of the House be appointed to act with a like committee of the Senate to advise the governor. Senators Owings and Claypool have been appointed on behalf of the Senate.

The same is herewith transmitted to the House.

C. M. BARTON, Secretary.

The speaker signed Senate bills Nos. 132 and 200 in open session of the House.

The secretary of the Senate appeared at the bar of the House and announced that the Senate had completed its labors and was ready to adjourn.

On motion of Mr. Megler, the journal of to-day was approved.

On motion of Mr. Gandy, the House adjourned sine die.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

APPENDIX "A,"

HOUSE JOURNAL.

MESSAGE OF CHAS. E. LAUGHTON,

LIEUTENANT GOVERNOR AND
ACTING GOVERNOR,

TO THE LEGISLATURE OF 1891.

MESSAGE.

Gentlemen of the Senate and House of Representatives:

It is with a feeling of profound regret, with which the hearts of the entire people of the State of Washington throb in sympathy, that I announce to you the serious indisposition of our honored governor, Elisha P. Ferry, which has seemed to render it imperatively necessary for him temporarily to absent himself from among us, seeking that perfect condition of restored health which complete cessation from physical and mental labor alone can give him. That he may speedily recover, and that this legislature and the people of this commonwealth may soon again reap the benefit of that varied experience and wise counsel which have so emphatically characterized his former administrations, is my earnest and sincere wish; a wish which, I believe, voices the sentiment of every citizen of this grand new state, that owes so much to his untiring energy and ability. Owing to this temporary disability, I am obliged, under the provisions of the constitution, to assume the duties of his office *pro tempore*. Among these duties is that of preparing and presenting to your honorable bodies a biennial message, embodying such suggestions and recommendations pertaining to legislation as may be deemed proper and necessary for the continued welfare, development and prosperity of the state. Fully realizing the importance and magnitude of this work, I cannot refrain from expressing the wish that it had been my privilege to submit to you such thoughts and suggestions, in reference to the changing conditions resultant from a largely increased population, and the establishment of innumerable new industries since our admission into the sisterhood of states, as would be in thorough accord with a suggested policy of our chief executive; and that the opportunity for a thorough research into the departmental operations of the state government had not been so abridged by a limitation of time as to render my observations, conclusions and recommendations less comprehensive and satisfactory than I would have wished.

As the second legislature of the State of Washington, the people confidently expect that you will, so far as may be possible by legislative enactment, judiciously amend such laws as may have been found inefficient or contradictory in their provisions, and enact such other laws as will conduce to the harmonious and successful working of our state government. As an important factor to this end, I respectfully urge an earnest review and favorable consideration of the suggestions contained in the reports of the officers and boards of the various state departments. To

the satisfactory operation of their respective bureaus these officers have given individual and undivided attention since their induction into office; with the result that they are thoroughly acquainted with the requirements of their respective departments.

In the transition from an incomplete territorial existence to completed statehood, with its accompanying burden of greater responsibilities and larger duties, the accomplishment of a perfected organization of the various departments and of the intricate machinery of state could hardly have been expected from one session of the legislature. It is consequently incumbent upon you to supplement in this direction the provisions made by the first legislature.

CODE.

At this period of rapid development our system of laws cannot be too carefully considered and constructed in order that there should be a reliable basis upon which to adjudicate all cases that may from time to time arise. Every enactment of new laws, or repeal of existing laws, should strengthen the foundation of our government.

The legislature, at its last session, very wisely provided for a much-needed review of territorial and state laws, by "An act to appoint a commissioner to compile, re-arrange and annotate the laws of Washington, and to provide for the publication and distribution thereof, and for payment therefor," approved February 18, 1890.

The revision and proper harmonizing of the laws into a code is an undertaking fraught with grave responsibilities. The practice in our courts should be made to conform, as nearly as practicable, to that of those states which have kindred provisions in their constitutions and laws. The work requires an extensive and peculiar knowledge, and a combination of rare qualities and accomplishments.

Section 1 of this act designated and appointed W. Lair Hill as a code commissioner to perform this work. I take pleasure in saying that a wiser choice could not have been made. No praise can be too high for the untiring energy and ability displayed by him in performance of this arduous duty.

Section 4 provides that the commissioner shall "prepare a bill providing for the enactment of such laws, amendments and repeal of laws, as he shall suggest under section 2 of this act, and shall deliver said bill to the governor of said state on or before January 1, 1891." The commissioner has found it impossible to present this matter in a single bill without a violation of section 19, article 2 of the constitution, and has presented instead thereof a number of bills which, combined, cover all the matters contemplated by the act. These bills are now in my hands and will be presented to you. I earnestly ask your immediate and favorable action upon them, their purposes being so preëminently essential to the immediate interests of litigants and of the state.

An extended and intelligent preparation of this code has engrossed the entire time and attention of the code commissioner and of a corps of trained assistants for a period of eight months. Its consideration by you, section by section, would consume, in my opinion, the greater portion, if

not all, of the limited time which is allotted to you by the constitution; thus depriving the state of much needed legislation upon other equally vital topics. I therefore recommend that you accept, in its entirety, the code prepared by the commissioner. Having thus laid the foundation of a noble system of enlightened jurisprudence, you can rear upon it such additional provisions as your wisdom may suggest.

ELECTIONS.

The law entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections," approved March 19, 1890, otherwise known as the "Australian ballot law," seems to have been eminently satisfactory in its operation. Changes in and amendments to this law will, however, doubtless be suggested by more familiar acquaintance with its practical results.

The tendency of all legislation in reference to the conduct of elections should be to afford the voter the most ample protection and security in exercising his privilege of the franchise, and to discourage chicanery, dishonesty, or intimidation. In this respect the operations of the law have conduced to the desired result.

Complaint has been made that the printing of the names of candidates in alphabetical order upon the certified ballot, as provided in section 17, tends to confuse the voter in making his choice. To meet this objection, I would recommend that the law be so amended as that the names of the candidates to be voted for shall be massed in separate political groups for the respective offices.

CONVICT LABOR.

Section 29, article 2 of the constitution provides that, after the first day of January, 1890, the labor of convicts of this state shall not be let out by contract to any person or corporation. You are required to provide for the working of convicts for the benefit of the state. This mandate of the constitution should be obeyed by the speedy enactment of a law giving appropriate effect to it. I shall refer more fully to the employment of convict labor for the benefit of the state in considering questions relative to the penitentiary at Walla Walla.

HARBOR LINES AND TIDE LANDS.

One of the most eminent writers on constitutional law says:

"The deficiencies of human language are such that, if written instruments were always prepared carefully by persons skilled in the use of words, we should still expect to find their meaning often drawn in question, or at least to meet with difficulties in their practical application. And they multiply rapidly when the instruments are to be applied, not only to the subjects directly within the contemplation of those who framed them, but also to a great variety of new circumstances which could not have been anticipated, but which must nevertheless be governed by the general rules which the instruments establish. Moreover, the different points of view from which different individuals regard these instruments incline them to different views of the instruments themselves. All the circumstances tend to give to the subjects of interpretation and construction great prominence to the practical administration of the law, and to suggest questions which often are of no little difficulty."

In my opinion, article 15 of the constitution, relative to the appointment and duty of the harbor line commission, is ambiguous, unsatisfac-

tory and uncertain in its terms. In accordance, however, with its provisions the first state legislature provided "for the creation of a board of harbor line commissioners, prescribing their duty and compensation," by an act approved March 28, 1890. That these commissioners have given earnest and honest consideration to their duties no one can deny. The conclusions reached by them, after a careful investigation of the subject, as to the location of the harbor lines at Seattle have been questioned. The prosecution of their work at that city has been arrested by a mandate of the superior court of King county, where the question of their powers and duties is pending. This proceeding will result in a judicial interpretation and construction of the provisions of the constitution and of the act creating the commission. Tide lands within corporate limits cannot be disposed of until the harbor lines are established. Should any amendments to this law be presented for your consideration, the rights of all citizens and taxpayers should be kept fully in view. Large and conflicting interests are involved. The interests of the state, the corporation and the individual should be so carefully weighed and balanced that the result reached will be equitable and for the greatest benefit of all concerned. The report of the harbor line commissioners will be submitted to you.

EDUCATIONAL MATTERS.

I invite your attention to the exhaustive report of the superintendent of public instruction, Hon. R. B. Bryan, regarding the condition of our public schools. It shows a most thorough attention by him to the arduous duties of this important branch of our state government.

The superintendent of public instruction is in fact, and should be made by law, the active head of educational matters in the state; all facts and statistics relative to these matters should be referred to him, and disseminated to the public through his office.

The law should be so changed as to require the boards in charge of the various state educational institutions to make annual reports of the operations of the same to the superintendent of public instruction, as well as to the governor.

It should also be amended so as to harmonize the duties of the various educational officers and boards in this state. The proper officers of town and city school districts should be invested with power to enforce attendance on the part of truants.

The question as to whether the line of text-books used in the common schools should be purchased from the public fund, instead of by the parents or guardians of the children, merits the attention of the legislature. The text-books are as necessary a part of the equipment of the school as the teacher or school building. The public pays the one, and builds the other. Why not also provide the books? The purchase of the needed text-books is a heavy burden on the wage-earner, who often has to face the problem of rearing and educating a large family of future citizens on a small and precarious income. It is true that the law provides for the purchase of text-books for the children of indigent parents; but what American citizen will willingly sign a statement virtually con-

fessing himself a pauper? The law requires that a child shall be furnished with the books adopted by the state board of education "as a condition of membership in the schools." This requirement militates against the freedom of the public schools as much as would a tuition fee, or a fee for incidental purposes. An annual saving of from forty to fifty thousand dollars can be made for the people in the purchase of the necessary textbooks by the state. The saving will increase with our population. Let us remove the burden from those who are least able to bear it, and make the public schools free in fact as well as in name.

THE UNIVERSITY OF WASHINGTON.

By the provisions of an act of congress (10 U. S. Statutes at Large, p. 305) approved July 17, 1854, and of an act approved February 22, 1889 (25 U. S. Statutes, p. 676), 46,080 acres of the public domain of the United States were granted to the territory and state of Washington for university purposes. The grant of 1854 was supplemented by an additional gift of ten acres from citizens of Seattle, conditioned upon the location and maintenance of the university upon the ground so donated.

Information derived from the commissioner of the general land office, under date July 15, 1890, discloses the fact that from the original governmental grant of 46,080 acres, there have been selected and sold 45,758 81-100 acres, leaving but 321 19-100 acres now due the state. Grave charges have been made concerning the disposition of these university lands. The lists of the lands selected and sold are inaccurate and indefinite. Quoting the language of a former board of regents of the university, "the whole matter appears to have been neglected for years, to the great detriment of an institution which is eminently worthy in itself and in its plan, and the future prosperity of which should have been assured beyond doubt by early and judicious selection of all its lands and by their strict and entire retention from private sale."

The maintenance of this institution is derived from three sources, viz.:

First: Proceeds of sales under the university grant (now virtually exhausted).

Second: Receipts from tuition.

Third: Such appropriations as may be made from time to time by the legislature.

Under existing laws the institution must measure its scope of usefulness entirely by the amount received from the last-named source.

The University of Washington should, and could, be made not only self-supporting, but also a monument to the intelligence of this young commonwealth. The uncertain and indefinite information respecting the disposal of its land grant has, however, interposed a barrier which has tended materially to retard its usefulness and block its progress. I am unable to find that its exact status, other than educational, has never yet been defined by any board of regents or commissioners having its business in charge.

A special committee, under concurrent resolution of December 5, 1889, was appointed by the legislature to examine thoroughly into the details

of the management of this institution from its organization to that time. The result of its investigations was given to the legislature in a printed report. The work of this committee was entirely satisfactory, to the extent of the questions discussed by it; but, owing to limitation of time, it did not, or could not, enter fully into the consideration of the varied and vexed questions involved in the management of the University since its foundation.

The present board of regents presents an ample and exhaustive report upon the present condition of the university and its necessities, which embodies many pertinent suggestions, for which I ask your careful consideration.

I recommend that a special committee of investigation be designated, to be selected of members of the legislature (acting in conjunction with a like committee to be appointed from a board of regents), whose duties shall be to make a thorough, comprehensive, and exhaustive inquiry into all matters connected with and pertaining to the university since its establishment, which shall have power to send for persons and papers, and to which ample time shall be given to complete the labors imposed upon it.

The people have the right, and most emphatically demand, that the legislature shall give to them the fullest information in relation to the exact status of this institution and of its liberal endowments.

AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

At the last session of the legislature an act was passed, approved March 28, 1890, for the location, establishment, and maintenance of a State Agricultural College and School of Science.

The report of the commissioners of this institution, which will be duly submitted to you, advises me, that after repeated meetings, and a thorough canvass of the respective merits and advantages of the localities offered as sites for the establishment of the college, the board has been unable to agree upon a selection of land for its location. This fact is to be regretted, as upon its establishment depend munificent governmental grants of land and money.

Section 4 of the act contains the following clause: "Said commission shall locate the said college, unless its location has been otherwise selected in accordance with law, previous to the first day of June, A. D. 1890." The failure of the commission to locate the Agricultural College, in compliance with this plain mandate of law, raises a grave doubt in my mind as to its further right to act at all in the matter. I would, therefore, recommend that that portion of section 4, quoted above, be so amended as to provide for the appointment of a new commission, and the fixing of some future date, prior to which the commission shall be required to locate the site for said college and school.

Of the \$5,000 appropriated to carry into effect the provisions of this act, the commissioners report as having expended, in per diem and traveling expenses, the sum of \$847.45, leaving a balance unexpended and on hand of \$4,152.55.

CHENEY NORMAL SCHOOL.

Under an act of the legislature, approved March 22, 1890, "to establish a normal school for the State of Washington, in the city of Cheney, in Spokane county, and for the government, management and control of the same," Louis Walter, W. E. Weygant, A. T. Sucksdorf, W. H. H. McClure and S. A. Wells, were appointed trustees; Mr. Walter being subsequently elected president of the board and Mr. Weygant secretary.

The trustees of this institution report that it now contains twenty-five pupils, and they ask for appropriations as follows:

For maintenance of the school for 1891-1892.....	\$27,020
For erecting a new building.....	75,000

It is desirable that the methods employed, both as regards the term of instruction of the teachers and the management of these normal schools, should be of the highest order commensurate with the dignity and growth of the state; and it is important that the legislature enact laws having these objects in view.

ELLENBURGH NORMAL SCHOOL.

Section 15 of "An act to establish a normal school," approved March 28, 1890, imposes upon the trustees of this institution the duty of making an annual report. This they have failed to do. In consequence, I have no information of their proceedings to submit to you. Their report upon the status of this school will, however, doubtless be presented to you before the close of the session.

STATE LIBRARY.

The report of the state librarian shows a most satisfactory condition. New books and periodicals to the number of 2,135 have been added since the last report, making the total number of books, pamphlets, and maps, 12,224. Upon the receipt of all the books contracted for, many of which are still *en route*, our library will be second to but few as a law and reference library. At the beginning of the present administration the list of text-books in the library was very incomplete. Complete sets of state and United States reports were the exception, and not the rule; but, through the personal efforts and peculiar fitness of the present librarian, the Hon. Philip D. Moore, these omissions have, as far as possible, been supplied. At present an insurance of \$6,000 is carried upon the books in our library. The money value of these books is not less than \$40,000; should a total loss occur by fire, many of the volumes could not be replaced at all, and the loss would be most disastrous. I, therefore, respectfully recommend that the board of library commissioners be authorized to increase the insurance to not less than \$20,000, and that an appropriation be made for that purpose. I also urge a careful consideration of that portion of the librarian's report asking an appropriation of \$2,000 for the maintenance of the library during the two ensuing years.

NATIONAL GUARD OF WASHINGTON.

A tendency seems to exist in the public mind to ignore the importance of military organizations as factors in preserving and enhancing the great-

ness of our common country, and insuring the perpetuity of our institutions. The factors of peace are, it is true, greater than those of war, but no people, in the present condition of the world, can reasonably expect to purchase peace without being prepared to enforce on the field of battle their rights and prerogatives as a nation. There is no surer way to preserve peace than to be armed for defensive protection.

We have every reason to be proud of the *personnel* of the National Guard of Washington. It consists, at present, of seventeen companies of infantry and two troops of cavalry. The law provides that there shall not be to exceed thirty companies of infantry and two troops of cavalry; but the military board has deemed it unwise, owing to lack of funds, to admit, at this time, more than twenty companies of infantry.

The able report of Brigadier General R. G. O'Brien, the adjutant general, to which your closest scrutiny is directed, shows a deficiency in the funds of 1889-1890, occasioned by the services of the troops at the disastrous fires in Seattle and Spokane Falls, at which our volunteer soldiery did effective service. A bill to cover this deficiency was introduced in the last legislature and passed the Senate, but it failed to pass the House. I recommend that an appropriation to meet the deficiency be made by you.

We owe much to the members of the national guard, who freely and without hope of reward, gave their services in the preservation of our lives and the protection of our property.

Under our present laws, and owing to what appears to me a neglect or oversight upon the part of the earlier authorities of the territory, no provision has ever been made for a complete roster, or for the custody and safe keeping of the records of our volunteers who served in the war of the rebellion, or in the Indian war of 1855-1856. I am informed that a copy of these records can be obtained from the war department at Washington, upon the payment of the necessary clerical expenses incurred in transcribing them. The amount to be thus paid (not exceeding possibly \$250) is so trifling, and the desirability of the possession by the state of a perfect record of these veterans so necessary, that I trust your early attention will be given to this matter.

Claims also exist for services and for equipment and maintenance of both men and horses in the Indian wars.

With a just regard for the rights of their pioneers, the states of California, Oregon, and Nevada have secured an adjustment of these claims by the general government. I would impress the necessity of united action in requesting our senators and representative in congress to endeavor to procure the passage of a law which will place Washington in that regard upon an equality with these states.

STATE GEOLOGIST.

I invite your especial attention to the report of the state geologist. It is comprehensive, voluminous and lucid. It indicates a vast amount of work and research on his part. The industry and intelligence which he has displayed in the performance of his duties deserve special mention and recognition. He has shown thorough zeal in the development of our

mineral resources, and has bestowed great care and attention upon every detail of his official duties. In the short time since his appointment he has builded up a department of our state government which promises to be of surpassing importance and benefit. He has collected a cabinet, not only of great intrinsic value to the state, but of inestimable interest and worth to the student and investor.

I approve its recommendations, and urge your favorable consideration of them. The sum appropriated by the act creating the office of state geologist has been found inadequate, owing to the proportions and importance of this work, and the inevitable expense attending the organization of an office of this character. To reap the full benefit of this work so ably begun, in the development of one of our most valuable resources, the legislature should not hesitate to make a liberal appropriation for this department. A thorough geological and mineralogical survey should be made of the mineral bearing districts of the state. To carry out this purpose, a force of thoroughly trained scientific men will be necessary. The advantages that will accrue to the state from the adoption of this policy are so obvious that it is unnecessary to enter into an enumeration of them in detail.

I recommend that the appropriation for the next two years be not less than \$50,000. I further recommend that an amendment be made to the existing law prescribing the duties of the state geologist to the effect that he, in his official capacity, be empowered to examine all mineral claims filed upon school and other lands of the state, when requested by competent authority so to do, such testimony being of importance in determining the legitimacy of such claims, and as furnishing a basis of procedure for the attorney general to act in relation thereto. The fostering, encouragement and development of our immense deposits of coal, iron, marble and other building stones, and of the precious metals, call for your earnest consideration.

FISH COMMISSION.

Professor Agassis, the most eminent authority on pisciculture, is credited with the saying that "one acre of water, properly stocked with fish, would supply as much food as one hundred and sixty acres of land."

The growing interests of our fisheries, and the populating of our barren lakes and streams with food fish, should receive fostering care and substantial encouragement at your hands. Large and increasing investments have been and are being made in this industry. It is but the inception for our citizens of a magnificent trade, which in a short time will rival that of any state in the Union. The long established halibut fishers of Cape Cod, and the North Atlantic coast generally, are changing their base of operations to our more productive waters. Hundreds of thousands of dollars are invested in our salmon fisheries. Our native oysters and clams have a reputation for excellence throughout the United States.

Under "An act for the appointment of a fish commission, and defining its duties, and declaring an emergency to exist," approved February 20, 1890, James Crawford, of Vancouver, was appointed fish commissioner. His report is laid before you, and it is of great interest. A brief

recapitulation of this industry, collated from this report, for the eleven months ending November 30, 1890, gives the following:

VALUE OF FISH.	
Columbia River	\$1,059,345 75
Puget Sound.....	132,760 00
Shoalwater Bay.....	350 00
Total	\$1,192,455 75
VALUE OF OYSTERS AND CLAMS.	
Shoalwater Bay.....	\$64,700 00
Puget Sound	31,488 00
Total	\$96,188 00
Total value of fishing industry for 11 months	\$1,288,643 75

The expenses of the commission from March 21, 1890, to November 30, 1890, were:

Salaries	\$1,594 00
Expenses.....	802 35
Total	\$2,396 35

I approve the recommendations contained in the report of the fish commissioner as to the establishment of a state hatchery, the enactment of proper laws giving him the necessary power to enforce the "sawdust" and other provisions relative to the preservation of fish life, and also empowering him to regulate the establishment of a standard fishway. I also call your attention to other pertinent suggestions in reference to further amendments of existing laws, which are stated on pages 31 and 33 of his report.

BOARD OF HEALTH FOR DISTRICT OF PUGET SOUND.

An augmenting population by water, through the Straits of San Juan de Fuca, emphasises the need of suitable and ample quarantine buildings to be used as a hospital for the care of immigrants afflicted with infectious or contagious diseases, and to guard against the spread of such diseases among our citizens.

The state now owns five acres of land near Port Townsend, which have (until the buildings thereon were destroyed by fire) been used for this purpose. At present, we have no quarantine building or accommodations at this station.

This matter should receive your immediate attention, as continued neglect of these precautionary sanitary measures is a constant menace to the health of our people.

Your attention is called to the report of the board of health, located at Port Townsend.

PILOT COMMISSIONERS.

The recommendations of the board of pilot commissioners for the Puget Sound and Columbia river districts are submitted for your perusal. Valuable suggestions will be found therein respecting amendments to existing laws affecting our rapidly increasing commerce. These suggestions I cordially approve.

HOSPITALS FOR THE INSANE.

An eminent writer has truly said:

In this age of high-pressure living, there is perhaps no subject of more general or more urgent interest than that of insanity in its relations to the state. No reflecting mind can be indifferent to the question of making proper public provision for the treatment and care of those afflicted with an insidious disease, from which no measure of intellectual or physical strength, or worldly prosperity, affords any certain immunity—a disease which, prone to feed upon excitement, finally transforms the noblest faculties of our race into a wreck so appalling that in its contemplation the human intelligence becomes bewildered and dismayed. At no time in the history of civilization has the importance of this subject been more fully acknowledged; and probably at no time have influences contributory to mental derangement been more powerful than they are to-day. In America, where, from a variety of causes, there is so much mental activity, and where a condition of great prosperity attracts the surplus population of Europe, there are obvious reasons why the various problems relating to insanity should receive most careful attention."

These reflections are equally applicable to our increasing population. This subject should receive your broadest and most liberal consideration.

WESTERN WASHINGTON HOSPITAL.

The trustees and superintendent of this institution make a comprehensive report of the operations of the asylum at Steilacoom. Their management has been wise, governed by intelligent principles and conducive to the proper care and treatment of the unfortunate inmates.

On October 1, 1889, there were contained in the asylum, patients numbering:.....	303
Admitted during the fiscal year.....	258
Total.....	561
Discharged during the fiscal year.....	127
Died.....	54
Escaped.....	2
Total.....	183
Showing the number of patients on September 30, 1890.....	378
Average number treated, one year.....	348

The total cost of maintaining this institution, including improvements, for the year, is shown as \$64,018.87.

Cost per patient, per day, fifty cents and four-tenths (50.4).

The board of commissioners ask an appropriation of \$60,000 to complete various improvements, the more important being the erection of an addition to the main building, as the present accommodations are inadequate for the care of the rapidly increasing number of patients committed to this institution.

The alleviation of the condition of these unhappy wards of our state should receive your earnest thought and endeavor.

EASTERN WASHINGTON HOSPITAL.

Under the provisions of "An act to provide for the completion and furnishing of the Hospital for the Insane at Medical Lake, Washington, and making an appropriation therefor," \$100,000 was appropriated to complete and furnish the hospital; and by an act approved March 13, 1890, entitled "An act in relation to the insane of the State of Washington, and making appropriation for the maintenance thereof, and declaring an

emergency," \$75,000 was appropriated for the maintenance of patients and for necessary repairs of the building.

It was hoped that work could be pushed rapidly to completion upon this building, in order to relieve the hospital at Steilacoom of those patients properly belonging to the eastern part of the state, and the accommodations for which seemed to be inadequate; but the commissioners report that, owing to delays in transportation of materials, the work is not yet completed, though it is expected to be by January 20, 1891.

They request appropriations as follows:

Current expenses for two years.....	\$100,000
For improvements, outbuildings, teams, and other necessary expenses	26,000

They also ask your assent to a contract entered into for furnishing an ample water supply, and an appropriation therefor of \$20,000, making a total of \$146,000.

Their report will, I doubt not, receive at your hands that consideration which the situation demands.

BUREAU OF STATISTICS, AGRICULTURE AND IMMIGRATION.

The constitution provides, in article 2, section 34, for the establishment in the office of the secretary of state, of a bureau of statistics, agriculture, and immigration.

In his first message to the legislature, Governor Ferry called attention to this provision of the constitution; but no law creating such a bureau was passed.

It is needless for me to enlarge upon the importance of the creation of such an office, and the beneficial influence it would have upon the development of the resources of the state, by the publication of authentic printed matter, setting forth to the intending settler and investor the advantages of the various sections of the state and their adaptability for particular industries.

The duties of the officer in charge of such bureau should be to collect all the necessary data in connection with the diversified interests of the state (commercial, agricultural, timber, fishing, mineral, stock raising, etc., etc.); to publish same, in order that our resources may be properly advertised; to furnish information of the amount of vacant lands of the United States which may be entered under the homestead, preemption and other laws, and of the methods of acquiring such lands; to give the price of other lands per acre in different parts of the state, with their location, advantages, etc.; to be the medium of communication between this state and the world relative to our commerce, our manufactories, our industries and our resources; to collect and compile statistics showing the rate of wages paid for both skilled and unskilled labor, comparing such rates with those paid in other states of the Union; to show the advantages of our climate, and the inducements which are offered to health-seekers as well as to settlers and visitors; and, generally to have charge of the collecting and disseminating of useful information of every character respecting the mercantile, milling, manufacturing, agricultural and other vital interests of the State of Washington.

The bureau, although separate and distinct from the department of state, should, nevertheless, be established in that department in order that the statistics received by and on file in the office of secretary of state, might be easily accessible. The chief of this bureau should receive such compensation and clerical assistance as may be necessary to carry out fully the purposes of its establishment.

STATE BOARD OF HEALTH.

In accordance with article 20, section 2, of the constitution, the last legislature enacted a law to regulate the practice of medicine and surgery; but no law establishing a state board of health and a bureau of vital statistics in connection therewith, as provided for in section 1 of the same article, was passed.

It is quite important that a law should be enacted creating a state board of health, or that the act regulating the practice of medicine should be so amended that every physician in the state, having authority under the medical examining board to practice medicine, shall be required to make an annual report to that board, showing the mortality, cause of death, percentage of one disease over another within his knowledge, and all other vital statistics which may come under his notice, and which he may consider of importance.

An amendment should also be made to the law creating the medical examining board, which would give the president and secretary of the board authority to issue temporary permits to those physicians who may have arrived in the state at any time subsequent to a regular meeting of the board, and upon whom it would work a hardship to be compelled to wait until the next meeting of the board before a license could issue; any such permit to be revoked if the applicant failed to present himself for, or was found unable to pass, the necessary examination.

I would also suggest that a further amendment be made, providing for the appointment of a veterinary surgeon, whose duty it shall be to inspect stock, to prevent the spread of contagious diseases, and also to condemn affected cattle. Considering the vast importance of the stock interests of the state, and their future probable development, the necessity becomes at once apparent for the employment of such an officer, vested with the fullest powers in these matters, who shall be allowed a reasonable compensation, and necessary traveling expenses.

PRESERVATION OF OUR FORESTS, AND CREATION OF A FORESTRY COMMISSION.

First among the many and varied resources of Washington are its grand forests. Reaching to our very mountain tops, stretching limitless and unbroken over miles of country; thickly clothing hill, valley and bank of stream down to the waters of Puget Sound, and of the broad Pacific, the original extent of their wealth can be realized. Our trees are examples of prodigious growth, rivalling the world-famed big trees of California. They are varied in character, consisting of the yellow pine, lodge pole pine, white pine, larch, hemlock, spruce, tide land spruce, red

cedar, yellow cedar, cottonwood, tamarack, hard and soft maple, alder, oak, vine maple, and others indigenous to the climate.

The estimated amount of standing timber has been placed at four hundred billion (400,000,000,000) feet. It is impossible to make a correct estimate, however. The value of our cedars for ship building has been thoroughly tested and is receiving close consideration from importers. A vast quantity of our timber is consumed yearly by railroad and steamship companies. On account of the abundance and cheapness of wood and bark, it forms, and has formed for years, the principal staple of fuel in this state. Seemingly inexhaustible as these forests are, each year, nevertheless, marks a perceptible decrease, caused by the inroad of the woodsman and the fierce ravages of forest fires, which yearly sweep over our timber tract, uncontrolled and almost unheeded. Portions of Clarke, Skamania, Mason and King counties are stripped; the timber cut of Lewis county has been greatly diminished; Thurston county has been well cut over; and other portions of the state have nothing left of their once magnificent forests but blackened stumps. The most insidious enemies that we have had to contend with are the forest fires, which kindled by a brand in careless hands, with utter disregard of the interests of their neighbors or of the state, or mayhap by accident, or by a flying spark from an engine, extend annually over large areas of timber, mowing down the mighty trees like grass before the scythe, leaving utter destruction in their trail.

A continuation of the favorable climatic condition of our state depends largely upon the preservation of its forests. The standing trees have a wonderful effect in moderating and equalizing the extremes of heat and cold, intercepting the upper currents of air, breaking heavy winds, and warding off the dreaded cyclone and blizzard. They preserve the springs and other sources of rivers, and prevent destructive snowslides and blockades by breaking and diverting the moving volume of snow. Our dry seasons would become so marked and intense as to produce drouth and seriously interfere with operations of husbandry, were it not for our forests. Our streams and water courses should be guarded with the most jealous care, and everything tending to their preservation should be fostered and protected. The theory that heavy forests increase the fall of rain is generally accepted as correct.

The experience of too many of our sister states has been that no action was taken for the preservation of their forests until they had been irretrievably devastated; the streams and waterways diminished; the climatic conditions of the states materially affected, and their agricultural and commercial interests permanently injured. Then, and not till then, would the people of the state awaken to a sense of the importance of their forests, and enact laws for their preservation.

With that due regard for the future which characterizes wise legislation, the cutting of timber on school and public lands should be regulated so as to provide a source of revenue for years to come. The cutting of this timber, if properly regulated, would not only preserve the reproductive capacity of the forests, but would also afford as large a present remuneration as the

wholesale stripping of vast tracts of land without such regulation. The husbanding of resources which nature has given us is a matter of essential importance. With our present wealth of forest, the abundance of game therein, and our apparent immunity from the difficulties and evils which other states have suffered by a loss of these resources, it may, upon superficial examination, seem unnecessary, at the present time, to enact laws guarding against a possible contingency; but I believe that, upon a careful examination of this subject, you will agree with me that it would be wise and creditable for this legislature, thus early in the history of the state, to enact laws for the preservation of our trees, and to memorialize congress to reserve the forests in the mountains of our state from speedy despoliation. These mountain regions are unfit for cultivation and form the natural home of our large game.

I recommend the establishment of a forestry commission, to be composed of state officers, whose duty it shall be to carefully examine into these questions, and to make to the legislature such suggestions and recommendations as the facts gathered by them shall warrant. The states of Connecticut, California, Dakota, Illinois, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, Massachusetts, Nevada, New Hampshire, New York, Ohio, Vermont and Wisconsin have taken action in this matter. The state of California has, perhaps, taken more efficient action in this respect than any other state in the Union. Its climate and timber resources, as well as its topographical features, are similar to ours, and its laws relative to the establishment of a forestry commission have been conducive of great benefit to the state. I ask your most careful consideration of this transcendently important subject.

STATE CAPITOL AND OTHER BUILDINGS.

By sections 12 and 17 of the enabling act congress has granted to the State of Washington 132,000 acres of the public lands of the United States within our boundaries, the proceeds from the sale of which are to be applied to the erection of a state capitol and other necessary state buildings. Owing to causes, which I have briefly adverted to elsewhere, not one acre of this land has yet been selected. How soon, or how distant, its ultimate selection and transfer to the state, under the present rulings of the United States land department, shall be made, is problematical. Were the state in present possession of this munificent donation, however, I believe that a due regard for our business interests, as well as a wise consideration for the future, would suggest the policy of deferring the sale of any large quantities of this land; for, under the present rapidly appreciating values, the retention of a large portion of these lands by the state for future sale, could not fail to be more profitable than a forced disposal at this time. Our permanent state buildings, when erected, should be ample enough to accommodate the public business of this people for a century, and should be commensurate in form, dignity and appointments with the magnificent certainties of our future.

Under section 1, article 8, of the constitution, the state's indebtedness is limited, at any one time, to \$400,000. Bonds to the amount of \$300,000,

maturing in fifteen years, have already been issued, pursuant to the provisions of an act approved February 26, 1890. In my opinion it would be wise policy to submit an amendment to this article of the constitution, fixing the limitation of our bonded indebtedness at a reasonable percentage of our assessed valuation.

If the building of large public works is contemplated, or any expenditures of money are deemed necessary for internal or other improvements, the limitation imposed by our constitution would practically prohibit such expenditures; but the presentation to, and adoption by, the people of an amendment of the character which I suggest, would permit the legislature to make such appropriations as seemed to be wise and necessary, in order to meet the exigencies of the times. The credit of our state is unimpeachable. With our munificent grants of land for public buildings, educational and other purposes, sinking funds to provide for the liquidation of our indebtedness could be established. Such provisions would render our bonds not only acceptable, but eagerly sought for in the money centers of the world.

STATE OFFICERS.

Since the organization of this state, and pending the erection of a permanent capitol building at Olympia, the various officers of the state have had no settled abiding place. Their offices are scattered about the highways and byways of the city of Olympia, and are located wherever rooms could be secured. The business of each department in its intercourse with others is, in consequence, materially obstructed. The taxpayers and citizens are put to great inconvenience and annoyance in doing business with the state; the execution of public duties with the required dispatch is prevented; and the accommodations are totally inadequate for the requirements of the times. The written business history of our government from its earliest territorial days, consisting of the records in the custody of the various departmental officers, is much of it stored for supposed safe keeping in sheds and outbuildings. Valuable documents affecting the vital interests of the state are unprotected. Their total destruction by fire would be but the work of a moment, and their insecure condition offers a premium for speculation. We have no vaults for the preservation of our valuable land plats, or for the safe-keeping and storage of numberless other valuable documents, the loss of which would seriously impair the business standing of those institutions whose organization dates from the earlier territorial days. Many of these books and papers, if lost, could never be replaced; and many could only be replaced by the expenditure of large sums of money. The safe-keeping of the state funds is also inadequately provided for.

The dignity of the state is compromised by the humiliating spectacle of the supreme court, its highest judicial tribunal, being obliged to hold its sessions wherever chance or accident of location permits. Its mandates of records are of the greatest importance, yet their safe-keeping is hazarded. The state library, an important adjunct to the supreme court and necessary to the proper discharge of its business, and whose shelves are stored with books costing many thousands of dollars, should be lo-

cated in rooms contiguous to the supreme court and other departmental offices. The geological and mineralogical department, with its valuable exhibit of ores, is perforce located in a neighboring city.

The legislature, with a due regard for the convenience of the people, and with a decent respect for the judicial, executive and ministerial officers of the state, should see that accessible and ample accommodations for the co-ordinate branches of the state government are provided without delay.

Under the most favorable circumstances, at least five years must elapse before a permanent home can be had for the transaction of the state's business, and the safe-keeping of its archives.

This is a most serious question, as it affects the public interests of the whole people. I earnestly urge, therefore, that you immediately appropriate a sum of not less than \$100,000, to be expended under the direction of such an *ex-officio* board of state officers as you may deem best, in the purchase of a plat of ground contiguous to the business center of Olympia, upon which to erect a suitable structure, properly furnished and equipped, for the accommodation of the business of the various departments of state; for the preservation of its valuable records and archives; and for the safe-keeping of its funds. Under the present condition of rapidly enhancing values, and taking into consideration the amounts of money appropriated annually for rental and other expenses, this recommendation cannot fail, in my opinion, to meet your approval, if from no other than from a purely business standpoint; as not only the expenses of maintenance would be materially reduced, but upon the completion of permanent capitol buildings, such improved property could, without question, be disposed of at a considerable advance of its original cost.

CLERICAL SERVICES OF DEPARTMENTS.

Owing to the amount of work imposed upon the different state departments, incident to the recent organization, and which is rapidly accumulating and increasing, it has been only by the utmost diligence that the various officers during the past year have been able to discharge their multifarious duties and keep pace with the great influx of work pouring in from every quarter. The amount of work in these departments is already enormous. With the present rate of increase of population, with new industries springing up, and the consequent increase of official business of every kind, their duties will be largely augmented in the next two years. To facilitate the work in these departments every provision should be made to insure a sufficient number of competent assistants, at a salary liberal enough to command the services of thoroughly qualified men. An examination into the workings of the different departments reveals the fact that the clerical force provided by law is insufficient and poorly paid. I believe it would be wise and economic public policy to provide for an increase of the present clerical force, in the following departments, viz.: State auditor, secretary of state, state treasurer, land commissioner, superintendent of public instruction and adjutant general. I recommend also that the supreme court be allowed an officer to attend

its sessions, serve its mandates and other processes, and preform such duties as the court may recommend. It is undeniable that the state should practice the utmost economy in all matters pretaining to public expenditure, consistent with the public good, and that no superfluous and unnecessary-clerical force be provided for various public offices; but it is an unwise and disastrous policy to allow the details of state work to suffer because of an inadequate force of poorly paid assistants.

I recommend that this matter be examined into, and that sufficient appropriations be made to enable the various state officers to employ such clerical force as will insure the prompt and satisfactory discharge of their public duties.

SALARIES OF COUNTY OFFICERS.

By an act of the legislature, entitled "An act classifying the couties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries," the counties of the state were divided into twenty-nine classes, according to their population as given in the official returns of the federal census of 1890, and the various county officers were to receive a fixed salary, to be determined by the class to which the county belongs.

An examination of the rates of salary for officers in counties from the 20th to the 29th classes will develop the fact that their compensation is ridiculously small, and the force which they can procure with it is entirely inadequate to the proper performance of the duties of their respective offices.

It is highly essential that the various counties of state, in their present rapidly expanding business condition, should have officers who are thoroughly competent and fitted to preform their duties in a way promotive of the best interests of their respective counties. The compensation for such services should be sufficient to induce men of intelligence and capability to aspire for these offices.

For these, among other, reasons a thorough revision of the present law should be made; for upon the perfection of the details of the county government depends, in a great measure, the perfection of state government.

APPOINTMENT OF COMMISSIONERS BY THE GOVERNOR.

The power delegated to the governor, both by territorial and state enactment, of appointing citizens of the state as members of commissions having in charge the business and control of our various eleemosynary, educational, penal and other state institutions, does not, in my opinion, subserve the best interests of the state.

From the very nature of their duties, the various state officers are expected to, and should, be more familiar with the details of these institutions in their reference to each other and to the state than commissioners selected at large.

The governor is now vested with authority to appoint commissioners, whose average compensation is five dollars per diem, with additional traveling expenses while engaged in the business of such commission. This amount aggregates, yearly, thousands of dollars, from which a large

part can be saved by such revision of the present laws as will transfer these duties to the various state officers, who, as *ex-officio* boards, should manage the business of these institutions without other compensation than actual expenses.

In making this suggestion, I would not be understood as depreciating the services of the gentlemen who now compose the several commissions. The honest and earnest service they have given the state (some of them suffering a pecuniary loss in so doing), merits our commendation; but the system itself not only entails an unnecessary expense on the state, but it is also cumbersome in its operations. The patronage in these appointments, if injudiciously or unscrupulously used, would vitally affect the very foundations of the usefulness of the institutions themselves.

I leave this matter in your hands for such consideration and solution as you deem proper.

NEWSPAPER PUBLICATION OF LAWS.

Intelligence, just liberality and an impartial recognition of the rights of the whole body of citizens, should characterize our newly created state government. Such publication of our legislative enactments as would afford opportunity for a general and thorough acquaintance with and corresponding conception of their provisions and intent should be provided for. Under the present system from three to six months must necessarily elapse after the adjournment of the legislature before the publication and issuance of the bound volumes of the laws passed by it. They are then in such form and issued in such limited number that the great body of our citizens, though desiring to know the laws affecting their liberty and their material interests, are practically denied possession of them. Each citizen bears his burden of the expense of maintaining the state government and he is entitled to all the rights and privileges of citizenship. Not the least of these is, that the laws of his state be published in a form accessible to him. Through the newspaper—that universal medium of information—every citizen of Washington can become well informed of the laws which govern him.

In view of these reasons, and without entering into the consideration of others, equally apparent and cogent, I recommend the advisability of providing for the publication of each law immediately after its approval, in the newspapers of the state. I believe that such a provision would more fully tend to carry out the spirit of our institutions.

PRINTING REPORTS OF VARIOUS STATE OFFICERS.

The laws authorize the printing of but few of the reports of heads of departments of the state government. It is the custom to print in pamphlet form a number of these sufficient only for immediate use. I respectfully recommend that a law be enacted providing for the printing of the reports of the officers of each and every department of the state government, including its various public institutions; that such number be printed in pamphlet form as may be deemed necessary for legislative use and distribution throughout the state; and that the state printer be

authorized to reserve 500 copies of each report, which should be substantially bound and published as an appendix to the journals of the house and senate.

PROCEEDINGS OF CONSTITUTIONAL CONVENTION.

I recommend that the state purchase the stenographic reports, fully transcribed, of the proceedings of the late constitutional convention; and that the state printer be authorized to print at least 1,000 copies of the same, to be bound in leather, such number thereof to be distributed, and such number reserved for future use as you may deem proper. These volumes will be of value to our legislature and courts in considering the various questions submitted to them. They will throw a flood of light upon the intent of the framers of the constitution, and thus aid materially in giving a correct interpretation to provisions whose meaning may not be free from doubt.

COAST DEFENSES.

One of the cardinal principles of enlightened government is to protect the rights of the governed. For a neglect to protect these the government is justly censurable. Our present lack of coast defenses, leaving exposed to foreign invasion the commercial seaports of this state, is a subject that should receive the immediate consideration of congress. The waters of Puget Sound deserve especial attention. They embrace about 1,500 miles of shore surface. On the shores of these waters have risen the chief cities of western Washington, whose combined population is nearly one-half that of the entire state. They afford direct ocean communication with the world. They have become the great highway of an extensive, far-reaching and rapidly increasing commerce. Some idea of the importance of this commerce in the past year can be obtained from the following summary, for which I am indebted to Hon. C. M. Bradshaw, collector of customs, at Port Townsend.

ENTRANCES OF VESSELS.

Total number of American vessels from foreign ports.....	1,100
Total tonnage of American vessels from foreign ports.....	874,720
Total number of foreign vessels from foreign ports.....	104
Total tonnage of foreign vessels from foreign ports.....	84,442
Total number of coastwise vessels.....	265
Total tonnage of coastwise vessels.....	207,488

[As sailing vessels under "coastwise documents" are not required to enter and clear at the customs house, the statistics relative to the coastwise trade are incomplete.]

CLEARANCES OF VESSELS.

Total number of American vessels for foreign ports.....	1,160
Total tonnage of American vessels for foreign ports.....	926,833

[As an aid to comparison, it may be noted that the clearances of American vessels for foreign ports from the port of New York for year ending June 30, 1889, were: Number of vessels, 1,047; tonnage, 736,375.]

Total number of foreign vessels for foreign ports.....	122
Total tonnage of foreign vessels for foreign ports.....	98,940
Total number of coastwise vessels.....	206
Total tonnage of coastwise vessels.....	153,726

IMPORTS.

Total value of free goods.....	\$80,997 70
Total value of goods paying specific duties.....	161,306 14
Total value of goods paying ad valorem duties.....	118,697 26
Total.....	\$361,001 10

EXPORTS.

Total amount of exports for the year.....	\$4,092,287
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It is but natural that a commerce, such as these figures indicate, should be looked upon with jealous and envious eyes by other nations. Already a neighboring government, taking advantage of the topographical features of the coast, has placed fortifications at points near our boundary line, where they would be a menace and source of serious danger in the event of a less friendly condition of affairs than at present exists between the two governments. An attack from enemies by sea, in our present defenseless state, could not fail to be productive of the most disastrous results. Our seaport cities might be obliterated in a day. Our present security and prosperity cannot insure continued tranquillity. The exposed points on the coast should be fortified without delay. It is within your power forcibly to memorialize congress for the construction of fortifications so strong as to render all public and private interests on the shores of Puget Sound reasonably secure. This is a matter of more than state protection. The rights and commercial interests of other states are involved, as well as the honor of the national government.

COLUMBIA RIVER.

Our state possesses jointly with Oregon one of the grandest rivers of the world. Aside from the wonderful natural beauty of the Columbia river, its importance as a commercial waterway should be utilized. No effort or cost should be spared to make every mile of it within our state free from obstruction, thus rendering it navigable and putting it in a condition to afford priceless facilities for commerce. The course of this majestic river makes it the great natural avenue of distribution for the mineral belts of Okanogan, Stevens, and the mountainous sections of the country, and for the extensive and prolific agricultural districts of central and eastern Washington, many of which have no outlet to the commercial world. To these sections, the opening of navigation on the Columbia from the sea to the British line would be a powerful stimulus to rapid industrial development. Especially true is this of its relations with the Big Bend country. The Columbia river forms the center of a vast web of commercial threads, which would, in such event, make the resources of this region easily accessible. No statement could exaggerate the grandeur of the results which would follow the removal of the obstacles to navigation in the channel of the Columbia river. Their removal would be the conquest of a large and rich empire. As yet, they are an insurmountable barrier which throws out its challenging defiance to the advance of agriculture, manufactures, mining and commerce.

Our senators and representatives in congress should be requested to take immediate and vigorous action in this matter.

ELECTION OF UNITED STATES SENATORS.

The question of an amendment to the federal constitution, providing for the election of United States Senators by a direct voice and vote of the people, has received attention from many state legislatures, and affirmative action has been taken by them in memorializing congress to submit such an amendment to the states for adoption.

The influences and obligations of a heated senatorial contest in any legislature are pernicious, far-reaching and deeply fraught with menace to sound legislation. It is a common assertion that candidates for the legislature, in senatorial election years, are nominated and elected, not for any peculiar fitness which they possess in the preparation and advocacy of measures for the benefit of the people, but rather for their known or expressed predilections for certain candidates who aspire to seats in the senate of the United States. A majority of the members of the legislature are usually pledged, either openly or impliedly, to support certain aspirants for this office. Experience has shown that the legislation of the entire session is influenced to a very material and dangerous extent by these predilections and pledges. The election for United States senators by state legislatures takes place upon the second Tuesday after their meeting and organization. Prior to this time, combinations and agreements are made which, in their fulfillment, restrict that freedom of action in the legislator which is so essential to the enactment of proper laws, both local and general, and seriously retard the enactment of needed legislation.

I recommend that the legislature of Washington memorialize congress to submit to the states an amendment to the constitution of the United States, providing that United States senators be chosen directly by the vote of the people of the several states.

I would not advocate a change of this importance were my convictions less firmly grounded that such an amendment would work beneficially for the whole people of the United States, as well as for those of the several states, and that it would be more in harmony with the spirit of a republican form of government. I believe that it would relieve us from a host of evils engendered by the present system.

SOLDIERS' HOME.

By the provisions of "An act to provide for the establishment and maintenance of a home for honorably discharged Union soldiers, sailors, marines, and also members of the state militia disabled while in the line of duty, and who are *bona fide* citizens of this state," approved March 26, 1890, five trustees were appointed, as follows: George H. Boardman, Tacoma, one year; M. M. Holmes, Seattle, two years; W. R. Dunbar, Goldendale, three years; John F. McLean, Walla Walla, four years; Albert S. Cole, Whatcom, five years. The board was subsequently organized by the election of Mr. Boardman as president and of Mr. Holmes as secretary.

The trustees report having accepted the proposition of the citizens of

Orting, Pierce county, of a donation to the state of 185 acres of land, more or less, contiguous to the town of Orting.

Owing to delays incident to the examination of the various plats of ground offered to the commissioners by various communities, as well as for other reasons, the progress in the erection of buildings, etc., contemplated by the provisions of the act has not been such as could have been wished. Plans for the buildings are being submitted, however, and active operations will doubtless be commenced as soon as practicable.

The appropriation to carry out the provisions of this act was \$30,000. The expenditures to date have been \$1,499.95, leaving a balance in the fund, unexpended, of \$28,500.05. For further details your consideration is respectfully asked to the annual report of the trustees.

WASHINGTON SCHOOL FOR DEFECTIVE YOUTH.

Your attention is called to the report of the chairman of the executive board of this institution. Under an act approved March 20, 1890, "To provide for the completion of the building of the Washington School for Defective Youth, and to appropriate money therefor," \$40,000 was appropriated for the purpose of completing this building.

The board reports that a further appropriation of \$10,000 will be necessary to complete the building, and it asks an additional appropriation of \$20,000, to be used in erecting a building for the care and maintenance of such pupils as should not be associated with the deaf mutes who are committed to our charge.

I have no doubt that you will diligently examine into this question and give to it the benefit of your most judicious consideration.

REFORM SCHOOL.

By virtue of an act approved March 28, 1890, "Providing for the establishment and location of a State Reform School, and to declare an emergency," John Dobson, L. F. Compton and J. W. Goodell were appointed trustees of this institution. They report having purchased 50 acres of land near and immediately south of the city of Chehalis, in Lewis county, upon which to erect buildings for the purposes of this institution. They further report that on or before the 1st day of this month such buildings will have been completed and ready for the accommodation of 100 inmates.

The sum of \$25,000 was appropriated by this act to carry out its provisions; of this amount \$23,904.78 has been expended, leaving unexpended and on hand a balance of \$1,095.22.

The trustees of this school estimate that a further appropriation of \$81,200 will be necessary in order to complete and furnish the buildings, and for the maintenance of the officers and inmates for the next two fiscal years.

They also recommend the purchase of additional land in connection with that already purchased as necessary for the fullest realization of the benefits to accrue from the establishment of this institution. I respectfully call your attention to their report.

PENITENTIARY AT WALLA WALLA.

The commissioners of the State Penitentiary at Walla Walla report that 262 convicts were in their charge on September 30, 1890.

The receipts on account of "brickyard" labor, for the year ending September 30, 1890, were \$13,037.53. The expenses of maintenance of prisoners engaged in this labor alone were \$6,963.25, leaving a net profit of \$6,074.28. This profit represents 19,162 days' labor, or a net earning per day of $31\frac{8}{100}$ cents for each convict so engaged.

On all classes of work, including that performed in the brickyard, as stated above, the labor was 36,162 days, which would represent an earning, per day, of commodities sold and on hand, of $17\frac{7}{100}$ cents for each convict.

The cost *per capita* for the six months ending March 31, 1890, was \$122.13; and for the six months ending September 30, 1890, \$92.68; making a total cost *per capita*, for the year ending September 30, 1890, of \$214.81; or cost *per capita*, per day, of $58\frac{85}{100}$ cents. Deducting net earnings, as above, of $17\frac{7}{100}$ cents, there will remain a net cost to the state of $41\frac{78}{100}$ cents per day for each convict in excess of his earnings.

This result is not what might be wished or expected, especially as but one-half of the convicts have been employed at steady labor. In order to reduce the sum required for maintaining each convict, and as enforced habits of industry are pre-requisite to healthy discipline and the proper management of a penal institution, I recommend the immediate establishment of the jute bag manufactory, in accordance with the act passed by the last legislature, and approved February 18, 1890. It is exceedingly important that constant employment should be furnished to prisoners; as, apart from the desirability of reducing the net cost to the state of maintaining the convicts, such employment would be of great benefit from a mental, moral and physical standpoint.

Under section 1 of an act of the legislative assembly of the Territory of Washington, approved February 1, 1888, \$25,000 was appropriated for the purchase of the necessary plant for the manufacture of grain sacks, and an additional \$25,000 was appropriated for the same purpose under an act of the last Legislature, approved February 18, 1890. As these funds have not as yet been applied to the object specified, and as it is desirable that the manufacture of grain sacks at the penitentiary should be commenced without further delay, I recommend that this matter receive the attention which its urgency deserves.

I regret that, on account of insufficiency of time in which to obtain the necessary data, I am unable to present to the legislature the cost of maintaining and operating institutions of this character in other states of the Union. The necessity is, however, at once apparent for reducing to a minimum the cost of the maintenance of convicts. The penitentiary is situated in the center of one of the richest grain-producing regions in the United States, if not in the whole world, where the labor of the convicts for the purpose suggested would in no wise enter into competition with the free labor of the citizen.

Another important question is the necessity of an increased water sup-

ply to be used for protection from fire and for sanitary and domestic purposes. The commissioners state that the supply has long been insufficient, and that the want will be seriously felt with the growth of the institution. They recommend the erection of an iron tank with a capacity of 20,000 gallons, which can be erected at a cost of \$1,000. This matter should receive your early attention.

A due regard for the health of the inmates of the penitentiary would suggest that some provision should be made for the transfer of any patient afflicted with an infectious disease to some hospital without the confines of the prison, or that a suitable hospital building be erected adjacent to the penitentiary, to which such patients could be assigned.

Humanitarian motives, as well as sound policy, require that a penitentiary should be, as far as possible, a reformatory institution; an institution from which a prisoner could go forth into the world animated with a desire to do honest and earnest battle for his livelihood, a desire inspired by the habits of industry acquired in the institution, which habits would materially aid him in a successful continuation of life's struggle.

U. S. PENITENTIARY AT M'NEIL'S ISLAND.

Section 15 of the enabling act of congress, approved February 22, 1889, provides:

That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby granted, together with any unexpended balances of the money appropriated therefor, by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall respectively have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

The act of Congress to which reference is had in the foregoing was approved March 2, 1881, and is as follows:

AN ACT

APPROPRIATING MONEY FOR THE ERECTION OF A PENITENTIARY IN THE TERRITORY OF DAKOTA.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the sum of thirty thousand dollars be, and the same is hereby, appropriated for the purpose of erecting, under the direction and supervision of the secretary of the interior, a penitentiary building in said Territory of Dakota, upon such tract or parcel of land, at or near the village of Sioux Falls in Minnehaha county, said territory, as shall be designated by the secretary of the interior: *Provided,* That the money hereby appropriated shall be devoted and applied exclusively to the purchase of the necessary grounds and to the erection of a penitentiary in said territory, and shall not exceed the sum hereby appropriated, including the sum expended for the purchase of grounds upon which to erect said penitentiary; and the penitentiary of the Territory of Dakota is hereby located at or near the village of Sioux Falls, Minnehaha county, said territory, upon such tract or parcel of land as shall be selected and designated by the secretary of the interior, as herein provided. (U. S. Statutes, 1881, chap. 108, p. 378.)

The evident intent of congress was to transfer to the State of Washington such property of the United States as is now embraced in what is known as the United States penitentiary, located on McNeil's Island,

situated in Puget Sound, in Pierce county, consisting of twenty-seven acres of land, the greater part of which is represented as being of little value for agricultural purposes; and a prison building containing insecure accommodations for about sixty prisoners.

On the 17th day of July, 1890, United States Marshal Thos. R. Brown, acting under instructions from the Department of Justice, tendered to the governor of Washington the control of this property, with the condition attached that the state should immediately assume the management of the United States penitentiary with all thereunto belonging and the charge of the United States prisoners therein confined. The tender was declined by Governor Ferry for reasons set forth in a letter to Hon. Thos. R. Brown, as follows:

OLYMPIA, July 22, 1890.

Thomas R. Brown, United States Marshal, Tacoma, Washington:

SIR—Your communication of the 17th inst., tendering to me as governor of the State of Washington, under instructions from the attorney general of the United States, the United States penitentiary on McNeil's Island, with all thereunto belonging and the United States prisoners therein confined, has been received.

After a careful consideration of the questions that are brought before me by your letter, and that of the attorney general, I have arrived at the conclusion that I have no authority to accept for the state the property and prisoners tendered by you.

If the property only was tendered, I might accept it, but under instructions of the attorney general to you the acceptance of the property would compel me to assume the care, custody and maintenance of the United States prisoners now in the penitentiary. This is beyond my power. The transfer of the property to the state, and the other questions connected therewith will have to be delayed until the legislature takes action upon the matter.

Yours very respectfully,

E. P. FERRY, Governor.

I call your attention to this letter and to the somewhat ambiguous terms of the law making this grant to the state.

Whether the state should accept this grant from the federal government in lieu of the appropriation provided by act of congress, whether it should be considered as a portion of this appropriation, or whether the appropriation of \$30,000 referred to in the law cited above is intended as an appropriation in addition to the grant of the Penitentiary property, are questions for legislative consideration, and should receive your early and earnest attention and investigation.

RAILROAD AND TRANSPORTATION COMMISSION.

Section 18, article 12, of the constitution reads as follows:

The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses and to prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

Whether the creation of railroad and transportation commissions has resulted beneficially in the states which have made the experiment, I leave for your consideration. I recommend, however, that this legislature, in compliance with this provision of the constitution, create a railroad and transportation commission, whose duty it shall be to adjust differences and discrimination between common carriers and the people of the state,

and who shall be restricted to such functions as are contemplated by the constitution.

The congress of the United States, under the federal constitution, has assumed the sole power to regulate the commerce between state and state, and has deemed it, not only its right, but also its duty to protect the people from restrictions or impositions upon interstate commerce by the several states. To accomplish this result it has passed what is known as the "interstate commerce law" creating an "interstate railroad commission" which alone has the power to regulate freights and fares upon interstate transportation lines, adjust discriminations, as to persons and places, and take into consideration all other matters of complaint arising between the people and the interstate transportation companies.

The legal status of the state, in regard to this question, has been clearly and plainly defined by the courts. The state has no right to enact laws regulating commerce between its people and those of other states; therefore, any legislation prescribing the duties of a railroad commission in Washington should be limited in its application to fares and rates from point to point within this state.

The building of transportation lines has made it possible for us to be a great state; they have increased our taxable valuation to an enormous extent, and they are an important factor in the maintenance of our state government. The railroad construction within our borders during the last year has never been exceeded in any state west of the Mississippi. It is apparent to every thoughtful citizen that the next two years will be the cardinal period in creating those great avenues of transportation without which our resources must remain unexplored and undeveloped. Three hundred and five miles of completed railroad have been built in the past year, and 450 miles are now in process of construction. These lines are projected and being built to and through those parts of the state where our resources are especially prolific and valuable. Legislation on this subject should be had with great care, and after deliberate and earnest thought, in order to promote the best interests of all. Laws imposing upon transportation companies burdens which are not imposed upon all natural persons composing the masses, of which those corporations are integral parts, would tend to influence them in selecting routes where hostile legislation can be avoided, and would result in their practical abandonment of our naturally favorable locations. They would seek termini and chief points of operation outside our state. Competition is generally the best adjuster of traffic rates, and this natural law accomplishes much in the settlement of this sometimes vexed question. A liberal maximum of rates makes possible a liberal minimum.

Our state is yet sparsely settled; local traffic, both freight and passenger, under these conditions, must, of necessity, be unprofitable, if restricted by unreasonable laws. The demand for railway and steamboat transportation rings like a bugle call from all of the undeveloped sections of our magnificently endowed commonwealth. If we would encourage the investment of money in railroads, we must avoid any steps which would prevent their revenue from being such as to pay a reasonable rate of in-

terest upon the bonds and securities they offer for loans with which to complete present construction and carry on further developments. The duties of this commission should be clearly defined. The regulation of the actions of local railroads should be kept within bounds compatible with their earning a fair remuneration for the capital invested. They should receive friendly encouragement in their work of opening up our dormant resources. Restrictions upon them should be confined to cases of manifest necessity. Under existing conditions, the public demands that our wheat, timber, coal, minerals and merchandise of all kinds shall be transported by the most modern, economical and expeditious methods. Railroads and rapid steamship lines are such methods. They are the great arteries by which the blood of commerce and trade is now, and must hereafter be, conducted to and from all parts of the state, and from points within the state to all parts of the world. It is a matter of deep regret that transportation companies, by reason of our unparalleled growth, have in the past few months been unable to command sufficient facilities for the shipment of our abundant crops. I note with pleasure that these difficulties in transportation in the wheat producing sections of the state have of late been materially diminished. In the interest of the people of the state, and in consideration of all the factors which promote its growth, and mold its future, I trust that in dealing with this subject, you will reach a solution of its problems which will at the same time protect the rights of the whole people and afford satisfactory assurance to railroad building capital that the people of Washington welcome it and will lay no unjust or unnecessary burdens or restrictions upon it or its operations.

WORLD'S COLUMBIAN FAIR.

In accordance with an act of congress entitled "An act to provide for the celebration of the four hundredth anniversary of the discovery of America by Christopher Columbus, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mines and seas, in the city of Chicago, in the State of Illinois," approved April 25, 1890, the most active and elaborate preparations are now making by state and national committees to render this exposition worthy of that enterprise which characterises us as a nation. States and territories, counties, cities, towns and hamlets are confidently asked and expected to contribute their quota to aid in the fulfillment of this gigantic and magnificently conceived undertaking.

The part which Washington shall enact in this great economic drama, involving as it does the rights and interests of the taxpayer and citizen and a proper recognition of the importance of the state, is a question that demands impartial and unprejudiced consideration at your hands.

The executive committee of the World's Columbian Fair Association for the State of Washington, has issued an address to the people of this state, setting forth the advantages that will accrue to the state from a liberal appropriation to be expended in making displays of our products and natural resources at Chicago, and thus advertising the superior advantages of this state. Before granting a large sum, I urge upon you

the necessity of giving careful thought to the many and diverse interests that will be affected by your action.

A perusal of the reports of our state officers, whose duties include a careful espionage of state funds, indicates that the withdrawal from state use of a large sum of money at this time, or at any time in the near future, would be unwise. The necessary rate of taxation is high. Whether a greater pressure could be applied without imposing an unfair burden upon our farmers and working classes, who are making noble efforts to establish homes for themselves, and are clearing our lands and developing our state's hidden wealth, seems, from a conservative standpoint, doubtful. An additional tax for a World's Fair appropriation must be levied if you conclude to grant the sum which will be asked.

It is asserted that the present interests as well as the future development and population of the state would be materially enhanced by such a representation of the state's magnificent wealth of resource and its unrivalled advantages, as a large appropriation would secure.

There can be no doubt that our state's glories, so heralded, would redound to her immediate well-being and favorably influence her future; but if these results can be attained by the expenditure of a less sum, it is your duty, as guardians of the state's exchequer, to see that no greater margin than would accomplish the necessary results is allowed. If a portion of the amount desired could be assumed by individuals and corporations, and by our boards of trade and chambers of commerce, without increased burden of taxation falling indiscriminately upon our people, many of whom may be opposed to such methods of expending the public funds and yet be compelled to assume their share of the burden, the same ends might be attained and more general satisfaction ensue.

After consultation with the heads of departments, I find that the most conservative estimate that can be made of the amount that this legislature should provide for the maintenance of the state and its departments, bureaus and commissions, for the years 1891-92, will approach about two million dollars.

I am not opposed to the appropriation of public money for laudable objects; I believe that our commonwealth requires as liberal an administration of governmental affairs as is consistent with justice, with the demands of the times, and with good government; but the most thorough retrenchment compatible with the satisfaction of the pressing needs of the state must be exercised in the disbursement of public funds. Rather than expend a large sum upon the State's display at Chicago, I should favor the use of the money in the immediate improvement of the conditions incident to, and the obligations growing out of, our newly acquired statehood. The *possibility* of missing a few thousand immigrants will be amply compensated by the *surety* of a more substantial welcome for those who come without the influence of allurements.

Our public lands are not surveyed, nor is there any immediate adequate provision made for their survey. Transportation companies, owing to our unprecedented increase of population, have, in the recent past, been, and in a measure still are, unable to move our products with the

promptness and celerity demanded by our farmers, who are thus deprived of much of the well-earned profits of their labor, skill and energy. Our population has even more than kept pace with our developments. To-day, the sorest needs of the state are that it be invested with possession of, and full title to, its granted lands, and that its abundant water supply be so impounded and distributed as to render arable vast tracts of land which are now arid; so that the agriculturist, the horticulturist, the vine grower, and all other tillers of the soil, may enter upon and cultivate them. Capital will, by an irresistible law, seek investment where the conditions offer the most favorable field for its use.

It is for you to decide whether it is not advisable that you should, prior to the granting of large appropriations intended by their disbursement to increase the volume of immigration, consider how best, with the aid of state funds judiciously expended, you may build up our state, its interests and institutions for the thousands who, attracted by all the favorable conditions, climate and industrial, which Washington presents, will annually swell our population of wage earners and producers.

FINANCIAL.

The material prosperity, the marvelous up-building of new industries, the unprecedented increase of population, the outstretching of new transportation lines, and other favorable conditions which have attracted large permanent investments of capital in manufactures, all following so closely upon our admission to statehood, are phenomenal. Our population has since that event increased 69 per cent., and our assessable valuation shows the wonderful appreciation of more than 70 per cent.

The details of the financial transactions of the state are presented in the complete and exhaustive report submitted to you by the state auditor, Hon. Thos. M. Reed. This report shows a minute consideration of, and close attention to, the work of this department; and it is not only highly satisfactory as a statement, but also as an evidence of the wisdom of the people in the selection of this efficient officer. He presents a complete analysis of the financial transactions of the state from the date of its admission to October 31, 1890.

I append herewith a brief recapitulation of the transactions of his office.

CONDITION OF FUNDS OCTOBER 31, 1890.

GENERAL FUND.	
Receipts.....	\$607,419 58
Disbursements.....	603,274 92
On hand.....	\$4,144 66
MILITARY FUND.	
Receipts.....	\$21,303 64
Disbursements.....	20,874 89
On hand.....	\$428 75
LIBRARY FUND.	
Receipts.....	\$9,340 45
Disbursements.....	596 65
On hand.....	\$8,743 80

TIDE LAND FUND.	
Receipts.....	\$21,642 50
Disbursements.....	3,182 38
On hand.....	<u>\$18,460 12</u>
SCHOOL LAND FUND.	
Received and on hand.....	<u>\$2,170 42</u>
INDEBTEDNESS.	
GENERAL FUND.	
Warrants unpaid.....	\$234,658 31
Interest on above (estimated).....	5,076 60
	<u>\$239,734 91</u>
Bonded indebtedness drawing 3½ per cent. interest.....	300,000 00
	<u>\$539,734 91</u>
MILITARY FUND.	
Warrants unpaid.....	\$34,028 25
Interest on above (estimated).....	1,243 08
	<u>\$35,271 33</u>
Less cash on hand—	
General fund.....	\$4,144 65
Military fund.....	428 75
	<u>4,573 41</u>
Total indebtedness.....	<u>\$570,432 83</u>

The following statement exhibits an approximate estimate of the assets, liabilities and financial condition of the state, so far as known, for the fiscal year ending March 31, 1891:

Assets from all sources.....	\$557,063 24
Liabilities (current expenses, etc.).....	645,754 13
Estimated floating debt at close of fiscal year, March 31, 1891.....	<u>\$88,690 89</u>
RECAPITULATION.	
Floating debt, bearing 10 per cent. interest.....	\$88,690 89
Bonded debt, bearing 3½ per cent. interest.....	300,000 00
Estimated total debt March 31, 1891.....	<u>\$388,690 89</u>

ESTIMATE OF RECEIPTS AND EXPENDITURES FOR BIENNIAL TERM COMMENCING APRIL 1, 1891, AND ENDING MARCH 31, 1893, MADE UPON THE BASIS OF A TAX OF 2½ MILLS.

State auditor's estimate of receipts from all sources.....	\$1,901,000 00
State auditor's estimate of expenditures.....	1,448,490 89
State auditor's estimate of balance, March 31, 1893.....	<u>\$452,509 11</u>
Appropriations asked for various state institutions and <i>not</i> included in state auditor's estimate.....	391,500 00
Estimated cash balance in treasury March 31, 1893.....	<u>\$61,009 11</u>

The rates of state taxation for the year 1890 in the Pacific coast states and territories were as follows:

	<i>Mills.</i>
California.....	5½
Oregon.....	5
Nevada.....	9
Montana.....	2
Idaho.....	3½
Utah.....	3
Arizona.....	3½
New Mexico.....	5

Our present rate of taxation is 3 mills, but from a careful review and estimate of our taxable resources, and taking into consideration the assumed increase in valuation which we may expect during the coming two years, I am of the opinion that a reduction of our present rate of taxation can be made and a tax of 2½ mills will be sufficient to cover the necessary legitimate expenses in the maintenance of our state government for the fiscal year 1891-1892.

A careful perusal of the recommendations contained in the report of the state auditor will show a conservative line of policy, which, if acted upon affirmatively, will, in my opinion, conduce to the continued prosperity of the state.

STATE LANDS.

The act admitting Washington into the Union made to the state, for various purposes, extensive grants of public lands of the United States, approximately aggregating 2,999,860 acres. All but 622,000 acres of these lands were granted for educational purposes. Section 19 of the act provides: "All lands granted in quantity, or as indemnity [to the State of Washington], shall be selected under the direction of the secretary of the interior from the surveyed, unreserved and unappropriated lands of the United States."

Not one acre of this grant has yet been selected for the state. It has been, and is, impossible to make any such selection under the present rules and regulations of the United States land department. The congressional appropriation act of August 30, 1890, provides that the commissioner of the general land office may allow the specified maximum rates for the survey of such lands as those granted to the State of Washington.

By instructions from the land department to the surveyor general of Washington, issued October 6, 1890, the general land office allows for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, in this state, rates not exceeding \$18 per lineal mile for standard and meander lines; \$15 for township, and \$12 for section lines. These rates are so low that no competent surveyor in the state can be induced to make surveys for them in Western Washington. It is doubtful whether competent surveyors can be induced to take the work for less than double these rates. There is, therefore, practically no provision whatever for the survey of the state lands in Western Washington, and their consequent selection.

The assistant commissioner of the general land office, Hon. W. M. Stone, visited our state during the last year. His attention was called to the character of the country and the inadequacy of the rates allowed by the United States land department for surveys. He immediately recognized the impossibility of having surveys made at those rates, and has since recommended the raising the rates to \$25 for standard, \$23 for township, and \$20 for section lines.

Neither congress nor the land department of the United States has made any provision for conveying to the state any part of the grant to it as against the rights of settlers or squatters. It is a well known fact that

the available unsurveyed government lands of this state are very extensively occupied by such settlers, whose occupancy is years in advance of the United States surveys.

In the valley of the Okanogan river, as an example, settlers have lived for years on unsurveyed lands, cultivated them, built their homes thereon and maintained them for the last thirty years, yet all that land remains unsurveyed and there is not a base line within thirty miles of any part of it. I cite this simply as an illustration of the culpable neglect of congress and of the land department. In the face of facts like these, the late commissioner of the general land office, W. A. J. Sparks, in his report for the year 1885, to the secretary of the interior, says:

Largely the forests of Washington Territory * * * are already surveyed, and in all the western land states and territories, the surveys have anticipated actual population for years to come.

It is difficult to comment with moderation upon such an outrageous mis-statement of facts as this. It shows either an invincible ignorance on the part of the commissioner, or a vicious disposition to prevent or delay further surveys in the west.

I see no possibility of relief from the embarrassing and dangerous situation in which the state is placed by the course of the United States land department, and the inadequacy of congressional legislation upon the subject, except by making a strong appeal to congress to pass an act positively directing the land department to set aside its present rulings and instructions to the surveyor general and to establish such rates for surveys of these lands as will enable the surveyor general of this state to carry out the purposes of the enabling act.

Congress should also be asked to make clear and definite provision for the immediate selection by the state, as a preferred claimant against any and all settlers, of sufficient unsurveyed lands to satisfy the grant.

The failure to secure such legislation as this has not only prevented the state from enjoying the gift of these lands, but has also, I believe, caused to the state a loss of at least \$1,000,000 by reason of the appreciation in the value of lands which the state could and should have owned in fee simple had immediate provision for the selection of these lands supplemented the grants made in the enabling act.

I recommend that you strongly memorialize congress to enact legislation necessary to enable this state to acquire the lands granted to it, and that you request our Senators and Representative in congress, in no uncertain terms, to delay not urgent efforts to this end.

The policy of the first state legislature seemed to be to establish a large number of commissions, or boards, for the control and management of the lands granted by congress to the state, and to make the land commissioner, whose office is provided for by the constitution, little more than a clerical assistant to them.

I cannot too strongly condemn the un-wisdom of this policy. All experience has shown that one responsible head, who is provided with sufficient assistants, is much more efficient in the management of large affairs than a variety of boards or commissions. In such boards or commissions

it is impossible to fix definitely upon any one the responsibility for failure or neglect in the administration of the trusts committed to them. Such, however, is not the case when the responsibility clearly devolves upon one man, and he is given full power to discharge efficiently the duties imposed upon him. The experience of the state so far will, I think, fully attest the soundness of the view I am presenting. The commissions now consist of state officers, whose multifarious duties have rendered it impossible for them to devote to the state land matters that specific and constant attention which is imperatively demanded.

The judicious management of this munificent heritage of land calls for the very highest executive ability and unremitting attention and care. The office of land commissioner, in my opinion, is one of the most important offices in the state government; and upon its successful and business-like management depend larger financial interests of the commonwealth than upon the management of any other office, or even of all the state departments combined. In view of this fact, nothing could be more injudicious than the distribution and subdivision of this management among a number of boards or commissions, made up of officers whose time is engrossed by other duties more properly incumbent upon them, and to which they must give precedence.

I recommend a revival of the policy inaugurated by the last legislature, and such a revision of the law as will make the state land commissioner the actual, as well as the nominal, head of the land interests of the state, and as will fix upon him definite responsibility for the prompt, judicious and successful administration of that great trust.

The example of the United States government and of the great railroad corporations of the country having land grants shows that this policy has been approved by experience.

The land commissioner should be allowed all necessary clerical assistance, and such an appropriation as will enable him to place competent men in the field, and in all other branches of the service, for the purpose of making prompt and judicious selection of our public land grant, when such action is taken by the federal government as will enable him to do so.

The laws passed by the first legislature of this state, regarding the control, management and disposal of these lands, are contradictory in many of their provisions. I recommend that the power to sell the lands be vested entirely in the land commissioner, and that, as to school lands, the county commissioners have power only to appraise them, and report their appraisements to the land commissioner.

Under the present law, school lands within two miles of incorporated cities, appraised at more than one hundred dollars per acre, must be subdivided. The law makes it the duty of the land commissioner to let contracts for such subdivision. This provision has, up to the present, been rendered nugatory by the fact that no appropriation was made for such work.

SALE OF SCHOOL LANDS.

Section 5, article 16, of the constitution provides:

None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county or municipal bonds.

Under this provision, we are virtually limited to state, county or municipal bonds as a source of investment for the school fund, for the reason that the price of United States bonds is so high in the market, and the rate of interest on them so low, that to invest any part of our fund in them is practicable only at a great sacrifice. This school fund is irreducible, and is not divertible. Under section 2 of the same article of the constitution, the terms of payment for any of the lands granted to the state for educational purposes may be prescribed by legislative enactment, subject to the restriction that no sale shall be made for less than the appraised value of the land.

The policy of the state should, in my judgment, be to encourage the settlement and cultivation of the land within its boundaries, thus increasing its population, industries and taxable wealth. This policy can be best subserved, I think, by offering the land to actual settlers on such easy terms of payment as will enable them to establish homes upon them and bring them speedily into cultivation. By this means of selling the lands, the security of the state will be yearly strengthened and increased. I think the state can profitably provide for the selling of these lands to actual settlers on twenty-five years' term of payment, divided into six installments, one-sixth payable at the time of purchase, with payments thereafter at periods of five years; the deferred payments to bear such rate of interest as you may judge proper, and which should not, in my judgment, exceed 7 per cent. per annum.

Under this plan the state would, within five years, be thickly populated by a most desirable class of immigrants and settlers; for when so liberal and easy a provision should become generally known, the tide of immigration would roll in upon us in a volume hitherto unknown.

This legislature should not adjourn without constructing an intelligent, comprehensive and systematic law for the management, disposal and investment of the proceeds of the lands of the state.

CONCLUSION.

In closing this review of the condition and needs of our splendid young state, I am sensible of the grave duties and responsibilities resting upon you as its lawmakers, and upon me as its acting executive. The very newness of our sovereignty and the great variety of our interests bring before you for immediate solution many difficult problems, from the consideration of which the legislature of the older states of the Union are exempt. The questions upon which you will be called upon to pass demand the very best thought and efforts of philosophical statesmanship. The time at your disposal is limited to sixty days, a portion of which will be occupied in the election of a senator of the United States. You will, therefore, have not one hour to waste. Every moment will be required for the maturing of legislation which will exercise a far-reaching influence on the destinies of the state. Equally with the framers of our constitution, you are state builders. You will lay the foundation of a policy which will, for good or evil, deeply affect the future of a commonwealth designed by nature to occupy a foremost rank in the great American Union. I have

no foreboding as to the result of your deliberations; I have a firm conviction that the legislation you will enact will give strong encouragement to the investment among us of those millions of capital, without which our wondrous natural wealth cannot be developed and utilized, and will afford to the energetic, ambitious, intelligent and progressive elements of the population of the whole Republic an assurance that Washington is to be the empire state of the West and is their natural home—the theater best fitted for the profitable exercise of their talents and industry. In your efforts to this end I pledge you my earnest coöperation.

To have a share in shaping and guiding the career of such a state as Washington should be honor enough for any citizen, however blessed with ability and acquirements. To use these opportunities wisely, discreetly, and for the permanent benefit of the whole people, will be a far greater honor to you, and will be a source of life-long satisfaction and manly pride to every member of the second legislature of the State of Washington.

CHAS. E. LAUGHTON,
Lieutenant Governor and Acting Governor.

APPENDIX "B,"
HOUSE JOURNAL.

STENOGRAPHERS' REPORT OF PROCEEDINGS FOR THE REMOVAL OF MORRIS
B. SACHS, JUDGE OF THE SUPERIOR COURT FOR THE COUNTIES OF
JEFFERSON, CLALLAM, SAN JUAN, ISLAND AND KITSAP, BEFORE THE
JOINT CONVENTION OF THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON.

A. C. BOWMAN,
C. B. EATON,
Stenographers.

PROCEEDINGS.

OLYMPIA, WASH., February 24th, 1891.

Proceedings of the joint convention of the Senate and House of Representatives of the legislature of the State of Washington, convened in the hall of the House of Representatives at the capitol in the city of Olympia, at 7:30 P. M., for the purpose of investigating the charges preferred against Morris B. Sachs, a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, of said state:

THE PRESIDENT: The joint convention will come to order. The secretary of the Senate will call a roll of the Senate. [Roll called by secretary of the Senate.] The chief clerk of the House will call the roll of the House. [Roll of the House called by the chief clerk.] The chief clerk of the House will read the records of the House as far as they pertain to Morris B. Sachs. [Records contained in the journal of the House relating to Morris B. Sachs read by chief clerk.] The secretary of the Senate will read the record of the Senate as far as it pertains to Morris B. Sachs. [Proceedings read by secretary of Senate as directed by the president.] The sergeant-at-arms will call Morris B. Sachs. [The sergeant-at-arms called Morris B. Sachs.]

MR. HAINES: Judge Sachs appears in person, and desires the Hon. P. H. Winston, A. R. Coleman and J. C. Haines to be allowed to appear as his counsel.

SENATOR CLAYPOOL: Before making any suggestions in regard to the request, and in order to avoid any misapprehension on the part of the defendant and the legislature, in behalf of the managers, I desire to say that their office (that of the managers) is merely to assist in such manner as may occur to them to expedite this business; but, as far as the prosecution is concerned, they are not engaged in it one way or the other. This explanation is made for the purpose of avoiding any misapprehension as to the place we occupy. The managers would suggest, in reply to what has just been said, that Hon. Galusha Parsons be admitted to all the privileges of the floor of the House, to represent the prosecution and that the defendant and such counsel as he has named be admitted to the floor of the House for the purpose of conducting the defense. The management do not think it necessary to make any formal motion, and merely suggest that as the proper mode of procedure.

THE PRESIDENT: If there is no objection the attorneys for Judge Sachs and the prosecution will be allowed permission to enter.

MR. HAINES: If we are allowed to appear at the bar of the House, we desire now to enter our protest against the participation of any private prosecutor in these proceedings. We do not understand that Judge Parsons is a state officer or public prosecutor in any sense of the word, and we desire our protest to appear upon the records in this joint convention to that effect.

SENATOR THOMPSON (G. T.): If I may be permitted, I desire to endorse the sentiments just uttered by the gentleman who represents the accused in this case. I do not think that the State of Washington needs any private prosecutor and if we need any representative, we have our attorney general, we have our lawyers, we have our prosecutors—we have members enough on this floor to protect the state under any circumstances.

THE PRESIDENT: The chief clerk will read the charges against Morris B. Sachs. Mr. Sachs will appear at the bar of the House, and remain standing while the charges are read to him. [Charges are read by the chief clerk.] The chair will inquire of Judge Sachs if he has filed his answer.

MR. HAINES: On behalf of Judge Sachs, we desire to submit a motion, supported by an affidavit which, with the permission of the convention, I will read.

THE PRESIDENT: If there is no objection.

MR. HAINES [reading]: "Now on this, the 24th day of February, A. D. 1891, comes Morris B. Sachs, judge of the superior court of the State of Washington —"

THE PRESIDENT [interrupting]: The chair will rule that there is nothing in order before this joint convention, except to file an answer under rule 6th.

MR. HAINES: I demand of this convention the right to read and discuss this motion.

THE PRESIDENT: The sergeant-at-arms will preserve order.

MR. HAINES: I shall desist, with force, and that alone. If the sergeant-at-arms wishes to use force, very well.

THE PRESIDENT: The members of this convention will control it as long as the present presiding officer is in this chair.

MR. HAINES: I ask a vote of the House.

THE PRESIDENT: The rules have fixed the manner of proceeding. If the counsel will wait until the chair can read rule 6th for the conduct of this investigation, the chair is of the opinion that the House will sustain the ruling of the chair. Rule 6th says: "If the officer so accused shall at the time fixed for his appearance, appear before the joint convention, the charges shall be first read to him by the clerk or secretary of the convention, and he shall then be required by the presiding officer to file his answer immediately to said charges, unless said answer shall have been theretofore filed." The decision of the chair has been made in accordance with rule 6th.

MR. HAINES: Here is my answer, Mr. President. The answer alleges that we have not had time to prepare this defense or to procure our witnesses. It is a right we are entitled to under the constitution and the law, and it is a right, which this defendant has under the constitution, to be represented by counsel.

THE PRESIDENT: The counsel will file his answer without debate. The prosecution will proceed with the introduction of evidence.

SENATOR THOMPSON: Mr. President —

THE PRESIDENT: The prosecution will proceed with the introduction of evidence.

SENATOR THOMPSON: Mr. President, I have a right to be heard —

THE PRESIDENT: The senator is out of order, he is not an attorney in this case, he is a juror.

SENATOR THOMPSON: I am a member of the legislature. I will stand upon my feet until I am recognized.

JUDGE PARSONS: I now offer in evidence —

MR. WINSTON: I rise to ask for information, as to the ruling of the president of the convention. Do I understand that under the rules as they have been heretofore adopted, no copy of which has ever been served upon the defendant, or his counsel, an application for time is not allowed?

THE PRESIDENT: Rule 6th says that the accused shall file his answer immediately after the charges have been read. The charges have been read, and the ruling of the chair is that the answer shall be filed immediately.

MR. WINSTON: Will the chair allow an appeal from the ruling to the House? I desire to ask for an appeal. [The chair called instant order.]

REPRESENTATIVE PLUMMER: I desire to offer a motion, if in order.

THE PRESIDENT: The motion will be in order.

REPRESENTATIVE PLUMMER: I desire to offer the following motion: That the sergeant-at-arms be instructed to subpoena the witnesses named by the council for the defense to appear before this body at the earliest possible moment — not later than Friday next.

Motion seconded.

Motion put by the president. Carried.

The following is a copy of the motion and affidavit offered by Colonel Haines for a continuance and contains the names of the persons and witnesses referred to by Mr. Plummer in his motion, which was adopted:

Now on this, the 21th day of February, A. D. 1891, comes Morris B. Sachs, judge of the superior court of the State of Washington for the counties of Jefferson, Clallam, Island, San Juan and Kitsap, by his council J. C. Haines, Patrick H. Winston and A. R. Coleman, and asks a reasonable time to consult attorneys, procure the attendance of witnesses and prepare his defense and plead to the charges and resolutions served upon him by the sergeant-at-arms of the House of Representatives of the State of Washington, and that in the meantime duly certified copies of all the proceedings, resolutions and orders pertaining to said charges, resolutions and proceedings for the removal of said Morris B. Sachs from office, be furnished to his said counsel.

This motion is based upon the affidavit of the said Morris B. Sachs herewith filed, and

also upon the records, proceedings, motions and resolutions of the legislature of the State of Washington in this matter.

(Signed) J. C. HAINES,
PATRICK H. WINSTON,
A. R. COLEMAN.

STATE OF WASHINGTON, }
THURSTON COUNTY, } ss:

Morris B. Sachs, being first duly sworn according to law, deposes and says: That he is a judge of the superior court of the State of Washington for the counties of Jefferson, Clallam, San Juan, Island and Kitsap, having been duly and legally elected as such judge by the qualified electors of said counties for a term ending on the — day of January, 1893, at an election duly and legally held on the first day of October, A. D. 1889, and duly qualified as such judge on the 18th day of November, A. D. 1889; that on the afternoon of yesterday, the 23d day of February, 1891, as affiant is informed and verily believes, the sergeant-at-arms of the House of Representatives of the State of Washington, left at the residence of affiant in the city of Port Townsend, Jefferson county, Washington, a paper writing which is hereto annexed and which purports to contain charges by the legislature of the State of Washington and a resolution of said legislature that said charges are made in order that affiant "be found guilty of the same or if the same are not denied may be removed from his said office under section 9 of article 4 of our constitution" and a further resolution that affiant "be required to appear and answer said charges on Tuesday, the 24th day of February, 1891, at 7:30 P. M., or the same will be taken as confessed;" that the said sergeant-at-arms on yesterday, to wit, on the 23d day of February, 1891, after the hour of 3 o'clock P. M., also delivered to affiant personally at the city of Seattle, in the county of King, another paper writing also purporting to contain the aforesaid charges and resolutions; that immediately upon the receipt of said paper writing affiant by the first means of public conveyance came to the city of Olympia where he arrived this day at about the hour of eleven o'clock A. M., and upon his arrival in said city of Olympia affiant proceeded to consult with his attorneys John C. Haines, A. R. Coleman and Patrick H. Winston, submitting to them said paper writings together with a full and fair statement of all the matters and things growing out of said charges and of his defense thereto; that upon such statements affiant is informed and advised by his said attorneys, and he verily believes and alleges the fact to be, that he has a perfect, just, true, complete and meritorious defense to each one and all the charges in said paper writings contained, but that affiant cannot, as he is advised by his attorneys and verily believes, safely proceed at this time to a trial on said charges on account of the absence of the following persons, each of whom is a material witness for his defense and to disprove the charges made against him in said paper writings, to wit: C. F. Clapp, Charles Eisenbeis, William Payne, Richard DeLanty, Frank A. Bartlett, Charles A. Dyer, Del Cary Smith, Wm. Felger, Frank Pettygrove, Geo. W. Downs, James Seavy, F. C. Harper, Dr. I. M. Harrison, C. H. Pink, J. A. Kuhn, W. H. H. Learned, Col. Oliver Wood, Robert Biles, Joseph Ford, all residing at Port Townsend, Jefferson county, Washington; and W. K. Clark, S. G. Moore, John C. Murphy, Will R. Gay, F. M. Lane, E. B. Mastick, Jr., H. B. Willson, Geo. V. Smith, D. W. Bryan, S. P. Camis and W. Gould, sheriff, all residing in Port Angeles, Clallam county, Washington; and Judge J. E. Tucker, Joseph Sweeney, B. H. Wansborough, John Kelly, all residing at Friday Harbor, San Juan county, Washington; and Nathan Brucklin, Fred W. Comstock, Jr., — Pitt, sheriff, and Thomas Ross, all residing at Port Madison, Kitsap county, Washington; and Thomas Cranney, Jos. B. Libbey and J. C. Powers, all residing at Coupeville, Island county, Washington; and Geo. Cooper, residing at Port Discovery, Jefferson county, Washington; R. D. Attridge, residing at Port Ludlow, Jefferson county, Washington; E. G. Ames, residing at Port Madison, Kitsap county, Washington; Thomas Cain, residing in Skagit county, Washington; A. H. Pratt, residing at Utsalady, Island county, Washington; and S. H. Piles, J. T. Ronald and — Gale, residing in Seattle, King county, Washington; that said witnesses are not now in the city of Olympia and as affiant verily believes are at their said several places of residence as hereinbefore set forth; that since affiant has been served with said paper writings and since he has consulted with his attorneys as aforesaid, he has had no opportunity to procure the attendance of said witnesses or any of them at this time before this legislature; that the charges against affiant are eight in number and relate to transactions which are alleged to have occurred at separate times in different counties in the State of Washington and at a distance of more than one hundred miles from Olympia,

and that it has been a physical impossibility since the service of these papers on affiant for him to obtain the presence of witnesses or to take their depositions concerning the matters alleged as charges aforesaid against this affiant; that the paper writing aforesaid served upon affiant purports to be a proceeding to remove said affiant from his office to which he was duly elected and which is his property under the laws and constitution of the State of Washington, and to disgrace and degrade him before the people, not only of the State of Washington but of the whole world, and it is therefore of the highest and utmost importance to him and to his family that he be allowed sufficient time within which to further consult counsel and to prepare his defense and to summon witnesses as aforesaid to disprove the charges made as aforesaid, and that within the time that has elapsed between the service of said papers and this time it has been an absolute and physical impossibility to do so.

(Signed) MORRIS B. SACHS.

Subscribed and sworn to by the said Morris B. Sachs before me this 24th day of February, 1891. Witness my hand and notarial seal the day and year last above written.

(Signed) J. C. HAINES, Notary Public.

The following is a copy of the resolutions served on Morris B. Sachs, and referred to in the foregoing affidavit:

Resolved, That Morris B. Sachs, judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, State of Washington, be and he is hereby charged by the legislature of the State of Washington as follows:

First: That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson in said state, to wit: On the — day of September, A. D. 1890, did engage in a game of faro then and there being played for money and for checks the representative of value, said game was then and there in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Reception" by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning and judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

Second: That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the state of Washington, at the city of Port Townsend, in the county of Jefferson, in the said state, to wit: On the 9th day of December, 1890, did engage in a game of faro then and there being played for money and for checks the representatives of value. which said game was then and there in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend" by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace to the public administration of justice and to the evil example of persons in office, by reason whereof the said Morris B. Sachs was then and there guilty of misbehavior, malfeasance and delinquency in office.

Third: That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit: On the 10th day of December, 1890, did engage in a game of faro then and there being played for money and for checks the representatives of value, which said game was then and there in the said county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Reception" by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris

B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

Fourth: That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit: On the 25th day of December, 1890, did engage in a game of faro then and there being played for money and for checks the representative of value, which said game was then and there in the county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend" by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially according to his best learning, judgment and discretion, to the great disgrace of the public administration of justice and to the evil example of persons in office, by reason whereof the said Morris B. Sachs was then and there guilty of misbehavior, malfeasance and delinquency in office.

Fifth: That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, unmindful of his oath of office and of the constitution and laws of the State of Washington, at the city of Port Townsend, in the county of Jefferson, in said state, to wit: On the first day of the week, commonly called Sunday, the — day of December, A. D. 1890, did engage in a game of faro then and there being played for money and for checks the representatives of value, which said game was then and there in the county of Jefferson, State of Washington, being publicly dealt and carried on in a saloon known as the "Townsend" by a person or persons whose names are unknown to this legislature, which said conduct disqualified the said Morris B. Sachs from discharging the duties of his said office faithfully and impartially and according to his best learning, judgment and discretion, to the great disgrace of the administration of public justice and to the evil example of persons in office, by reason whereof he, the said Morris B. Sachs, was then and there guilty of misbehavior, malfeasance and delinquency in office.

Sixth: That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, unmindful of his duties as judge and of the dignity and proprieties of his said office and in violation of his oath of office and in violation of the laws of the State of Washington, since the — day of November, A. D. 1889, at sundry places in the State of Washington, and within the county of Jefferson and Clallam, did demean himself in an immoral and disgraceful manner in this, that he, the said Morris B. Sachs, did then and there frequent public gambling houses where the game of faro and other gambling games were played publicly for money and checks the representatives of value, and did then and there at times take part in managing said games, and did then and there consort with common gamblers, whereby he, the said Morris B. Sachs, has brought himself and his high office into disrepute, to the manifest injury of the morals of the youth and good citizens of the State of Washington and disgrace of the administration of justice, and is thereby guilty of misbehavior, misdemeanors, malfeasance and delinquency in office.

Seventh: That the said Morris B. Sachs, being a judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, unmindful of his duties and of the proprieties of his office as such judge, and in violation of the laws of the State of Washington, did on the — day of September, A. D. 1890, in the county of Jefferson, in the State of Washington, demean himself in an improper and disgraceful manner in this, that he, the said Morris B. Sachs, did then and there in said county, at a sale upon an execution issued out of his said court of the county of Jefferson, in the cases of the First National Bank of Port Townsend against Max Nathanson and William Nathanson vs. Max Nathanson, which sale was held by the sheriff of said Jefferson county upon the — day of September, 1890, purchased at said sheriff's sale \$560.00 worth of merchandise, which said merchandise said Morris B. Sachs bid off at said time; but gave his note for the same, without paying the price therefor; and did importune said sheriff to accept said note in payment of said merchandise, in violation of the laws of the State of Washington, and did importune said First National Bank and one John Trumbull, the attorney thereof, to delay the enforcement of payment of said note, whereby he, the said Morris B. Sachs, by his acts as aforesaid, has brought himself and his high office into disrepute, to the manifest injury of the good citizens of the State of Washington, a dis-

grace to the administration of justice and is thereby guilty of misbehavior, malfeasance and misdemeanor in office.

Eighth: That Morris B. Sachs, being a judge of the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, did on the — day of September, A. D. 1890, in the case of the First National Bank of Port Townsend vs. Jago & Niblock, partners in trade, whose given names are unknown to this legislature, entered a judgment in said case in favor of the First National Bank of Port Townsend, upon a promissory note given by said firm of Jago & Niblock, to one Henry Landes, assignee in blank to the First National Bank of Port Townsend, for a large sum of money, to wit: The sum of — dollars, and he, the said Morris B. Sachs, then and there being related to the said Henry Landes in the second degree of consanguinity, and he, said Henry Landes, also being a president, director and stockholder of said First National Bank of Port Townsend. And be it

Further resolved, That the foregoing charges are made in order that said Morris B. Sachs, judge of the superior court of the counties of Jefferson, Kitsap, Island, San Juan and Clallam be found guilty of the same, or if the same are not denied may be removed from his said office, under section 9 of article 4 of our constitution. And be it

Further resolved, That said Morris B. Sachs, judge as aforesaid, be required to appear and answer said charges on Tuesday, the 24th day of February, 1891, at 7:30 p. m., or the same will be taken as confessed.

Be it remembered that Amos F. Shaw, speaker of the House of Representatives of the Legislature of the State of Washington, and T. G. Nicklin, chief clerk of said House, do, and each for himself, does hereby certify that the foregoing is a true and correct copy of said charges and resolutions, as the same appear on the journal of the said House.

Done at Olympia, Wash., this 20th day of February, 1891.

(Signed) AMOS F. SHAW, Speaker of the House.

T. G. NICKLIN, Chief Clerk.

STATE OF WASHINGTON, SS.

I, D. E. Lesh, sergeant-at-arms House of Representatives, do hereby certify that the above and foregoing is a true and correct copy of the original resolution and charges now in my hands for service.

D. E. LESH,

Sergeant-at-arms House of Representatives.

Dated this 23d day of February, 1891.

MR. WINSTON: Can I have permission to file the following papers?

MR. PRESIDENT: If it is a portion of the answer.

MR. WINSTON: Before proceedings are had in this matter —

REPRESENTATIVE PLUMMER: I move you that the clerk of the House and the secretary of the Senate be directed to furnish to the counsel for the defendant the copies prayed for by the defense.

Motion was stated and adopted.

MR. WINSTON: I would like to have this paper read by whoever is the proper person to read it.

MR. PRESIDENT: The chief clerk of the House will read the paper.

The following is a copy of said paper:

Now, on this the 24th day of February, A. D. 1891, comes Morris B. Sachs, a judge of the superior court of the State of Washington for the counties of Jefferson, Clallam, San Juan, Island and Kitsap, by his attorneys, J. C. Haines, Patrick H. Winston and A. R. Coleman, and demurs to this proceeding for his removal from office for the following reasons, to wit:

1. That this body as organized has no jurisdiction to hear or determine the matters and allegations contained in the resolutions, charges and proceedings for the removal of said Morris B. Sachs from his said office.

(Signed) J. C. HAINES,
P. H. WINSTON,
A. R. COLEMAN,
Counsel.

THE PRESIDENT: The chair will rule the demurrer is out of order. The rules provide that an answer shall be filed.

MR. WINSTON: Will the chair permit an appeal from that ruling?

THE PRESIDENT: Any member of the joint convention can appeal from the decision of the chair.

SENATOR THOMPSON (G. T.): I appeal to the House from the ruling of the chair.

THE PRESIDENT: Is there a second to the appeal from the chair?
Appeal seconded.

THE PRESIDENT: Question is, shall the decision of the chair stand as the decision of the House?

MR. WINSTON: Can we be heard?

THE PRESIDENT: There is no debate allowed. This is an appeal to the joint convention of this legislature. The gentleman from Spokane (Mr. Winston) is not a member and has no right to participate.

MR. WINSTON: Has he no right to be here, under the constitution, to defend this man?

Question stated by president. Decision of the chair sustained.

MR. WINSTON: I desire to present to this convention the following legal paper and ask that it be read.

REPRESENTATIVE GODMAN: Do I understand the ruling of the speaker to hold, that the demurrer just filed is not an answer?

THE PRESIDENT: That is the ruling of the chair.

MR. GODMAN: The chair has been sustained by the House. I would interpret it to be an answer in law.

THE PRESIDENT: The gentleman is out of order. The question has been decided by the House.

MR. WINSTON: Will the chair be kind enough to have that request just sent to the chair read?

THE PRESIDENT: The secretary will read the paper sent up by the counsel for the defense.

The following is a copy of said paper as read by the secretary:

Now, on this the 24th day of February, A. D. 1891, comes Morris B. Sachs, judge of the superior court of the State of Washington, for the counties of Jefferson, Clallam, Island, San Juan and Kitsap, by his counsel, J. C. Haines, Patrick H. Winston and A. R. Coleman, and moves that the sixth charge contained in the resolution served upon him in this proceeding be stricken from said resolutions for the reason that it is vague, indefinite, uncertain and multifarious.

J. C. HAINES,
PATRICK H. WINSTON,
A. R. COLEMAN,
Counsel.

The following demurrer was also filed by defense:

DEMURRER.

Now on this the 24th day of February, 1891, comes Morris B. Sachs, judge of the superior court of the State of Washington, for the counties of Jefferson, Clallam, San Juan, Island and Kitsap by his counsel, J. C. Haines, Patrick H. Winston and A. R. Coleman, and demurs

to the first charge contained in the resolution served upon him by the sergeant-at-arms of the House of Representatives of the State of Washington, and for cause of demurrer says that said charge does not state facts sufficient to constitute ground and cause for his removal from his said office of judge as aforesaid under the laws and constitution of the State of Washington or under the laws and constitution of the United States.

And said Morris B. Sachs further demurs to the second charge contained in the resolutions served upon him by the sergeant-at-arms of the House of Representatives of the State of Washington, and for cause of demurrer says that said charge does not state facts sufficient to constitute ground and cause for his removal from his said office of judge as aforesaid under the laws or constitution of the State of Washington or under the laws and constitution of the United States.

And said Morris B. Sachs further demurs to the third charge contained in the resolutions served upon him by the sergeant-at-arms of the House of Representatives of the State of Washington, and for cause of demurrer says that said fourth charge does not state facts sufficient to constitute ground and cause for his removal from his said office of judge as aforesaid under the laws or constitution of the State of Washington or under the laws and constitution of the United States.

And said Morris B. Sachs further demurs to the fifth charge contained in the resolutions served upon him by the sergeant-at-arms of the House of Representatives of the State of Washington and for cause of demurrer says: That said fifth charge does not state facts sufficient to constitute ground or cause for his removal from his said office of judge as aforesaid under the laws and constitution of the State of Washington, or under the laws and constitution of the United States.

And said Morris B. Sachs further demurs to the sixth charge contained in the resolutions served upon him by the sergeant-at-arms of the House of Representatives of the State of Washington, and for cause of demurrer says that said sixth charge, under the laws and constitution of the State of Washington, or under the laws and constitution of the United States, does not state facts sufficient to constitute ground or cause for his removal from his said office of judge as aforesaid.

And the said Morris B. Sachs further demurs to the seventh charge contained in the resolutions served upon him by the sergeant-at-arms of the House of Representatives of the State of Washington, and for cause of demurrer says that said seventh charge does not state facts sufficient to constitute ground or cause, under the laws and constitution of the State of Washington, or under the laws and constitution of the United States, for his removal from his said office of judge as aforesaid.

And the said Morris B. Sachs further demurs to the eighth charge contained in the resolutions served upon him by the sergeant-at-arms of the House of Representatives of the State of Washington, and for cause of demurrer says that said eighth charge does not state facts sufficient to constitute ground or cause under the laws and constitution of the State of Washington, or under the laws and constitution of the United States, for his removal from his said office of judge as aforesaid.

(Signed) J. C. HAINES,
P. H. WINSTON,
A. R. COLEMAN,
Of counsel.

THE PRESIDENT: What is the pleasure of the joint convention in regard to the paper just read?

MR. WINSTON: Mr. President —

THE PRESIDENT: This matter has been presented for adoption by this joint convention. And until it is adopted or rejected the attorney for the defense will have no voice in the matter. It is now before this joint convention.

MR. WINSTON: Do I understand the president to rule that I have no right to discuss —

REPRESENTATIVE GRADY [interrupting]: I desire the 6th charge to be read, so that we may know what it is.

REPRESENTATIVE GODMAN: Is not under rule 8th counsel allowed to be heard, under such restrictions as we may impose? Rule 8th says: "The accused officer and the legislature may each be represented by counsel, subject to such restrictions as the convention may, in its discretion impose; but, in the final argument, two speeches only shall be allowed on each side, which shall be limited to two hours on each side, the prosecution to have the opening and closing argument." I think under that rule, Mr. President, counsel will be allowed to be heard upon this question, under such regulations as this convention might adopt. I prefer to hear this case argued. This man is here on a grave charge. I think he should be heard in person and by counsel, under all reasonable regulations.

THE PRESIDENT: The chair will hold the point is well taken as regards rule 8th.

SENATOR THOMPSON (G. T.): I rise to inquire for information whether this is a star chamber proceeding or not?

THE PRESIDENT: The gentleman is out of order.

REPRESENTATIVE PLUMMER: I arose a moment ago to offer a resolution to grant to the counsel for the defense the right to speak a limited time. I was not permitted by the counsel himself occupying the floor, to be heard. I move that the counsel for the defense be allowed five minutes to speak upon the question of filing any paper in this matter.

Motion seconded.

THE PRESIDENT: It has been moved and seconded that the counsel for the defense be allowed five minutes to speak upon the question of filing any papers which they may present in the shape of an answer. Before putting the question the chair wishes to state that the ruling in regard to the attorneys for the defense referred to by Mr. Godman, the gentleman from Columbia, the chair had in mind rule 6th, which provides that unless the answer is filed immediately the same shall be taken as confessed. The answer had not been filed, and, consequently, the chair ruled that the speeches by the defendant's attorneys were out of order. The question before the house now is, one of allowing the attorneys for the defense five minutes to speak upon the question of any papers that they may file in the shape of an answer or relating to an answer.

REPRESENTATIVE MILLER: I move to amend the motion by including the attorney for the prosecution.

Motion was stated as amended. Carried.

Motion as amended was stated. Carried.

MR. WINSTON: Then I ask to be heard five minutes upon the original paper, asking for a continuance.

SENATOR KINNEAR: I move that the request of the gentleman be granted.

THE PRESIDENT: That has already been provided in the motion just carried.

SENATOR KINNEAR: I move that five minutes be allowed to argue the

demurrer that was just presented. A demurrer was filed which in law, was an answer. My motion is, that the counsel be allowed five minutes to argue their demurrer, that they have filed here.

REPRESENTATIVE PLUMMER: I move to amend the motion. The first paper filed was not a demurrer, it was a motion for continuance. I move to amend so that the motion for a continuance be the first paper taken up.

SENATOR KINNEAR: I accept the amendment.

THE PRESIDENT: Will the senator state his motion again?

SENATOR KINNEAR: My motion was that counsel for the defense be allowed five minutes to argue their demurrer; the amendment I understand was, that it was also to apply to the first paper which was an application for a continuance.

THE PRESIDENT: Is that the understanding of the gentleman from Jefferson?

REPRESENTATIVE PLUMMER: The first paper only. The first question properly before this body is whether the defendant shall be granted an extension of time.

THE PRESIDENT: The chair understands the motion to be, that the remarks shall be confined to the first paper, which was a motion for a continuance.

REPRESENTATIVE SPINNING: I move to amend the motion so as to grant five minutes' time on all papers.

THE PRESIDENT: The original motion was that his remarks be confined to the demurrer. The amendment was that his remarks be confined to the original paper. The gentleman from Pierce now by granting five minutes' time on all papers that have been filed or are hereafter to be filed. It has been moved and seconded that an amendment to the amendment be made, granting counsel five minutes' time on all papers which have been filed. The question is on the amendment to the amendment.

REPRESENTATIVE GODMAN: I rise to a point of order. That the original motion made by the gentleman from Jefferson, that we shall grant counsel for the prosecution and defense five minutes upon each paper filed in this case. They have filed three papers on the part of the defense now, and under that motion, will be allowed a speech of five minutes on each of these papers. Seems to me that the whole ground has been covered.

THE PRESIDENT: The question is on the amendment to the amendment.

SENATOR KINNEAR: If the president puts a construction upon the motion that has already been carried, that it applies to these papers already filed, then I desire to withdraw my motion.

THE PRESIDENT: The chair has not stated that he puts any construction on any motion that has been made. The chair understands the original motion to be, that the attorneys for the defense shall be allowed five minutes in which to argue, and that the attorney for the prosecution shall be allowed five minutes in which to argue, as to any of the papers presented. The motion of the gentleman from Jefferson was to amend

the motion of the gentleman from King, that it applied to the first paper, which was the motion for a continuance, and the gentleman from Pierce moves to amend, so that it shall apply to all papers. The original motion was to grant five minutes' time to argue the demurrer. It was amended to include the motion for a continuance, and it has been further amended to include all papers. The question is on the amendment to the amendment, which allows five minutes on every paper.

SENATOR THOMPSON (G. T.): I rise to a question of information. What has become of the motion put here by the attorneys for the defense?

THE PRESIDENT: The chair is not aware that the attorneys for the defense have a right to put a motion.

REPRESENTATIVE PLUMMER: Mr. President, as I understand the question now before the body, it is this: That there has been a motion made by the senator from King, and my amendment to his motion I do not think was necessary. His motion did not provide that the papers should be taken up in their order; if his motion had been to take up the first paper filed, my amendment would not have been necessary. The purpose of my amendment was to place the first paper filed before this body for action.

REPRESENTATIVE DE STEIGUER: As I consider the original motion grants the time, it grants five minutes to each side for each paper filed, for discussion by counsel, and that applies, as I consider the motion, not only to papers subsequent, but those heretofore filed. And I would like to ask if that is the construction put upon it by the chair.

THE PRESIDENT: The chair is inclined to place that construction on the original motion. A point of order has not been raised as to whether or not the amendments are in order.

SENATOR EASTERDAY: I rise to a point of order. The point is this: That the motion has prevailed here permitting five minutes' discussion on either side upon any paper presented by counsel for defense.

THE PRESIDENT: The point of order is well taken.

REPRESENTATIVE TYLER: I move the previous question.

THE PRESIDENT: There is nothing before this body.

MR. WINSTON: Before beginning the five minutes, I desire, in order to make the record complete, to present to this body a demurrer to each separate charge. I do not care to have it read. It is in substance that each charge separately does not constitute ground and cause for removal as contemplated by the constitution.

THE PRESIDENT: Will the counsel please state which paper he is addressing his remarks to?

MR. WINSTON: I propose to address this body upon the first paper offered, to wit: The application made by the Honorable Morris B. Sachs, that he be given sufficient time within which to prepare a defense to those charges and to obtain his witnesses. If I understand the chair, I am permitted to address this body upon that question for five minutes?

THE PRESIDENT: Yes, sir. Your time began about five minutes ago.

MR. WINSTON: Well, sir, Mr. Chairman, as this body already knows, these charges which involve the character and property of defendant were delivered to him for the first time on yesterday afternoon, after the hour of three o'clock. Although summoned to appear the summons does not contain the place at which he is to appear, but he has waived all technicalities and has come to the capital of the state in which he has lived for 8 years; in which he has acquired property as a citizen; in which he has married and in which he has received the suffrages of his neighbors and of his fellow-citizens for the great office of judge of the superior court of the State of Washington. From the hour of his arrival at this capital until this body convened at half-past 7 o'clock, has been devoted by himself and the counsel that he has employed to prepare the papers that we have here submitted to-night. Mr. President, this is a very grave and serious occasion, and if the verdict here to be delivered is to impress itself upon the people of the State of Washington, as a just and impartial verdict, rendered under the constitution of the State of Washington, and of the United States, it must be so delivered and in such a manner as will impress the people of the state that it has been done fairly, temperately, conservatively, justly and according to law. If a superior court judge can be put upon trial and deprived of an office which the constitution declares to be property, and which the supreme court of the United States declares to be property of which he cannot be deprived except by a fair trial, in which he has been heard by counsel. And I ask you in all candor and in all conservatism, and without passion, and without prejudice, if 24 hours is sufficient time when the defendant in a civil action involving the paltry sum of one hundred and fifty dollars, is allowed twenty days in which to answer if served in a county in which the action is brought, and forty days if served within another jurisdiction. I desire to say on behalf of this respondent, that he has no desire to avoid the responsibility, and does not desire to provide a defense based upon the technicalities; that he has unlimited and absolute confidence, not only in the justice of his cause, but in the justice of his jurors, and comes before them in that spirit, asks that they give him just a reasonable time within which to prepare his answer. Mr. President, if I have any more time I desire to yield it to Col. Haines.

THE PRESIDENT: Your time is up.

MR. MILLER: I move that time be extended five minutes.

Motion stated. Lost.

SENATOR THOMPSON (G. T.): Am I in order?

THE PRESIDENT: The chair is of the opinion that there is no resolution before this body. The chair is of the opinion that the senator is not in order.

SENATOR THOMPSON (G. T.): I desire information—I was anxious to finish Mr. Winston's speech.

COL. HAINES: Mr. President, we desire to have our objection to Judge Parsons participating in this proceeding considered by this body; we object to it on the ground that he is not a member of this body, that he is

not a state officer, and that he is not of counsel for anybody interested in this proceeding.

SENATOR THOMPSON: Mr. President, I second that motion.

THE PRESIDENT: The secretaries will note the objection of the attorneys for the defense.

MR. PLUMMER: Mr. President, I desire to have rule 8th read for the information of the convention.

[Rule 8 read by the clerk.]

SENATOR THOMPSON (G. T.): Mr. President, —

THE PRESIDENT: Judge Parsons, the attorney for the prosecution, desires to speak, and under the rule which has just been read and the motion which was carried by this body, he is so entitled, and has the floor.

SENATOR THOMPSON (G. T.): Mr. President, as a member of this Senate I desire to be heard, to be recognized.

THE PRESIDENT: The gentleman is out of order.

JUDGE PARSONS: Mr. President, as I understand the paper filed, it is a motion for a continuance in this case; as I understand the argument that has been submitted here, it is an appeal to this House that the defendant be heard, and to be allowed time to obtain witnesses to disprove the allegations or to controvert the evidence which may be given in support or on behalf of what might be called the prosecution in this case. I object to this continuance, Mr. President, for two reasons. First: A demurrer has been filed —

SENATOR THOMPSON (G. T.): Mr. President, I arise for information.

THE PRESIDENT: The gentleman from Walla Walla will retain his seat or the sergeant-at-arms will see that he does so. The chair does not wish to be arbitrary in this matter, but the action of the gentleman may compel it to be.

SENATOR THOMPSON (G. T.): Mr. President, I think the chair is very arbitrary.

THE PRESIDENT: Judge Parsons has the floor.

JUDGE PARSONS: Mr. President, I object to the continuance of these proceedings for two reasons, the one that I have just stated, that a demurrer has been filed. A demurrer in law, in courts of law and everywhere where proceedings are assimilated to the procedure in courts of law, admits the facts. The defendant here (if he may be called a defendant) in these proceedings, stands here upon the record that he has made, admitting these facts to be true; he now files a motion for a continuance, as I understand it, to obtain evidence that those facts are not true, or to controvert the evidence which under a demurrer (which presents only issues of law and under which no testimony can be offered) may be given against him. For this reason, Mr. President, as the first, I object to this continuance. I object to it, for a second reason, because the motion does not state, as would be required in the courts of law, the facts upon which the application, if in a criminal case for a continuance, is made; these

requirements would compel him, among other things, to state what he expects to prove by these witnesses. But, Mr. President, I regard that as subordinate to the other reason, there being a demurrer filed here, that admits the facts alleged in the charges. As to what was said by the counsel about a defendant in a civil case having twenty days in which to answer, or forty days if served out of the jurisdiction, I beg to submit these proceedings to a higher authority, bearing with greater severity upon the party accused. Section 1038 of the Code of Washington provides that the defendant under an indictment is to be served with a copy of the indictment and is to plead thereto, not in forty or even twenty days, but in twenty-four hours to that indictment. Now, if we are to compare these proceedings to civil or criminal proceedings in courts of law, my judgment would be that they would be compared to proceedings in criminal prosecutions rather than to civil proceedings. By that section, when a defendant is indicted for a crime punishable by death, for a capital offense, that he shall be furnished with a copy of the indictment within twenty four hours: That is the requirement of the law in criminal cases where life itself is at stake. Now, Mr. President, for these reasons, I object to the continuance of these proceedings: First, that there is a demurrer here which admits the facts; second, that they have not made a case for a continuance if there were an issue of fact here to be tried.

MR. WINSTON: Mr. President, I desire to prefer a request, which is this: As the motion is our motion, ordinarily and justly we would have the right to conclude the argument upon that motion. The party opposing a motion never has the conclusion; and I desire to ask permission of this House that they give me two minutes in which to reply to the gentleman who has just taken his seat.

SENATOR EASTERDAY: Mr. President, I move you that the attorney for the defendant be allowed five minutes in which to make the closing argument for this motion.

Question put, a division called, and forty-one members voting for and forty-eight against the motion, it was declared lost.

THE PRESIDENT: The question is now: Shall the joint convention grant the continuance? Are you ready for the question?

MR. PLUMMER: Mr. President, I would like to ask the counsel for the defense for information, what they would consider a reasonable time for a continuance.

MR. WINSTON: Mr. President, if I were called upon, upon my oath, to declare what I would consider a reasonable time, I should say thirty days; but, as I am called upon under extraordinary circumstances, when we would be very thankful for a little time, I will say, ten days. However, Mr. President, we will take any time this body will give.

MR. PLUMMER: Mr. President, I wish to offer a motion limiting the time of the continuance, fixing the time, rather.

THE PRESIDENT: The chair is of the opinion, that a motion would not be in order as an amendment fixing the time; only the motion which is now before this body, whether or not it will grant any continuance is in

order. The time can be fixed after the vote is taken, if it is decided to grant a continuance. Are you ready for the question?

SENATOR LONG: Mr. President, I desire, upon my part, and I believe that every member of this Senate and House here present desires the same, and that is to be fair both as to the accused here and to the interest of the people of the State of Washington. I say, Mr. President, that we ought not to delay upon this question now; that the state is here prepared to commence proceedings and hear the testimony; and I anticipate, sir, that the members of this legislature have the heart and the purpose in mind to do equal and fair justice, under the circumstances; and that when the time arrives for the defense to introduce testimony that equal and fair justice will be dealt to them and that all the time that will be necessary for them to get their witnesses and present their defense will be given them at that time. I say, Mr. President, let us go on here with this case, as we have only eleven days more to work, and do all that we can do to-night, and not put off this question.

MR. YEOMANS: Mr. President, I rise for information; that is, I wish to know whether the granting of a continuance will prevent the state going ahead and putting in its evidence.

THE PRESIDENT: The chair is unable to answer the question.

MR. MILLER: Mr. President, I think it will not be denied that a continuance will prevent the state from taking any evidence, and I think —

SENATOR CLAYPOOL: Mr. President, I rise to a point of order. I believe under the rules that these questions are to be decided without debate.

THE PRESIDENT: The chair will decide that the point of order is not well taken. The rules provide that all questions as to the introduction and competency of evidence shall be decided without debate. The gentleman from Whatcom, Mr. Miller, has the floor.

MR. MILLER: Mr. President, it seems to me, sir, that the state might proceed with its testimony, and that the defendant may then have all the time that he should have to procure his witnesses. I presume we will spend more time on this case than any of us now think we will spend; and that being the case, the defendant will have all the time he needs to procure his witnesses, and will have them ready when his side of the case comes up for hearing.

MR. DE STEIGUER: Mr. President, I would like to ask a question of the counsel for the defendant for information; a motion for a continuance was made on the ground that there had been no time for preparation of the defense, and after that several papers were filed. I would like to ask the counsel for Judge Sachs if there has been any answer prepared as to the matters of fact alleged in the charges against Judge Sachs.

THE PRESIDENT: Will the counsel for the defense answer the question of the gentleman from King, Mr. De Steiguer?

MR. WINSTON: With a great deal of pleasure, Mr. President. All the papers that have been so far prepared are before this house, and their

preparation took every moment of time from the moment that Judge Sachs arrived here down to the present moment of time.

Question put, and division called.

MR. DE STEIGUER: Mr. President, I would like to explain my vote. There is no issue of fact before this assembly upon which we can proceed to take testimony. There has been no answer placed before this body which denies any of the charges; therefore, the only thing that we can do now is either to find Judge Sachs guilty at once, or to grant a continuance, or hear arguments on the matters of law alone. Now, I think, Mr. President, in that view of the case, that we will either have to modify our former action to some extent, or else we will have to call upon —

THE PRESIDENT: The gentleman from King requested the privilege of explaining his vote. He will confine himself to the subject.

MR. DE STEIGUER: I think I was doing so, Mr. President, and as I was about to say, we will either have to do that or call upon the attorneys for the accused to state whether they will file an answer or not.

MR. WINSTON: Certainly, Mr. President, certainly we will file an answer as soon as these demurrers are overruled, if —

THE PRESIDENT: The gentleman is out of order; a vote is pending. All those who are in favor of granting the continuance will arise and remain standing until counted.

The clerk reports thirty-seven votes in favor of the motion.

THE PRESIDENT: All those opposed to the motion will arise and remain standing until counted.

MR. TYLER: Mr. President, I desire to explain my vote.

THE PRESIDENT: The gentleman from Pierce, Mr. Tyler, will be allowed to explain his vote.

MR. TYLER: Mr. President, I am entirely in favor of giving the defendant in this matter ample time to prepare his defense in this; but, as I understand now, if the continuance is granted, it will preclude the prosecution from going on with its case. I shall, therefore, vote no, Mr. President, and when the proper time comes, if the defense is not prepared to proceed, I shall make a motion myself, if nobody else does so, to allow him time to get his witnesses and prepare his defense.

The clerk announces thirty-nine votes against a continuance.

THE PRESIDENT: There being thirty-nine votes against the motion and thirty-seven in favor of it, the motion is lost.

MR. WINSTON: Mr. President, I desire to ask whether the managers, appointed to prosecute this gentleman, shall be allowed to vote. I observe that some of them voted on this last motion. I desire to make an objection to any gentleman's voting who has been appointed a manager in this case, and take the sense of this house as to whether a gentleman who is engaged in conducting this prosecution can vote on these matters.

THE PRESIDENT: The chair will explain to the gentleman that the resolution under which these gentlemen are acting did not appoint them to conduct the prosecution. It appointed them to manage the investigation;

they are not here to conduct the prosecution any more than they are here to conduct the defense; they are simply here on behalf of the members of this legislature, to manage the affairs of this investigation on the part of the Senate and House of Representatives. They are not here as prosecutors; they are here simply to manage the matter for the House and the Senate.

MR. WINSTON: Mr. President, I desire to ask if they are not here now as managers of this case.

SENATOR CLAYPOOL: Mr. President, possibly I might be enabled to enlighten the counsel for the prosecution, in my weak, feeble and illogical way, as one of these managers. I understand, Mr. President, that we have not been appointed by the legislature to appear as prosecutors as we would have appeared in another proceeding, perhaps, if the House of Representatives had appointed us to prosecute the accused on behalf of the people, on an impeachment trial before the Senate, as a high court of impeachment. We do not appear as such prosecutors here; and I would state for the information of the learned gentleman, that our duties up to this time have consisted mainly in arranging for the chairs and desks for the officers and members of this body. I do not think, Mr. President, that our discharge of that duty has in the slightest degree hurt the defendant or his case; and —

MR. WINSTON: I would like to suggest to the gentleman, Mr. President, that we have no chairs nor desks.

SENATOR CLAYPOOL: Mr. President, the managers are here for no purpose on earth, that I know of, except to arrange for the insignificant details necessary in holding this convention.

MR. WINSTON: I desire to ask the presiding officer to have the resolution appointing these managers, and under which these gentlemen are acting, read.

THE PRESIDENT: The chair will hold, that both houses having voted upon that resolution, have full knowledge of what it contains, and it is not necessary to read it.

MR. WINSTON: Mr. President, is not the defendant entitled to the same knowledge? There has been no copy of it served upon him.

MR. COLLINS: Mr. President, I would like to inquire if there is any question before this body.

THE PRESIDENT: There is not that the chair is aware of.

MR. COLLINS: Then I suggest, Mr. President, that the gentleman be called to order and that we proceed with this business.

MR. PLUMMER: Mr. President, I move you, sir, that the resolution appointing these gentlemen as a committee of managers be read.

THE PRESIDENT: It is moved and seconded that the resolution referred to be read. (Vote taken.) The ayes have it. The secretary will read the resolution.

SENATOR THOMPSON (G. T.) Mr. President —

THE PRESIDENT: The Senator from Walla Walla.

SENATOR THOMPSON (G. T.): Well, I am very glad to catch your ear, Mr. President. It is highly gratifying. Now, I move you, Mr. President, that the judge be allowed five days to prepare his answer, and get ready his testimony.

[Cries of "No! No!"]

SENATOR THOMPSON (G. T.): Then I would amend it by making it three days.

THE PRESIDENT: The motion is out of order; the House has already decided not to continue this case, and there has been no intervening business since that vote.

MR. WINSTON: Mr. President, we would like to inquire if these proceedings are being recorded by short-hand reporters.

THE PRESIDENT: They are, sir, and at the expense of the state, too.

Resolution appointing board of managers read by the clerk.

MR. WINSTON: Mr. President, as these gentlemen have been appointed to conduct this trial on the part of this body, I desire to ask your ruling whether they will be allowed to vote while acting in the capacity of conductors of this prosecution.

MR. PLUMMER: Mr. President, before the ruling is made upon that question, I wish to say one word. I believe it to be the disposition of this legislature to do what is fair by Mr. Sachs, and also to guard well the interests of the State of Washington; and I believe, sir, that these gentlemen were not appointed any more to conduct this trial on behalf of this legislature than was our presiding officer appointed to conduct this trial, when we selected him to preside over this body; and I presume that the counsel for the defense will not maintain, that by reason of his presiding over the deliberation of this body, that when it comes to a final vote upon this matter, that he should not be allowed to vote.

MR. WINSTON: I would like to inquire, Mr. President, if I have got a vote here? I appear for the defense.

THE PRESIDENT: The gentleman has requested the ruling of the chair as to whether the gentlemen who were appointed as managers shall be entitled to vote. The chair will rule, that those gentlemen are members of the legislature, and that they are entitled to a vote here just as much as any other members of this legislature.

MR. WINSTON: Mr. President, would you be so kind as to cause to be entered upon the records an objection, on the part of the Hon. Morris B. Sachs, through his counsel, to the gentlemen who have been appointed to act as managers of the prosecution being allowed to vote.

SENATOR CLAYPOOL: Mr. President, I desire to ask a question of gentle courtesy and favor from the eminent gentlemen who conduct the defense in these proceedings, which is this: That it be not entered in the record, which is not the facts, that this committee of arrangements was appointed to conduct the prosecution, as no such appointment was ever made; and I ask the eminent gentlemen simply as a matter of truth and honesty, not to enter a statement which is not true in the records of these proceedings.

MR. WINSTON: What would the gentleman have, the case, the trial?

SENATOR CLAYPOOL: Something of that kind, Col. Winston.

MR. WINSTON: If it is the case that you are appointed to conduct, I hope you do not intend to conduct my side of it, at least.

MR. SNIVELY: Mr. President, I move you, now, that we proceed to the consideration of the demurrer which has been filed by Judge Sachs.

By vote of the House, it was so ordered.

COL. HAINES: Mr. President, as it has been ruled that the defense has but one argument upon these motions, I insist that, in as much as it is our demurrer that we are entitled to the right to close; and that the managers for the state be allowed the opening only upon the argument. I rise to that point now, and ask the ruling of the chair in regard to it.

MR. DE STEIGUER: Mr. President, to correct a mis-statement made by the counsel, I will say, that the only ruling made by this House was, that when the gentlemen representing the defense used all their time in opening, that they could not also use it in closing.

THE PRESIDENT: The chair will rule, as a ruling is desired, that there will be no objection to the gentlemen dividing their time. They will have five minutes, and they can take two-and-a-half minutes for their opening and the rest for their closing, or divide it as they see fit.

COL. HAINES: Mr. President, we have demurred to the jurisdiction of this body, this so-called "joint convention," because it is a body that has no warrant for its existence, either under the constitution or under the laws of this state. The section under which this prosecution is instituted is section 9, article 4 of the constitution of the State of Washington, which provides for a summary proceeding by joint resolution, and provides for certain particulars restricting the power of the legislature in regard to this trial, but no rules of procedure are contained in this section at all, and the lack of time only prevents our reading from but one single authority. This is what is known in law as a provision not self executing; that is a provision in the constitution which does not in itself contain rules for its execution; it is non-executing without an act of the legislature; and this joint convention has found that to be the fact, and found it necessary to provide for rules which should have been statutes passed as laws, and signed by the governor before these proceedings could be had. There is no provision of the constitution which authorizes these proceedings without an act of the legislature putting it in force. I wish to ask this body by what authority this joint convention is here? I would ask by what authority the president of the Senate acquires the right to preside over the deliberations of the House? This defendant is entitled to a trial before each house and each house must sit as a deliberative body presided over by its proper presiding officer. Suppose, Mr. President, that we wish a subpoena to summon witnesses on our behalf, who is to issue it? Who is to punish for contempt? What member of all this assemblage is authorized to administer an oath? Mr. President, these precise questions have been decided in the State of Michigan where two bodies proceeded jointly to remove an officer, when each possessed the

power to remove him in itself. They proceeded and removed the officer, and the supreme court decided that it was entirely void; that they had no authority to sit in joint convention, as this legislature is doing, to try that officer; that the testimony and the arguments must be heard, each house by itself, and that each must take its final vote. We object to this proceeding, that it is being tried by a body which has no authority to hear this evidence; we object to this proceeding because this trial is being had before a body that has no authority to administer an oath or to compel the attendance of a witness; this assemblage has no more authority to do that here, than it would have if it had gathered in the front yard of this capitol building after an adjournment, and the members of both houses, as individuals, had there considered this matter and proceeded to vote upon the evidence which they had heard out doors there at a mass meeting, composed of the members of the House of Representatives and the Senate meeting there in the open air as individuals.

JUDGE PARSONS: Mr. President, I understand proceedings of this character to be necessarily very largely in the discretion of the houses of the legislature itself; that they may hear the evidence in such form and procure it in such way as in the judgment of either house will best expedite the business in view; that when these houses have heard the evidence each votes by itself, a removal requiring three-fourths of the votes of the members elected to either house. But they may inform themselves upon the matters upon which they are to vote in such way as will, in the discretion of the Senate and House, best facilitate the ends of justice and the transaction of public business. My learned brothers on the other side can find no authority, either in Michigan or anywhere else, which holds that the legislature proceeding by resolution may not, in the absence of a statute otherwise directing, obtain evidence for its information and upon which it shall act, in such way as in its judgment is proper. As to the question as to whether there should have been some precedent legislation, I submit, Mr. President, that the provision of the constitution under which these proceedings are being had is self-executing; it contains everything that is necessary to authorize these two houses to institute and carry on these proceedings under the constitution, which is of itself addressed to the legislature and not to the people. It is mandatory by its provisions upon the legislature, when information shall be brought before it, that a public officer has been delinquent in his duty or in any other respect, that the two houses of the legislature, acting by their constitutional majority of three-fourths, shall so determine. For these reasons, Mr. President, I submit that it is competent for this legislature to sit here together and hear the evidence, instead of consuming time by hearing it first in one house and then in the other. I do not care, Mr. President, to add more.

COL. HAINES: Mr. President, I would like, before commencing my discussion, to ask Judge Parsons by what authority he appears in this argument, or to ask that question of the house.

THE PRESIDENT: If the counsel for the defense desires to occupy his two remaining minutes in the discussion of the question before this body, he had best proceed. This joint convention has already decided that Judge

Parsons has the right to appear here. The counsel has one minute and a half left.

COL. HAINES: I was not aware of that, Mr. President. I have only this to say: That there is not a single case in existence where a proceeding has been instituted of the character carried on here, that there is not a single case to be found where a joint convention has been assembled without warrant of law, where cases have been decided upon evidence heard remote from the body where the case was to be decided, that there is not a case of that kind to be found anywhere; and Judge Parsons can search the laws of the United States and of every English speaking nation and he will never find any proceeding parallel to this where the constitutions have contained provisions of this kind. Such cases have always been tried before the separate houses of the legislature, and the right to trial before each body, and the right to have each body pass upon his guilt or innocence has been decided over and over again; and it is well settled, as we hold, that this is a judicial proceeding, and that each body must decide upon the evidence before it and none other, and it cannot decide upon evidence acquired upon the street or through committees, or through the deliberations of any other body. This body has no right to pass a joint resolution, and this body has no right to take any action regarding this case; and this body has no right as a joint convention to hear any evidence for or against the accused, or to put him upon his trial here.

SENATOR THOMPSON (G. T.): Mr. President, as a juror, I would like to ask the chair if I have a right to say a word.

THE PRESIDENT: The gentleman has a right to say a word if he confines himself to the subject under discussion.

SENATOR THOMPSON (G. T.): That is exactly what I am going to do, Mr. President. In the first place, I know of no reason or law why any gentleman can appear upon this floor and prosecute this defendant in this case. The state has a noble, able and honorable gentleman representing it as attorney general; and I don't know why we should have to hire a second man to do this work.

MR. TYLER: Mr. President, I rise to a point of order. The gentleman is not speaking to any motion.

SENATOR THOMPSON (G. T.): I am coming to it, Mr. President; I am prefacing my remarks. I will say to the gentleman from Pierce (Mr. Tyler) that it takes me a good while to get to the facts. Now, Mr. President, I do not believe in these star chamber proceedings; I don't believe in arraigning this man before this body within twenty-four hours —

THE PRESIDENT: The question is as to whether or not the demurrer shall be sustained.

SENATOR THOMPSON: I am coming to that, Mr. President; but as a practicing lawyer who makes a good living out of it, it takes me a good while to come to the point. I agree with the counsel for the defense that there is no law for trying this man before this body; that there is no charge here that can be sustained in any court in the land. The charges are simply as to his private life, and that is his own and it cuts no figure

where he goes or what he does in his private life. They have never charged him with malfeasance or misfeasance in office; his private life is what they have discussed, and, gentlemen, I want to say to you that there is no law upon the statute books, there is no law —

MR. COLLINS: Mr. President, I would like to know whether the gentleman from Walla Walla is an attorney for the defense or not.

SENATOR THOMPSON (G. T.): I will answer the gentleman, Mr. President. I never saw the gentleman from Port Townsend until to-day.

THE PRESIDENT: I would like to make one suggestion: That as the Senator is a juror in this case, and as he appears to be taking an active part in the prosecution, and as the defense has already objected to the gentleman who arranged the chairs voting in this case, that the chair will have to rule the gentleman now speaking out of order when he comes to vote, if he persists in speaking before this body. The question is, shall the demurrer be sustained? Are you ready for the question?

Question put to an aye and nay vote and declared lost, without division.

MR. SNIVELY: I move you, sir, that now Judge Sachs be allowed until to-morrow evening until half past eight o'clock to file the answer to these proceedings.

MR. WINSTON: Mr. President, there are two more papers there.

THE PRESIDENT: The sergeant-at-arms will call that man down. There is a motion that has been duly made and seconded that the defendant have until to-morrow evening at 8 o'clock P. M. to file his answer.

MR. DE STEIGUER: In order to avoid any mistake as to the meaning of the motion, I would move an amendment to make it read "to file his answer as to the matters contained in the charges."

MR. SNIVELY: I accept that as the original motion.

Motion stated.

REPRESENTATIVE MEGLER: I desire to offer the following resolution [resolution handed to clerk], which reads as follows:

Resolved, That the clerk be instructed to request the attorney general to be present at the next general meeting for the trial of Judge Sachs, and that he be permitted to have such aid as he thinks is necessary.

Mr. Megler moved to adopt the resolution.

Question stated. Motion carried.

MR. WINSTON: I would like to ask if there are not two other papers before the House to be disposed of by the House, upon a motion that is already adopted, giving us the right to discuss them for five minutes— one to strike out the sixth charge for vagueness and the other a general demurrer that goes to the question of sufficiency. I would like to call up the motion to strike out the sixth charge, and I desire to have the sixth charge read by the clerk and to be heard on motion. [Sixth charge read by the clerk.]

REPRESENTATIVE DYSART: Do I understand that the resolution that the attorney general should appear here—do I understand by that that

the attorney general is appointed by this body to conduct the case on the part of the state.

THE PRESIDENT: The resolution was read that he was requested to appear here.

MR. WINSTON: Mr. President, the first five charges against Judge Sachs, charge him with engaging in a game of faro and designate the place and time at which he was so engaged, but the sixth charge charges him with engaging in a game of faro at sundry and divers places within the counties of Jefferson and Clallam; they have fixed no time and no place at which he engaged in these games. It charges him also at sundry and divers times and places in the counties of Jefferson and Clallam with participating in and managing games of faro; and it charges him also at sundry times and places, that in these two counties, giving no times or places with consorting with divers persons of an improper character, giving no time nor place, nor the names of anybody with whom he was consorted. Now it is a familiar rule of law, and one that I do not think even the aspirations of the learned prosecuting attorney, in this case, will contradict, that before you can convict a man under a bill of indictment of the offense of consorting with immoral persons, you have to state who he consorted with, because you could convict him over and over twenty times for the same offense—the charge must be so specific that he can plead your verdict here against a new indictment, either that he has been found guilty of that charge, or that he has been acquitted of that charge, and I have another objection, that there are three separate charges in one count, which could not be tried in one indictment—one count of an indictment. I understand that the rule of law is that you must only charge one offense in one count of an indictment. Now having already five charges against this defendant in which the time and place are given, with distinctness so that he can meet them, I ask the members of this body whether they propose to have a drag-net law at the end of these charges so that anything may be proven under that in the final round-up in this case, he not having time to prepare any defense because he not knowing what place, or what time, and with what persons he is charged with consorting, and I therefore ask that this body strike out of these charges the sixth clause therein contained.

THE PRESIDENT: The chair will state that the attorney for the defense who has just closed has one minute and a half.

JUDGE PARSONS: I have but one word to say in this matter. In the other charges the specific offenses are set out. In this he is charged in effect that being an habitual frequenter of gambling houses, of habitually consorting with persons engaged in gambling and that he is taking part habitually from time to time, almost in the exact language of a common law indictment for being an habitual gambler or gamester. If that is not sufficient, the old rule of the common law were less technical than these precedings. Now, Mr. President, that is all I care to say upon this sixth count of these charges.

MR. WINSTON: I call attention to the fact that the words "habitually

frequenting" are not named in the charge, and cannot be inserted there vocally by the attorney. It is not in the charge anywhere, and I call attention to the further fact that the Code of Washington prescribes that you can charge a man with but one offense in one indictment, and that as you are trying this defendant on six separate indictments, each one of these indictments must contain but one charge. Now, the sixth indictment contains three separate charges, and being multifarious in that respect it is void, for vagueness and indefiniteness in the other respects, and I appeal to this body to at least inform this defendant by specific charge, of time and place and person, with what they are about to try him, and to strike from this indictment this unnecessary charge that is put in here, as I have said, to cover a general deficiency of the testimony which is anticipated.

SENATOR THOMPSON (G. T.): Mr. President, I want to explain my action in this matter to every gentleman on the floor and every man in the lobby. I know nothing about this case; I never saw the man that is charged, but I am opposed to persecution, and beg the chair's pardon for getting out of temper.

THE PRESIDENT: No apology is necessary; pardon is freely granted.

SENATOR THOMPSON (G. T.): I see that my old Iowa friend, the Honorable Galusha Parsons, is upon this floor. Is he employed by the state, or is he employed by the "persecutors" of this defendant? What right has the State of Washington — I ask for information, Mr. President.

THE PRESIDENT: That has been decided two or three times. That he appears here by the request of the members of this legislature, and that he is employed by them to conduct this prosecution. The question is, whether or not the sixth charge shall be stricken.

Motion lost.

MR. WINSTON: I would like to note an exception.

THE PRESIDENT: The secretary will enter it upon the journal.

MR. COLEMAN: There is a demurrer that we would like to call up and have the House pass upon to each count in these resolutions.

THE PRESIDENT: The chair will inquire if there has been any demurrer filed.

MR. COLEMAN: These demurrers to each of these counts are on the ground that they do not state facts sufficient to authorize this proceeding. If we had the time to produce the authorities here before you we could convince every man who knows anything about the law that these demurrers are well taken, but having no time to produce authorities, being limited to five minutes, we will simply read to you the constitutional provision, and state what every lawyer knows to be the law concerning it. It is provided by the ninth section of article 4 of the constitution that the legislature may remove, by a three-fourths vote, a judge of the superior court for the following reasons: For incompetency, corruption, malfeasance, delinquency in office or other sufficient cause stated in such resolution. Now it is not pretended, nor can it be pretended, that he is charged

with either incompetency, malfeasance or delinquency in office, or corruption. He is not charged with anything in office. He is charged with something outside of office, and it is sought to be brought in this general class defined in the article I have read. Now we submit, as a proposition of law, and I undertake to say that no lawyer that has any respect for his reputation would deny it, that in the interpretation of such a clause in the constitution that the other sufficient cause which is included in the general language, that any general language, when coupled with scientific causes, is to be interpreted as including nothing except as to matters naturally coming within the original specifications.

Now, the specific charges are incompetency, corruption, malfeasance or delinquency. Where? In office? This man is charged with nothing in his office. He is charged with gambling, not in his office. Not in connection of his office, but he is charged with something outside of his official duties, and I ask the members of this legislature, as men who propose to do the fair thing, to not vote upon this question, simply because they have made up their minds that they are going to investigate the conduct of this man, but to vote fairly and impartially and disregard prejudices, or because of any ill feeling of any kind, that may be entertained against this man. One of the charges is that he sat as judge in a case, and rendered judgment in which the First National Bank, a corporation, was a party, and that his uncle, Henry Landes, is president of that bank, and a stock-holder, and that was misfeasance or misconduct in office. If we had time to present authorities to you, the court of appeals, the highest court of the State of New York, has decided that not only is it a right, but the duty of the judge to sit in such a case and that he could not disqualify himself, and the evidence that was taken before your committee shows that this was a judgment by confession, where the defendants came in and swore they owed the First National Bank so much money and requested the court to enter judgment against them. There is no pretence that there was fraud in it, but this motion has been made here, and the charge is that it is a crime for which he should forfeit his office, when the courts of this country have said that a man is not disqualified as a judge in a case of this kind. Can it be said that the First National Bank is a relative or kin of his? But he was brought here because his uncle was a stock-holder in that bank, and the court of appeals of New York says in such a case, that no judgment ever rendered against a corporation would be safe if such a rule was obtained, because no judge can know whether his relatives own stock; they might acquire it during the pendency of the trial, and thus be able to render any judgment void if that were the rule. Now, we ask you, gentlemen, to vote fairly upon these questions.

MR. GODMAN: Is this the general or special demurrer?

MR. COLEMAN: It is a general demurrer to each count separately, to each charge of the resolution.

THE PRESIDENT: The question is, whether the facts stated in the charges are sufficient to authorize the removal of Judge Sachs from office.

REPRESENTATIVE DE STEIGUER: As I understand it these demurrers are separately made; therefore, it seems to me, we should vote separately on the demurrers of each article.

REPRESENTATIVE SNIVELY: Mr. President, I do not think so. The demurrer to be considered by this court is to be considered the same as a demurrer in any other court. The demurrer is overruled or sustained. The gentleman, as I understood it, argued all the grounds of demurrer. He argued the one relative to gambling, and the one relative to buying at execution sale, and trying a case where his uncle —

MR. COLEMAN: I did not argue all the grounds we have, because the chair called my attention to the fact that my time was up and I could not argue further.

REPRESENTATIVE SNIVELY: I think the question is, whether the facts stated are sufficient for the removal of Judge Sachs, if they are true.

THE PRESIDENT: The chair will state the question a little bit different. The question properly is, shall the demurrer be sustained?

MR. HAINES: We ask the House for a separate vote on the demurrer to each of the charges that the records may show the action of the House on each demurrer to each charge, and I think we are entitled to that.

REPRESENTATIVE GARRETSON: I would like to hear from Judge Parsons.

REPRESENTATIVE SNIVELY: I move that we vote separately upon each of these charges.

Motion seconded; stated; carried.

THE PRESIDENT: The question then is on charge No. 1. Shall the demurrer be sustained as to the first charge?

The ayes and noes were called for. The chair announced that the demurrer was not sustained to the first charge.

The question was then stated to each of the other charges, separately; vote taken, and the chair announced that the demurrer was not sustained to any or either of said charges.

THE PRESIDENT: The secretary will read the resolution sent up by the senator from King—Senator Rutter.

The following is a copy of said resolution:

Resolved, That when the joint convention arise and separate, it does so to meet again in joint convention at 7:30 P. M., February 25, 1891.

Motion was made to adopt resolution; seconded; carried.

SENATOR CLAYPOOL: I move that the joint convention now dissolve.

THE PRESIDENT: It has been moved and seconded that this joint convention now dissolve. The chair will state that members of the Senate will be expected to report to the Senate chamber for the purpose of adjourning.

MR. HAINES: We desire to preserve exceptions to the ruling of the House as to the demurrers as to the separate charges.

THE PRESIDENT: The secretaries will so enter on the journal.

Motion was stated; carried.

OLYMPIA, WASHINGTON, February 25, 1891.

At the hour of 7:35 P. M. the Senate, in a body, entered the bar of the House.

The president of the Senate took the chair.

The chief clerk called the roll of the House, and sixty-nine members answered to their names.

The secretary of the Senate called the roll of the Senate, and announced that thirty members of the Senate answered to their names as the roll was called.

THE PRESIDENT: A quorum being present, the chief clerk of the House will read the journal of last evening's proceedings.

The journal was read by the chief clerk.

THE PRESIDENT: The joint convention has heard the reading of the journal; what is its pleasure?

MR. PUTNEY: I have a joint resolution to offer.

MR. GANDY: I move that the minutes be adopted as read.

MR. HAINES: I would like, with the permission of this body, to ask a question.

THE PRESIDENT: If there is no objection counsel can ask the question.

MR. HAINES: I will inquire whether we have any right to make suggestions or corrections of the record which has been read.

MR. MILLER: I move that the counsel for defense have the right to make any —

THE PRESIDENT: There is a motion pending that has not been stated. If the gentleman will withdraw his motion to approve the journal the chair will entertain another motion.

MR. GANDY: I will withdraw my motion.

MR. MILLER: I renew my motion.

THE PRESIDENT: State your motion.

MR. MILLER: I move that counsel for defense and for prosecution be allowed to make any suggestions in regard to the minutes as read.

Motion seconded.

THE PRESIDENT: It has been moved and seconded that counsel for the defense and for the prosecution be allowed to make any suggestions they may see fit to make, regarding the correction of the journal.

Motion carried.

MR. HAINES: Mr. President, the record as read seems to us to be very defective. As I understand it the record of the clerk of this body stands, so far as this proceeding is concerned, as the record of a trial court, and everything that is material with these proceedings must be upon the record. The record as read does not state at length the contents of any of the papers filed. We think that it should. My attention is called to the fact that one paper is set out, and that a comparatively unimportant one as contrasted with the others. We suggest that the record be so amended

as to show just what papers were filed and what they were, and that it not be left to the clerk of this body to determine for himself the character of the paper and enter that upon the record. It proceeds to state that we were allowed—both sides were allowed five minutes to discuss papers filed. As my recollection of the record, as read, that motion appears upon the record prior to the filing of the papers by the defense. It is a matter within the knowledge of every member of this body that every paper—not every paper, but two or three papers which were filed by the defense, were filed before any such motion was made, and we desire that fact to appear. There are some other inaccuracies in the record which will be detected by reading it over carefully, but in these respects we think it should be corrected.

MR. SNIVELEY: I understand, sir, that shorthand reporters are taking and keeping a verbatim report of everything that transpires, and I think that record will be placed at the disposal of the gentlemen on the other side as the record of the proceedings in this case.

THE PRESIDENT: The chair will state that the shorthand reporters have been instructed to furnish a transcript of each day's proceedings when it was possible to do so, for the use of the body at the succeeding meeting.

MR. WINSTON: If it will be made the order of this body that the record as made by the shorthand reporters shall be the record of this body we will be satisfied:

MR. PLUMMER: I would suggest that it be not made the record of the proceedings of this body but a part of the record.

MR. WINSTON: All we want is that the papers we file here shall be spread upon some record and shall not be left to the distinguished gentleman—the clerk—to characterize our papers.

THE PRESIDENT: The chair will entertain a motion to that effect.

MR. KINNEAR: I move that the papers filed in this proceeding be spread upon the records of the legislature.

Motion seconded.

THE PRESIDENT: It has been moved and seconded that the papers filed in this case shall be spread upon the records of this legislative body. Does the chair understand the motion to include the journal of both houses?

MR. KINNEAR: I apprehend one house is sufficient. I will make my motion include both houses.

Motion stated; carried.

MR. PLUMMER: I would like to enquire if the shorthand reporters have been sworn officially.

THE PRESIDENT: The journal cannot be adopted until the order of this house has been obeyed by spreading these papers upon the journal.

MR. SNIVELEY: I observe that it is stated that Mr. Parsons was admitted here to prosecute this case. That is not literally correct. He was admitted here to conduct the prosecution instead of prosecuting the case.

THE PRESIDENT: The secretary will make that correction.

MR. HAINES: I would like to further enquire whether the president understands that any action has been taken by this body to make the shorthand reporter's notes a part of the record.

THE PRESIDENT: There has been no such motion before the house. Rule 5 provides that the presiding officer of the joint convention shall appoint one or more stenographers to make a full and complete report of the proceedings. A motion would be in order and would be entertained to make that report a part of the record.

MR. KINNEAR: I will move that the report of the stenographers be made a part of the record.

Motion stated; carried.

THE PRESIDENT: The secretary and clerk will please make the correction ordered. Before proceeding with the regular order of business this evening, the chair wishes to make a short statement. That he may not be misunderstood or misquoted in any particular, he has reduced it to writing. It is very short and will occupy but a moment:

Before proceeding with our business this evening, the chair desires to state that this is a legislative body, working under fixed rules. These rules must be obeyed, and it is the duty of the presiding officer to enforce them and preserve decorum. The chair does not consider himself infallible, and will not feel aggrieved should any ruling made by him be reversed upon an appeal to the house, but such an appeal must be made by a member of the legislature, and any such motion will be entertained. There are none within the walls of this capitol who regret more than the chair the necessity which prompted a call for the sergeant-at-arms to suppress the disturbance of last evening. The chair is entirely unprejudiced in the case under investigation, and when the attorneys were rapped to order it was for the purpose of allowing the chair to suggest a way out of the difficulty, as is frequently done. While the chair entertains none but the most kindly feelings for these gentlemen, he could not allow any individual, whether he be a member of this body or one who has been granted the privileges of the floor through courtesy, to transgress the rules of decorum which prevail in all parliamentary bodies. Had the chair not enforced these rules a pandemonium would have ensued, and the management, or rather control, of the joint convention would have been wrested from the chair, to the disgrace of all who participated in its deliberations.

We are here to investigate a public officer upon the evidence adduced and to sit in judgment upon him as an honorable man. The chair intends to see that he has fair play so far as it lays in its power, always keeping within the rules, and the defense will be allowed to appeal from the decision of the chair through some member of this body whenever they feel that the ruling is arbitrary or wrong. The chair courts such an appeal, it being his desire to only reflect the sentiments of those who have placed him in the responsible position of presiding officer, and the benefit of every doubt will be given to the accused, the chair reserving one right only, and that is to preserve order under the rules.

THE PRESIDENT: The resolution sent up by the gentleman from Pacific, Mr. Putney, will be read by the clerk:

WHEREAS, On the evening of the 24th day of February, 1891, the joint convention of the Senate and House of Representatives having under consideration the removal from office of one Morris B. Sachs, a judge of the superior court within and for the State of Washington, many and divers persons were admitted to the floor of the house and lobby. That many of such persons testified their approval or disapproval of the manner in which questions were decided by the chair or disposed of by such convention, by clapping of the hands and other demonstrations. That on questions submitted to the approval of said joint convention, many persons other than members of said convention voted: therefore be it

Resolved by this convention, That it be and is hereby made the duty of the sergeant-at-arms to suppress any and all attempts at applause or other demonstrations during the

proceedings of this convention, to the extent of clearing the floor and lobby of visitors if it shall be found necessary.

MR. GANDY: I move the adoption of the resolution.

MR. GARRETSON: I see by the resolution that it is recited that others than members participated in the voting on last evening. I wish to know if these votes were counted. I do not wish that to appear in the record unless it is correct.

SENATOR OWINGS: I shall oppose that resolution unless that statement is eliminated from it, or the facts made known here. I do not want any such resolution to pass here that we have had outside parties voting. I do not believe it in the first place. I think it is a mistake.

MR. PUTNEY: I was informed that when the call for the ayes and noes was made last evening that members in the lobby voted—people in the lobby voted, and that is the reason that clause was drafted.

MR. DE STEIGUER: I move that all reference to the voting of other persons than members be of this body be excluded from this resolution.

Motion stated by the chair.

Question called for.

MR. THOMPSON (G. T.): I hope this motion to expunge this matter from the resolution will prevail. I was here last night, and I know that no person outside of the members, legally constituted members of this legislature, voted on any proposition. Some of us could not get a chance to be heard even sometimes, but I hope that motion to expunge that will prevail, because it would be a disgrace to the State of Washington, and it is not true.

Motion stated by chair; motion carried to amend resolution.

Motion stated as amended; carried, and resolution adopted as amended.

MR. KINNEAR: This convention last evening adopted a resolution to the effect that a copy of the rules of procedure and a copy of the charges in this case be presented to the defendant, and all proceedings in this case. I would ask if this rule has been complied with.

THE PRESIDENT: The chair cannot give the information.

MR. HAINES: If permitted, I will say we have been furnished with nothing except a printed copy of the rules, which was given us last evening, and a printed copy of the charges, which was delivered this evening by the courtesy of the clerk of the House. We have never received any copy of the resolutions or proceedings prior to the finding of these charges.

MR. THALMAN: I would like to ask if the gentleman ever applied for them.

MR. HAINES: We applied last evening, and our application was filed at that time. We have not applied since, and we have never been notified that they were ready for us. Should we call for them?

THE PRESIDENT: What is the pleasure of the convention in regard to the matter? [No action was taken upon the suggestion of the chair.]

THE PRESIDENT: The first proceeding will be the filing of the answer of the defendant.

MR. HAINES: Mr. President, I would like to suggest to this body that tables have not been provided for counsel, either for the prosecution or the defense, and it is extremely difficult to proceed with this investigation without a place to write.

THE PRESIDENT: The sergeant-at-arms will see that the counsel are furnished with tables.

ATTORNEY GENERAL JONES: Mr. Speaker and gentlemen of the joint convention, pursuant to the resolution requesting me to be here at this time, I have the honor to appear before you at this time, and I exceedingly regret that I have not had that opportunity to prepare, either upon the law or facts in this case, as would make my presence and assistance materially valuable to you, but I have the pleasure of saying that I have been able to avail myself of the services of a very eminent jurist and lawyer, Judge Parsons, of Tacoma, who will assist me in this matter. He has made a most elaborate and thorough investigation as to both law and facts, and will be able to assist in the prosecution materially.

THE PRESIDENT: The chair will inquire if the attorneys for the defense are ready to file their answer?

MR. HAINES: Mr. President, I have here the answer of the respondent in this case, and before presenting it to the clerk, I wish to state that owing to the fact that I have not been furnished with the proceedings as ordered by this body, the answer is a very brief one. Although it meets every charge in every one of the charges, we could have made it more full, and gone into the facts more extensively had we the necessary information.

THE PRESIDENT: The clerk will please read the answer.

In the matter of the proceedings for the removal from office of Morris B. Sachs, judge of the superior court of the State of Washington, for the counties of Jefferson, Clallam, Island, San Juan and Kitsap. The answer of said Morris B. Sachs, judge of the superior court for the counties of Jefferson, Clallam, Island, San Juan and Kitsap, State of Washington, to the charges exhibited against him in the above named proceedings:

Now comes the said Morris B. Sachs, respondent in said proceedings, and reserving to himself the benefit of all objections and exceptions heretofore made by him or by his counsel in these proceedings, and protesting and alleging, also, that this body has no jurisdiction whatever to hear, investigate or determine any of the matters or things, charged, alleged or set forth in said charges or any of them, doth under protest, as aforesaid, answer said charges as follows:

1. For answer to the first charge he says that he pleads not guilty.
2. For answer to the second charge he says that he pleads not guilty.
3. For answer to the third charge he says that he pleads not guilty.
4. For answer to the fourth charge he says that he pleads not guilty.
5. For answer to the fifth charge he says that he pleads not guilty.
6. For answer to the sixth charge he says that he pleads not guilty.
7. For answer to the seventh charge he says that he pleads not guilty.
8. For answer to the eighth charge he says that he pleads not guilty.

(Signed) MORRIS B. SACHS, Respondent.

J. C. HAINES,
PATRICK H. WINSTON,
A. R. COLEMAN,
Of Counsel.

THE PRESIDENT: The clerk will note on the record and journal the appearance of Attorney General Jones.

The appearance of Judge Parsons also.

THE PRESIDENT: And the fact that he has selected Judge Parsons to assist him.

MR. HAINES: Before entering upon the investigation of the facts I desire to file with the clerk a paper and have it read.

Paper handed to chief clerk and read as follows:

In the matter of the proceedings for the removal from office of Morris B. Sachs, judge of the superior court for the counties of Jefferson, Clallam, Island, San Juan and Kitsap, State of Washington:

Now comes the respondent and requests that in all votes taken by this body upon the questions coming before the same for determination, that the Senate and House of Representatives each vote separately, in order that it may appear of record what number of senators, if any, are present and vote, and what number of representatives, if any, are present and vote.

(Signed) MORRIS B. SACHS.

J. C. HAINES,
PATRICK H. WINSTON,
A. R. COLEMAN,
Of counsel for respondent.

MR. HAINES: Mr. President, in accordance with the resolution of this house I understand that we have a right to speak in regard to the paper that has just been filed.

THE PRESIDENT: Five minutes.

MR. HAINES: Mr. President, the object of filing the paper is simply this: I do not care to enter into any extended argument. As I understand the theory of the constitution of this body, it is a joint convention composed of a quorum of the Senate and House of Representatives. I do not understand that if all of the senators should leave this body, according to the theory of its constitution they would have any right to act, nor if all the representatives should leave, would the remaining senators have the right to act. There must be a quorum of each body present all the time. This body is an assemblage of judges of law and fact, and the position we take is, that there must be present to hear the testimony in this case the constitutional number necessary to convict the defendant before any action can be had by either house, as the testimony, according to this resolution, is supposed to be testimony taken before each of these houses. No person is qualified to vote upon the question of the removal of Judge Sachs unless he has heard the evidence. No man can decide the case as a juror, nor as a judge, and return a verdict who has been absent from the court room or a jury box while the evidence is being taken. Therefore we desire the record to show just the number of each house that are present and voting upon every question that is submitted. And we respectfully submit for the consideration of this body the proposition that if the entire vote only is spread upon the record it will be impossible, should these proceedings be investigated by any court, to ascertain whether any senators were here or any representatives.

MR. SNIVELY: Mr. President, I think that the record should show that a quorum of each house was here when the house assembled, and I think that when the record shows that, that it will be presumed that a member will be here and attend the sessions of this body until the contrary appears. I do not think it is necessary to preserve their rights to go into detail upon each vote.

MR. HAINES: The defendant here is charged, Mr. President, with a most serious offense; an offense affecting his high office as one of the judges of this state. We think it is but little to ask of this body, and it is but little to ask in protection of his rights, that the record that is to be made here show the facts. We think that it is but little to ask of the gentlemen composing this court, the highest court in this state, the chosen representatives of the people, that when this vote is taken, that it shows exactly what the facts are, and that there being no attempt to cloak the facts under a general vote from which it will be impossible to discover whether a quorum of one house or the other voted upon the question submitted to it. Now, we care not so far as that is concerned, what rule is adopted by this body as to whether it requires three-fourths to decide any question, or whether it requires a majority, because if our rights are attempted to be taken away in that respect, if the constitution requires three-fourths, the courts will protect that, but we desire that the evidence be preserved upon it, in case any injustice is done the defendant, although I am not here charging or inferring that any will be done, but if any should be or if we should think any should be, that the record may show the facts that we may be entitled to the benefit of our rights under the constitution and the law.

MR. PLUMMER: There would be only one way by which the record could show permanently the number of senators and the number of representatives present on every vote. That would be by taking the roll call of both houses. The rule that was adopted for the government of this body was adopted to save time, to expedite matters, and yet at the same time not to deprive the respondent in this case of any of his rights. The roll is called of both houses when we assemble here, and must show there is a constitutional majority of both houses present before we can meet to do any business, and there is no vote as to the right of these gentlemen except the final vote, which must be taken separately, in separate houses, on the question at issue, and the constitution is peremptory in declaring that the votes must be taken by roll call, and a rule that has been adopted by the house does not attempt to set aside in any way that constitutional provision.

Regular order called for by members.

THE PRESIDENT: The regular order is called for. The prosecution will call their witnesses.

MR. PARSONS: Mr. President, the prosecution is ready to proceed with the evidence.

MR. HAINES: I would like to know whether there is any way that the respondent, when the question is proposed or submitted by him as in this case, can secure a decision of this body so that the record may show which way it is decided upon the motion, or proposition submitted by the respondent?

THE PRESIDENT: The gentleman is referred to rule seven of the joint rules.

MR. HAINES: Rule seven does not provide any means by which we can

obtain the decision of this body, and we think we are entitled upon the record to have a decision that it may show just what this body did in regard to that application.

MR. DE STEIGUER: I move you that upon any request or application of the defendant or prosecution if no motion or question is put as to the granting of that application, that it be considered as refused and so noted.

Motion stated by the chair; vote taken; a division called for. Upon the divisional vote eighty-three members were counted as voting aye. Chair announced the motion was carried.

MR. MILLER: I would like to know now what position that leaves the defense in—whether that secures to them the rights they have asked for. If it does not it seems to me we ought to make some provision that some member of this body could make such motion as they may request at different times in order to secure their rights.

THE PRESIDENT: The chair will entertain a motion from any member of this body on any subject that is within the rules.

MR. MILLER: I understand that; but supposing no gentleman desires to do that and the defense desires to have the motion put, have they then got their rights under this motion?

THE PRESIDENT: The chair is of the opinion that it is in the province of the defense to appoint any member that they desire to make a motion.

MR. PLUMMER: I have a motion to offer. I move you that the request for a roll call by either the defense or prosecution of this case be decided without debate by *viva voce* vote of the house.

Motion seconded.

MR. GARRETSON: I am very anxious not to adopt any rule here that will cause delay or loss of time. The rule, as we have it now, is that any member at any time can make a motion, and leaves itself entirely self operative, and will not obstruct any legislative work nor take any time.

THE PRESIDENT: The question is on the motion of the gentleman from Jefferson.

MR. HUNSAKER: I move to amend, and instead of saying "the house" say "joint convention."

MR. PLUMMER: I accept the amendment.

Motion stated; lost.

MR. SNIVELY: I call for the regular order.

THE PRESIDENT: The regular order is called for.

MR. PARSONS: Mr. President, in support of the prosecution we offer in evidence a certified copy of the official oath of the respondent.

Paper handed to counsel for defense.

MR. WINSTON: We have no objection. Let the paper be considered in evidence.

THE PRESIDENT: The clerk will read the paper.

UNITED STATES OF AMERICA.—STATE OF WASHINGTON.
OFFICE OF SECRETARY OF STATE.

I, Allen Weir, Secretary of the State of Washington, and custodian of the seal of said state, do hereby certify that I have carefully compared the attached instrument of writing, *i. e.*—“Oath of office of Morris B. Sachs, Superior Judge,” with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof, I have hereunto set my hand and affixed the seal of said state, at Olympia, this 24th day of February, A. D. 1891.

(SEAL.)

(Signed)

ALLEN WEIR, Secretary of State.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

I, Morris B. Sachs, do solemnly swear that I will support the constitution of the United States and the constitution of the State of Washington, and that I will faithfully and impartially discharge the duties of Superior Judge of the State of Washington to the best of my ability. So help me God.

MORRIS B. SACHS.

Subscribed and sworn to before me this 8th day of November, A. D. 1889.

OLIVER WOOD,

Justice of the Peace in and for Jefferson County, State of Washington.

Endorsed: Oath of office of Morris B. Sachs, Superior Judge. Filed in the office of the Secretary of State, November 19, 1889.

ALLEN WEIR, Sec'y.

Per B. W. DAVIS, Chief Clerk.

TESTIMONY OF RUFUS C. CALHOUN.

MR. RUFUS C. CALHOUN, called and sworn, testified:

MR. WINSTON: Mr. President, we desire to enter a formal objection to the administering of the oath to the witnesses by the president of this body.

THE PRESIDENT: The clerk will note the objection in the journal.

QUESTIONS BY JUDGE PARSONS: Q. I will ask you, Mr. Calhoun, to speak loud enough so this entire audience can hear you. Where do you reside? A. Port Townsend, State of Washington.

Q. How long have you lived there? A. Twenty-three years.

Q. Are you acquainted with the respondent, Morris B. Sachs? A. I am.

Q. How long have you known him? A. I should judge about seven or eight years.

Q. State what knowledge, if any, you have upon the subject of his visiting gambling houses at Port Townsend.

MR. WINSTON: Mr. President, I desire to object to the question on the ground that it should be confined to one of these charges giving times and places, and specifying what gambling house. A general question, have you any knowledge as to his visiting gambling houses, is improper and incompetent.

JUDGE PARSONS: Mr. President, we have specific charges and we have also a general charge. I think we may give our evidence as we proceed in relation to them all; if we are requested to proceed with each charge and examine witnesses as to that alone, a rule, Mr. President, which would not prevail even under the technicalities of the law courts, we

would consume more time in hearing this evidence than remains of this session of the legislature.

THE PRESIDENT: The rule under which we are working, rule 7, provides that this joint convention shall be the sole judges of all questions relating to the introduction or competency of the evidence. If there are no objections the witness will be allowed to answer the question; if there is an objection, the chair will ask for a vote of the house.

SENATOR THOMPSON (G. T.): Mr. President, I object to the question.

Question stated by the chair and the objection declared overruled.

COL. HAINES: Mr. President, we desire to have an exception noted to the ruling just made.

JUDGE PARSONS: Mr. President, to save time, I will ask that an exception be noted in each case, where an objection is made by the counsel.

COL. HAINES: Mr. President, we desire, with the kind permission of our learned friend on the other side, to manage this side of the case ourselves; we hope we may be allowed to do this, and if we would desire an exception we will ask for it.

MR. MILLER: Mr. President, I desire to move you that when an objection is made by either side, that an exception be noted by the clerk.

THE PRESIDENT: It is moved and seconded that when objections are made by the counsel, the clerk shall note an exception.

Question stated—and it is so ordered.

Question read.

A. I have known Morris B. Sachs to visit the gambling houses in Port Townsend during the last year numerous times; I have seen him there among all classes of people, colors, and—I might say—tribes.

Q. Specify, if you can, the gambling houses that you have known him to visit. **A.** I have known him to visit the Silver Safe saloon or gambling house, one known as the Reception and another known as the Townsend.

Q. Will you tell this convention what kind of a gaming place the Silver Safe is, and how and where it is kept. **A.** The time that I saw Morris B. Sachs gambling in the Silver Safe saloon, it was an open public house, run by Constance Brothers in Port Townsend, and all classes were allowed to go to and from it, into it.

Q. In what part of the city of Port Townsend, with reference to its residence or business portion was it located? **A.** It was located on the corner of Adams and Washington streets, in the heart of the city.

Q. What kind of gambling was carried on at the different times that you saw the respondent there? **A.** The games of faro and roulette are the only two games that I know the names of.

Q. State how this game of faro is played, if you can. **A.** Well, it is pretty hard to give a description of the game of faro. The cards are placed in a tin box, after being shuffled by a dealer, with one card facing the opening of the box, and the bets are made before the cards are dealt from the box. The first card shown after one is already facing, is the

losing card, and one that faces the box next is the winning card. It is a game of chance which one is to win and which one is to lose.

Q. State how the betting is conducted. A. There is a board placed in front of the dealer with a representation of each card in the pack painted on the board, and a man places his money on the card represented whether it is to win or to lose.

Q. What did you see the respondent doing at that place and how frequently during the last year? A. I have seen him playing the game of faro, betting money, or checks the value of money.

Q. State how the business of betting with checks is done.

COL. HAINES: Mr. President, we desire to object to this testimony. As I understand it, it all goes to prove the playing of faro at a place called the Silver Safe saloon; and none of the charges contain any allegation of respondent's having played at that place. Therefore, we object to it as immaterial. There are some eight charges, six of which are for gambling; in five of them the places are distinctly stated, and in one the place is not stated, except that it is in one of two counties. The prosecution having elected to name the places, we insist that all testimony as to gambling at any other place is incompetent and immaterial.

JUDGE PARSONS: Mr. President, if we were trying this case in a court of law, I think my brother Haines would concede that the particular house or place would be immaterial; the great inquiry is to ascertain in this case whether the respondent is chargeable with any act of gambling or consorting with public gamblers, which, in the judgment of the joint convention of the two houses of this legislature, would make him unfit to hold the high office which he now holds. Besides that, Mr. President, we have one general charge in support of which we may give precisely the kind of evidence we are now offering.

COL. HAINES: Mr. President, as I understand it, we are trying this case, not only in a court of law, but in a court of lawmakers. This testimony would be inadmissible under any form of indictment that could ever be drawn. The allegation in indictments for gambling must state the place and the time, and if the time and place are stated the prosecutor is bound by that. Now, we are aware that the general charge exists, and we desire at this time, to call the attention of this body to the injustice of putting the respondent in this case on trial of allegation which is so general that he cannot even tell in what county he is charged with committing the offense.

THE PRESIDENT: If the gentleman will permit the chair to interrupt him for a moment. Rule 7 declares that all questions as to the admission of testimony shall be decided without debate, and as I understand it, this is the question now.

COL. HAINES: Will the chair allow me to say a word in regard to the construction of that rule?

THE PRESIDENT: If you are not too long about it, you have that permission.

COL. HAINES: Well, sir, I will stop when the chair tells me to.

THE PRESIDENT: Very well, proceed.

COL. HAINES: Mr. President, this is exactly the same rule that was adopted in the case of Andrew Johnson and in numerous other cases. The rules in those cases provided that all questions as to the admission of evidence should be decided without debate; but, sir, by debate is meant arguments by the deliberative body which decides the question; and you will find in the report of the trial for the impeachment of Andrew Johnson, frequent cases where senators were called to order for debating questions of this kind, and for interfering with the arguments of counsel. The rule has never been construed, Mr. President, that counsel for a person on trial are to be deprived of the right to state the cause of their client or to argue it upon the merits. This, sir, is a court. The uniform current of decisions in this country under statutes similar to ours is, that this is a judicial proceeding; it is a constitutional judicial power, given to a legislative body, and while it is a legislative body, the constitution makes it in proceedings of this kind, the highest court in the land. It is a court, sir, and a defendant has a right to be represented in that court; and how can he be represented, Mr. President, if the mouths of his counsel are sealed and they are not allowed to present to that body, to that court, for its consideration, their views upon the law that should govern the investigation and trial? Therefore, we say, Mr. President, that that rule must have the construction here that has been given to it in three separate trials in the Senate of the United States, that the rule does not include, and is not intended to include, debate upon the questions by counsel for the respondent. And I think it is safe to say, Mr. President, that in no case in this country has it ever been held that on a question so vital as the matter of introduction of evidence, that counsel could not be heard on behalf of their client.

THE PRESIDENT: The chair will rule that it will be allowable for the attorneys for the prosecution and defense to argue their objections, subject to the five minute limitation already established. The question is now, shall the question be allowed to be put to the witness?

It is ordered that the objection be overruled, to which ruling the defendant, by his counsel, excepts.

Question read: State how the business of betting with checks is done.
A. A man wishing to play the game goes into the bank, puts his money over the table, and receives for that money a like amount in checks, which have their value.

Q. About how do they run over there? A. The white checks are valued at 10 cents, the red ones are valued at 50 cents, the blue checks at \$2.50, and the yellow checks at \$5. Those are all the checks I ever bought.

Q. Specify, as near as you can, about what times you saw the respondent at this place. A. Well, I have seen him there so often that I could not tell the times that I saw him there.

Q. How many times do you think? A. Putting a safe limit, fifteen or twenty times.

Q. Within what period of time? A. Within the last year.

Q. What was he doing there? A. Playing faro.

Q. Describe the kind of persons who were there upon those occasions, and the numbers. A. Well, there were numbers varying from fifteen to twenty, down to one or two. Sometimes more than that.

Q. What class of persons? A. Well, they were among all classes, from the merchants of the town to Chinamen and negroes.

Q. I did not hear the last you said. A. All classes of people, I say, from merchants of the town to Chinamen and negroes.

Q. Did you see all those classes there? State whether you did or not when the respondent was gambling. A. At different times I have.

Q. What hours of the day or night? A. All hours of the afternoon, and in the night to eleven or twelve o'clock.

Q. State whether you know whether the court was going at any of these times. A. I could not say positively, consequently I could not answer the question.

Q. You may now describe the construction of this building with reference to its entrance from the public streets to the building. A. The doors of the saloon open right on the main street—Washington street; they are push doors, and the game is run in the back room; you go straight through the saloon, and there is another push door that goes right into the room where they were gambling.

Q. What is the character of the entrance from the street portion to the gambling room, as to its entrance? A. It is public.

Q. How do the doors open, or did they at that time? A. Push doors.

Q. About how long on any of these occasions was Judge Sachs engaged in the business of gambling? A. Well, I have seen him there hours at a time; I don't know how long he remained there.

Q. Can you tell us with what class of persons he was playing the gambling game? A. He was playing at faro by himself, with all classes of people at the table with him.

Q. That is what I want to know, whether they were playing; some of these classes of persons. A. Yes, sir.

Q. What sums of money do you remember of seeing the respondent put up there? A. It is hard to estimate that, the checks being in stacks; you would have to count each check to find out how much he bet.

Q. Be within a safe limit, and tell us how much you saw him bet at any time.

COL. HAINES: Mr. President, we object to that; it is not a question here how elastic the conscience of this witness is, but what the facts are.

A. I have seen him bet all of fifteen dollars at a time.

Q. Where is this Silver Safe with reference to the public buildings of the city of Port Townsend? A. Right in the heart of the city where all the public buildings are.

Q. Where is the post office with reference to it? A. The post office is two blocks further down the street, further west.

Q. State at what other places—I mean gambling houses in the city of Port Townsend—you have seen the respondent. A. I have seen him playing at the Reception and the Townsend Club Room.

Q. We will take first the Reception. Where is that place located, and

by whom was it kept at the times you saw the respondent gambling there? A. It is situated on Water street between Adams and Taylor, and was run by a man by the name of Malloy. The games were run by a man by the name of Malloy.

Q. State what its location is or was with reference to the business and residence portions of the city. A. Well, I would repeat the answer that was given about the Silver Safe: it is right in the heart of the city, and all the public business houses are there. There are no residences.

Q. For what use are the surrounding buildings occupied, or were they, at these times? A. The building next door west was Eiseinbies & Son's grocery store; the first building to the right was the First National Bank.

Q. How is that building constructed with reference to admission to the gambling rooms from the public street? A. The same as the Silver Safe; there are push doors leading from the bar room into the club room.

Q. What room do you first enter in coming in from the street? A. From the main street you enter the bar room.

Q. From the bar room how do you pass to the gambling room? A. You pass straight through the bar room and through little push doors that take you right through a hallway into the gambling room.

Q. State within what periods of time you saw the respondent there. A. Well, I have seen him there a number of times prior to September.

Q. What games were played there? A. Games of faro and roulette are the only two games that I think were run there.

Q. You may state what the truth is as to how public this place was, and how open it was to the admission of all classes of persons. A. It admitted all classes of people except minors.

Q. What did you see the respondent doing there? A. Playing faro.

Q. About what times, in what months, as near as you can recall, did you see him in there? A. Well, I have seen him there a number of times prior to the month of September.

Q. Was September the last you saw him there. A. Yes, sir.

Q. How frequently did you see him there prior to that time? A. Well, I could not tell exactly. I saw him there several times every month.

Q. Tell us as near as you can about how many times every month you saw him there. A. Well, that would be hard to say; it varies. Sometimes I would see him once; it is according to how often I would go in, I suppose.

Q. State what he was doing more particularly than you have — with whom was he playing; and for what amounts of money, if any? A. I have often seen him keep cases on the game and playing for —

Q. What is meant by keeping cases? A. Why, it is a part of the management of the game. The representatives of the cards are on a little case or board, and as the cards are turned they are marked so that they will know which cards have been played and how they are played, whether they won or lost.

Q. You said that is a part of the management of the game. State more particularly what you mean by that. A. The game could not be run without the cases being kept, because no one —

Q. Whose business is it to keep the cases? A. The gamekeeper's; any one can keep the game who chooses, but they have persons hired to do it.

Q. The gamekeeper or a person hired by the house is supposed to run the business? A. Well, he is supposed to be a man hired for that purpose.

Q. What did you see Judge Sachs do with reference to that? A. I have seen him keeping them.

Q. About how often? A. Several times; I could not say how often.

Q. State whether you know whether or not there was another gamekeeper there at these times when Judge Sachs was keeping the cases. A. They have men hired to watch the games and keep cases, and they are there at all times.

Q. How is this keeping of cases done, by the gamekeeper or by Judge Sachs? A. Why, it is — I answered that question a minute ago.

Q. Well, sir, answer it again, and speak up loud so everybody can hear you. A. The cards, the representatives of the cards, are marked on the cases, and as the cards are turned from the box, why, they are kept count of by these cases, to show which way the cards are played, and whether they won or lost, and whether they have been played or not.

Q. What sums can you say that Judge Sachs bet there? A. I seen him bet the limit.

Q. Well, what was that? A. Well, I don't know; but I seen the gamekeeper take down some of his bets.

Q. But you don't know what the limit was? A. No, sir.

Q. Do you know, and if you do, state how much he bet any of these times? We do not know how much the limit is, down here; at least, I don't. A. Well, it would be pretty hard to say how much it was; it would run all the way from \$10 to \$30.

Q. State whether it was by night or by day that you saw respondent. A. Day time, most of the time, that I seen him; I have seen him playing there nights.

Q. Give us, as near as you can, the last time that you saw him at this place, gambling. A. The last time was Christmas morning, I believe.

Q. Of what year? A. 1890.

Q. What class of persons were there then? A. There were only two or three in the room at that time.

Q. Well, what class of persons commonly frequented this place when you saw Judge Sachs there gambling? A. What is meant by that question "There?"

Q. I mean this particular place, the Reception gambling house; that is what I am talking about now. A. You asked me what was the time I saw him gambling?

Q. Yes, I mean by that at the Reception saloon. I have not got to the Townsend yet. A. Well, the last time I saw him gambling at the Reception was prior to September.

Q. Now pass to the other place you named, and tell us where it is located. A. It is located on Water street, on the corner of Tyler and Water streets, right opposite the postoffice.

Q. By what name is it known? A. The Townsend Club.

Q. Where is it located with reference to the business portion of the city? A. Well, this club room is on the corner of Tyler and Water streets, and on the opposite corner is a hardware store, and next door is the post-office, on the opposite side, and on the next street is a dry goods house, so it must be in the heart of the city.

Q. State how public it is to all classes of business people, and ladies also, in passing this place. A. All the ladies and business men of the city are obliged to pass in front of it in going to the postoffice, on the opposite side of the street.

Q. You may now state how the building is constructed with reference to admission to it from the sidewalks. A. In going to the club room, you have to pass through the bar room of the saloon and go through a door in the back part, leading into the club room.

Q. By club room do you mean the gambling room? A. Yes, sir.

Q. State where the passage from the saloon portion of the building to the closets connected with the building are, with reference to the gambling room. A. Well, right at the end of the building, as you pass through a door; you have to pass by them in going into the club room.

Q. What games were played in the Townsend saloon? A. The games of faro and roulette.

Q. What classes of persons patronized that house during the time that Judge Sachs frequented it? A. All classes, whites.

Q. Was it confined to white persons? A. I never saw anything but white people in it.

Q. You may state now within what period of time you saw Judge Sachs there. A. I have seen him there since the opening of the club room, which was in September, up to December—December the 25th, Christmas day.

Q. Of last year? A. Of last year.

Q. What was he doing there? A. He was keeping cases and playing faro.

Q. You may state how frequently, if more than once, you saw him engaged there in keeping cases. A. Well, that question I would have to answer by several times. I could not tell how many times.

Q. You will have to speak louder, Mr. Calhoun. A. I have seen him there several times, but could not state positively how many times I have seen him there.

Q. Could you state what sums of money he was betting? A. No, sir, I could not.

Q. As near as you can judge? A. Bets ranging—well, I could not say—ranging from \$1 to \$20.

JUDGE PARSONS: That is all, Mr. President.

SENATOR THOMPSON (G. T.): Mr. President, I move you that all the testimony that has been elicited from Mr. Calhoun be expunged from the record, as it cuts no figure whatever in the matter of malfeasance in office,

THE PRESIDENT: Is there a second to the motion? The gentleman is out of order until the motion is seconded and stated.

SENATOR THOMPSON (G. T.): I will get a second somewhere in this house.

THE PRESIDENT: The chair hears no second to the motion of the gentleman from Walla Walla. The gentlemen representing the defendant will proceed and cross-examine the witness, if they desire.

Questions by COLONEL HAINES: Q. What is your business? A. Merchant.

Q. How long have you been a merchant in Port Townsend? A. Two years and over.

Q. Are your feelings towards Judge Sachs friendly? A. They were prior to these charges being preferred.

Q. The fact that these charges were preferred against him produced a feeling of aversion in your mind against him. You didn't want to associate with a man against whom charges of that character would be preferred. Is that it? A. No, sir.

Q. Then why was it that you changed your feelings? A. It did not change them.

Q. You feel friendly towards him now. A. Yes.

Q. How did you acquire this varied knowledge of the gambling games of Port Townsend? A. By visiting them.

Q. For what purpose did you visit these gambling houses? A. To see the game.

Q. Did you ever participate in these games? A. I have.

Q. Frequently? A. Yes, sir.

Q. Were you of that assemblage of Chinese, Port Townsend merchants and negroes that you say you saw at the Port Townsend saloon? A. I was.

Q. What was the last date that you saw Judge Sachs at this Silver Safe saloon, the last day that you remember of? A. Well I don't know; I don't remember the last day.

Q. Will you swear that you have ever seen him in that place since he took the oath of office as judge? A. Yes, sir.

Q. How late will you fix the day that you have seen him in that saloon? A. Well I could not state positively how late it was.

Q. Can you fix any limit of time within which you will feel that you can testify that you saw Judge Sachs in that place? A. I seen him in the months of June and July frequently.

Q. Of 1890? A. Of 1890.

Q. How often have you been in that place during the last year? A. Well, I have been in several times; I could not state how often.

Q. You have seen him there frequently, you say. Now, what do you mean by frequently, a half a dozen times? A. A half a dozen times or more.

Q. Or more? A. Yes, sir.

Q. How much more? I would like to get about how many times you

have seen Judge Sachs in that place. A. Well, I have seen him at least a half a dozen times in that place.

Q. How long has that place been running to your knowledge? A. Well, it has been running for about two years to my knowledge.

Q. Your acquaintance with the gambling houses of Port Townsend is quite thorough, is it not? A. Quite thorough, yes, sir.

Q. And your knowledge of the games is quite exact? A. Quite exact, as to the game of faro.

Q. The game of faro is the game you have studied specially? A. That is the game I have seen played more especially.

Q. The game of roulette was also there? A. Yes, sir.

Q. You have played that game, have you not? A. Yes, sir.

Q. Were there any other games played at the Silver Safe? A. I don't know.

Q. You say this is a public place. A. Yes, sir.

Q. Do you mean by that that it is open to access to the public as a public place of resort? A. Yes, sir.

Q. Does the street door open directly into this gaming house? A. No, sir, it opens directly into the saloon; you have to pass through the saloon into the club room.

Q. There is no sign out to indicate that there is a gambling house there. A. No, sir.

Q. How large a room is it in which this game is carried on in the Silver Safe? A. I don't know, sir.

Q. Do you mean to say that there are no precautions whatever taken to prevent anyone from entering that place that desires to do so? A. None except minors.

Q. You mean by minors, people under 21 years of age. A. Yes, sir.

Q. Now, from the street can you tell that gambling is going on in there? A. No, sir.

Q. There is nothing on the streets to call a persons attention to the fact that gambling is going on in that inner room. A. No, sir, unless it is the rattle of chips.

Q. Can the rattle of the chips be heard out on the street? A. It can as you pass along the sidewalk going up on the other side of the street, or rather on the other street.

Q. Is there any door on that side opening on that street? A. No, sir.

Q. What are these chips made of that rattle? A. I could not tell you, sir.

Q. You have handled them frequently, have you not. A. Yes, sir.

Q. Now, did you ever see Judge Sachs bet a dollar of money on any game in that place? A. No, sir, but I have seen him pay his money for checks.

Q. What kind of checks did you see him using there? A. Well, all kinds.

Q. Well, what colors, if there are different colors? A. Reds, whites and blues.

Q. Do you know whether there is any value fixed on those checks according to the color? A. Yes, sir.

Q. Is that a value that is always the same in the game of faro, or is it fixed by the particular house where the game is running? A. It is fixed by the house when the game is opened.

Q. What was the value fixed at that place? A. On that day?

Q. Is the value fixed every day? A. I think it is, I am not sure.

Q. Well, what was the value fixed when you saw him playing there? A. It was ten cents for whites, fifty cents for reds, \$2.50 for blues.

Q. Now, was there any limit fixed on that game? A. I do not know.

Q. How is that generally with regard to faro; is there a limit fixed on the bets? A. Generally there is, yes, sir.

Q. How is it at this resort that you speak of for the different classes of citizens of Port Townsend, where the negroes and the merchants and the Chinamen gather together? A. I never played the limit, and consequently I don't know if there was any.

Q. Do you mean to say that you have been playing faro there for two years and don't know what the limit of the game is yet? A. I don't know what the limit is; I know there is a limit.

Q. Do you not know of your own knowledge that the limit there was \$2.50? A. No, sir; I know it was not.

Q. You know it was not there? A. Yes, sir, because I have bet more than that myself.

Q. Might I inquire, Mr. Calhoun, how much you did bet? A. Well, I bet all sums from —

Q. What was the highest sum? I want to know what kind of a game that was. A. The highest sum I bet, I think —

Q. Are you ready to testify that Judge Sachs bet \$15.00 on that game at any one time? A. In the Silver Safe?

Q. Yes, sir. A. Yes, sir; I can testify to that.

Q. When was that? A. I believe he bet —

Q. Oh, I know, a great many people might believe things; but I want to get at the facts. Now, what are the facts to your knowledge? A. Well, the facts to my knowledge are, that he bet checks to the extent as high as \$15; but whether there was probably a little more or a little less, I could not tell exactly, but there was somewhere near that amount of money.

Q. Did you have occasion to note it as being an extraordinary large bet? A. Well, I did have occasion to notice it.

Q. And that is the reason you noticed it? A. Yes, sir.

Q. Did you ever see him keeping cases at this Silver Safe saloon? A. Yes, sir.

Q. Now, I believe you have testified that keeping cases is a part of the management of the game. A. Yes, sir.

Q. Did you ever see in the Silver Safe saloon there, a person keeping cases who was employed by the people who run the game, employed by the house, if I may use that term? A. I don't know that I have.

Q. What is the object of keeping cases that you speak of? A. To tell which card has been played, and how it was played.

Q. Is that at all to the benefit of those running the game to know which cards have been played? A. Yes, sir.

Q. How so? A. Because no man could play unless he knew what cards had been played.

Q. Is it not for the benefit of the player, in order that he may know how to make his bets? A. It is for the benefit of both; but more particularly for the man that keeps the game.

Q. The man that keeps the game does not make any bets, does he? A. No, sir; but no one would make a bet unless the cases were kept properly.

Q. These cases are kept so the player may know what bets have been made and what cards are played, so that he may make his bets accordingly. A. Yes, sir.

Q. Then it is for the benefit of the player, is it not? A. Well, I should think it was for the benefit of the man who keeps the game.

Q. Do you not know, sir, as a fact, that the keeping of cases is for the benefit of such persons as may be playing at the game? A. A man who runs the game keeps the cases for his own benefit and for the accommodation of others who play.

Q. So that they may know how to play? A. Yes, sir.

Q. Then it is not a part of the game of faro, is it, to keep the cases? A. Yes, sir.

Q. Is it not simply a memorandum of what cards have been played, this keeping of cases? A. Yes, sir.

Q. Which any man could keep, just as well, with a piece of paper and a lead pencil? No, sir.

Q. You have not seen that? A. No, sir.

Q. Is your experience confined to Port Townsend on the faro proposition, Mr. Calhoun? A. Yes, sir.

Q. Now, you have testified that the man who keeps cases is supposed to be hired by the house. Did you ever know a man to be hired to keep cases in your life? A. I know that he is hired to keep watch of the game and keep the cases.

Q. Where did you ever know a man to be hired, and who was he who was hired for that purpose? A. Well, I don't know what his name is, but I have known several of them.

Q. Did you ever know a man in Port Townsend, where your experience seems to have been acquired, on a salary? A. Not that job alone.

Q. Did you ever know a man to be hired for that purpose in the Silver Safe? A. No, sir; not that alone. I have in conjunction with his other duties.

Q. Did you ever know of a man getting any pay for keeping cases? A. No, sir; not that alone.

Q. Well, when a man is hired he is supposed to get some pay, is he not? A. Yes, sir.

Q. Now, you have testified that you have seen Judge Sachs play at the Reception. A. Yes, sir.

Q. You say these games are run by a man named Malloy. A. That one was at that time.

Q. Is he there now? A. No, sir.

Q. Now, do you mean to say that this Reception is a public place, where those games are played? A. Yes, sir.

Q. How is that room situated with reference to the street? A. You go through the saloon, and the back doors take you into a room in the back part of the building, where the games are run.

Q. How large is the first room which you enter from the street, and what is it used for? A. The first room is used for a saloon.

Q. Is there any sign out at that place to indicate that there is a gambling house in there? A. No, sir.

Q. Would any person suppose from its appearance that it was a gambling house, unless he was familiar with Port Townsend and knew there was a gambling game carried on there? A. No, sir.

Q. The public are not invited into these places. A. No, sir.

Q. Well, have you ever known of a man being hired to keep cases in the Reception saloon? A. To keep cases and watch the game, one in conjunction with the other.

Q. You say you have seen Judge Sachs keeping these cases? A. Yes, sir.

Q. Now do you know of a man's ever receiving any pay for keeping cases at that game? A. For keeping the cases alone, no, sir.

Q. Do you know of any man receiving any pay for keeping cases anywhere? A. In conjunction with his other work, yes.

Q. What other work? A. Watching the game.

Q. You mean that the man would sit down sometimes and keep cases for the accommodation of the players? A. Yes, sir.

Q. Sometimes other players keep them. A. Yes, sir.

Q. Judge Sachs is not the only player you ever saw keeping cases, is he? A. No, sir.

Q. You have kept cases yourself, have you not? A. No, sir.

Q. You never did. A. No, sir.

Q. You say you saw him bet the limit at the Reception saloon. What was the limit? A. I don't know.

Q. Did you ever bet the limit there yourself? A. No, sir.

Q. How do you know that he bet the limit? A. I have heard the dealer tell him, "It's too high, Judge; you will have to cut them down."

Q. Well, how high was it, do you know? A. No, sir.

Q. You have estimated carefully the value of the chips that you saw stacked up at the Silver Safe when he was betting there. Can't you give us an estimate of the value of the chips you saw him betting at the Reception, also? A. No; I could not tell exactly the amount he bet.

Q. Are the chips valued the same at the Reception as they are at the Silver Safe? A. Yes, sir.

Q. You have never known of his being in there since the 25th of December last, have you? A. No, sir.

Q. And you have never seen him in the Silver Safe at all, to your knowledge, since July last? A. No, sir.

Q. Now, you have spoken of a place called the Townsend Club. How is that building arranged with reference to where the games are played?

A. You have to pass through the room to gain entrance to the club room, the same as in the Reception.

Q. There is a saloon out in front there. A. Yes, sir.

Q. Are you a frequenter of saloons? A. I have been; yes, sir.

Q. You are a Good Templar, are you not? A. I am.

Q. Have you been a Good Templar all of these two years? A. No, sir.

Q. It is only recently that you have become one. A. Yes, sir.

Q. How recently? A. A year.

Q. Then for the last year you have been going into the saloons and the gambling houses, have you not? A. I have been going into the gambling houses; yes, sir.

Q. But you carefully refrained from taking a drink as you passed in through the saloon. A. Yes, sir.

Q. Now, how large is this saloon outside of the Townsend Club? A. I should judge about 50 by 25 feet.

Q. It is a pretty liberal sized saloon, isn't it? A. Yes, sir.

Q. How big is that gambling room? A. I should judge about 12 by 20 feet.

Q. Then the principal business of that place is the saloon. A. Yes, sir.

Q. And that is true, is it not, of the other places you have mentioned?

A. At the other places the games are not run in connection with the saloon.

Q. But there is a door through between the saloon and the gambling room at the other places, is there not? A. Yes, sir.

Q. And these places are principally known by the public as saloons, are they not? A. Yes, sir.

Q. And it is only those that are familiar with the fact that there is a gambling room back there, who resort there, as a rule. A. Yes, sir.

Q. And the principal business of all those places is the selling of liquor. A. Yes, sir; in the saloon.

Q. This is the largest saloon, this Townsend. A. Yes, sir.

Q. Who kept that saloon while you have known it? A. Malloy.

Q. The same man that kept the Reception saloon? A. Yes, sir.

Q. Do you mean that Malloy kept the Reception saloon? A. No, sir; he kept the gambling room.

Q. But he did keep the Townsend saloon. A. Yes, sir.

Q. And run the games at both places. A. Yes, sir.

Q. Do you know when the game started at the Townsend saloon? A. Not exactly; the house was first opened by Malloy in November, I think.

Q. Was there any sign or anything outside to indicate to the general public that that was a gambling house? A. No, sir.

Q. Was there anything to direct attention to the fact that gambling was being carried on in there? A. Not that I know of.

Q. How many times have you seen Judge Sachs in there? A. Several times; I could not state how many times.

Q. Half a dozen? A. Somewheres thereabout.

Q. Within the last two years? A. Within the last two years.

Q. Do you remember the last time you saw him there? A. Yes, sir.

Q. That was this famous day, the 25th day of December last, was it not? A. Yes.

Q. The same day you saw him in the Reception. A. No, sir; I did not see him in the Reception that day.

Q. Did you not testify that you saw him in the Reception on the 25th of December? A. No, sir.

Q. Was it the Silver Safe that you testified that you saw him in on that day? A. No, sir; I saw him nowheres on Christmas day but in the Townsend Club.

Q. When was the last time, then, that you saw him in the Reception saloon? A. I could not state exactly when the last time was.

Q. It was prior to that date, was it not? A. Yes, sir.

Q. It was along last summer, was it not? A. Along in the fall—in September sometime or other.

Q. That was the last time you saw him there. A. Yes, sir.

Q. You have been a habitue of these places since that time, have you not? A. No, sir; I have not been in the Reception club room since.

Q. Have you not been there frequently since then? A. No, sir.

Q. Why not; did the game stop then? A. No, sir.

Q. Why was it you stopped going there all at once? A. I did n't care to go, I suppose.

Q. But you did care to go to the Townsend club. A. Yes, sir.

Q. Then it was not through any prejudice that you had against gambling that made you stop going to the Reception, was it? A. No, sir; none whatever.

Q. And you say you saw Judge Sachs keeping cases at the Townsend club? A. Yes, sir.

Q. Was it along with the Chinamen, negroes and business men that you mentioned as resorting to the other place that he was keeping cases at that time? A. No, sir.

Q. He was in a more select assemblage at that time, was he? A. I do n't know that he was. The judge was there alone at that time.

Q. And you do not think sir, that that was a more select assemblage. (No answer).

Q. You think that is a proper thing for you to state here as a witness, do you, that Chinamen and negroes made up a better assemblage and a more select company than a society composed entirely of the respondent in this case? A. I didn't say so.

Q. That is your idea of the function of a witness, is it? A. No, sir, I did not state so.

Q. Well, he was playing alone when you saw him. A. He was keeping cases alone there, yes, sir.

Q. It was a sort of a game solitaire, was it? He was managing the game at that time. A. Yes, sir.

Q. Did you ever know of anybody being hired to keep cases there in that place? A. No, sir, no more than in conjunction with other duties.

Q. You never kept cases yourself, you say. A. No, sir.

Q. Why not; did you think it was wrong? A. No, sir.

Q. Then what was the reason; did some other fellow get in ahead of you? A. Well, I didn't think I was expert enough to do it.

Q. It takes an expert to keep cases, does it? A. Yes, sir.

Q. Now, you speak of Chinamen and negroes as resorting to the Silver Safe. Did you ever see Judge Sachs playing there when that class of people were there? A. Yes, sir.

Q. When they were playing? A. Yes, sir.

Q. Was there any other person in that room that you know and who you can call by name? A. No, sir.

Q. No other person who might be called as a witness here in regard to that matter. A. No, sir.

Q. He is the only person whose name you knew besides yourself that was there at that time. A. Yes, sir; because I didn't pay any particular attention as to who was there.

Q. Was there a limit at this Townsend club? A. I suppose so, yes.

Q. Did you ever ascertain what it was? A. No, sir.

Q. You say Judge Sachs' bets range from \$1 to \$20. Now, how many times have you ever seen him in the Townsend club? A. I could not state. I have seen him there several times.

Q. You mean by several, I suppose, three or four. A. Yes, sir.

Q. Have you ever been in that place since the 25th day of December last? A. I think so.

Q. And you have never seen him there since that time. A. No, sir.

Q. You are acquainted with Henry Landes. A. Yes, sir.

Q. You are acquainted with the managers of the First National Bank of Port Townsend. A. Yes, sir.

Q. Mr. Landes is related to Judge Sachs by marriage, you understand. A. Yes, sir.

Q. Are your feelings friendly toward Mr. Landes? A. Yes, sir.

Q. Did not the First National Bank recover a judgment against you? A. Yes, sir.

Q. And was not your property levied upon under that judgment and sold? A. No, sir.

Q. Was it levied upon? A. I think not.

Q. Did you ever pay that judgment, or is it unpaid? A. I paid it.

Q. Was not an execution on that judgment placed in the hands of a sheriff? A. I think there was, I am not sure.

Q. And that was in favor of this bank against you. A. Yes, sir.

Q. Now, do you mean to say that did not in any way cause you to feel less friendly towards Mr. Landes or Judge Sachs? A. No, sir.

Q. You thought it was a righteous judgment, and ought to be rendered. A. Yes, sir.

Q. You were a witness, were you not, before the investigating committee at Port Townsend? A. Yes, sir.

Q. You were one of the original prosecutors in this case, were you not?

A. The original prosecutor?

Q. Yes, sir; don't you understand that you were one of the three persons who originally instigated this prosecution? A. Yes, sir.

And you did this voluntary. A. Yes, sir.

(Re-direct Examination.)

By MR. PARSONS: Q. Mr. Calhoun, Colonel Haines asked you if there was any sign out to give notice that these were gambling houses. State if you know any such place in Port Townsend. A. I do not.

Q. State how generally and notoriously it was known that these were gambling houses.

MR. HAINES: We object; it is leading. This witness is willing enough, Mr. President, without being coached or without having the answer suggested, and we object to it.

THE PRESIDENT: Under rule seven, it is the province of the house to decide the question. Will the convention permit the question to be asked?

Question stated; vote taken, chair announced the motion carried.

Question read by reporter.

A. I cannot state; everybody seemed to know it.

(Re-cross-examination.)

Question by MR. HAINES: Everybody seemed to know it; did the chief of police know it? A. I think so.

Q. Did the mayor know it? A. I think so.

Q. Did the prosecuting attorney know it? A. I think so.

Q. Did the city attorney know it? A. I think so.

Q. And the aldermen. A. Yes, sir; they instructed it to be pulled one time.

Q. And every body knew it. The aldermen must have known it of course. A. I suppose they knew it or they would not have instructed the chief of police to pull the game.

Q. When was that done? A. Last fall.

Q. It did not stop the game only for a short time. A. That is all.

Q. When you went around next time you found it running all right.

A. Yes, sir.

Q. And you made your investments as usual without any difficulty.

A. Yes, sir.

Q. Now your feelings you stated was friendly towards Judge Sachs and towards Mr. Landes. A. Yes, sir.

Q. I will ask you another question that I overlooked. If Mr. Bradshaw was not, prior to his appointment as collector, associated in business as the law partner of Mr. Sachs. A. Yes, sir.

Q. And they were personal friends and are yet as far as you know. A. Yes, sir.

Q. Now were you not in the republican convention in which Judge Sachs was nominated? A. No, sir.

Q. The convention of last fall in which there was quite a bitter contest over the selection of officers, county officers and members of the legislature, were you in that convention? A. I was in the convention that nominated, yes, sir.

Q. And there were certain gentlemen who were supposed to be friends of Mr. Bradshaw and Mr. Landes and of Judge Sachs who were up there for nomination in that convention; did you not so understand that to be the case? A. Yes, sir.

Q. You opposed these gentlemen. A. Yes, sir.

Q. And you were unsuccessful in your opposition, were you? A. I think not.

Q. You think you were successful and that contest made no bitterness in your mind at all. A. No, sir, none whatever.

MR. KINNEAR: Counsel for the defendant has handed me a list of three witnesses, Tom Constance, J. Constance and Wm. Malloy, of Port Townsend, who they may desire to have subpoenaed. I move that the sergeant-at-arms of the house be instructed to subpoena these witnesses.

Motion seconded.

MR. SNIVELY: I offer an amendment by inserting by telegraph.

MR. KINNEAR: I accept the amendment.

Motion stated. Carried.

SENATOR THOMPSON (G. T.): I desire to ask a request. I ask that I be allowed to ask the witness one or two questions.

No objections were made.

Q. I understand, Mr. Calhoun, that you charge Mr. Sachs here with managing a game of faro. I will ask you this, if at any time you saw him keeping cases, was not there a man in the lookout chair, a man dealing from behind the nickel box? A. Yes, sir.

Q. And all he was doing was what the ordinary player does; is not that a fact. A. Yes, sir, that is all I claim.

TESTIMONY OF CHARLES M. PENDERGAST.

MR. CHARLES M. PENDERGAST, a witness called on behalf of the prosecution, after being sworn by the president, testified as follows:

SENATOR LONG: Before the introduction of another witness I desire to make a motion, and that is to this effect, that the examination of the witnesses, hereafter, shall occupy only forty minutes' time, and the time to be divided equally between the counsel.

Motion seconded. Motion stated by the chair.

MR. BASS: I move to amend the motion so that the witnesses be allowed to make a plain and square statement without cross-examination. This is all poppycock. We can stay here and judge of this case—we are old enough to know whether the witness is telling the truth or not without being cross-examined by these men.

MR. MILLER: I hope the gentleman's motion will not prevail.

THE PRESIDENT: There is no second to the amendment.

MR. MILLER: I hope the gentleman's motion will not prevail, for it will be a new proceeding. I will say that I think it should not prevail.

MR. DE STEIGUER: I think this should not prevail. If any of the counsel abuses the right of examination or cross-examination, it seems the proper remedy is to lodge in the presiding officer that power which resides in all courts to curtail any abuse of the privileges of counsel on this floor. I would rather not make this as an amendment at present. I think it should be very carefully drawn.

THE PRESIDENT: The chair will suggest that any amendment of that character would be out of order because it would be an amendment to the rules which should be adopted by both houses in separate sessions.

MR. LONG: It is certainly a fact well known to every legislator that there are at least thirty witnesses to be examined here, and we have just patiently listened to the examination of one which has taken more than an hour. There are only ten working days left for this legislature, and unless we are re-convened in special session, and I do not think it is the mind of any member of this legislature that we shall spend any more time when we are required to adjourn on the seventh day of March. This should be gone at in a determined, earnest way. We can get the facts from the witnesses in at least forty minutes.

Motion stated by the chair.

Vote taken. The chair announced motion carried.

MR. WINSTON: I ask the convention —

THE PRESIDENT: If Mr. Winston will pardon the chair, the chair will state that he is out of order. This is a parliamentary question subject only to discussion by members of the body. Any member may make the objection you wish made.

MR. WINSTON: May I request a member to make it? I ask that a division may be called for.

THE PRESIDENT: A division is called for. The chair supposed the convention was given plenty of time to call for a division.

Motion was stated, division vote had; eighty members were announced as voting in favor of the motion, and twenty-five in the negative. Motion was declared carried.

THOMPSON (G. T.): If the president will remember, I made a motion and was asked to sit down before I had an opportunity to be heard. I was ruled out of order. I know the chair would not treat me unfairly, but at the same time it strikes me very strongly that I was being muzzled. I do n't like that. I hope I am not obtrusive in this body. I want to be heard, and I was so much in sympathy with the sentiments of the gentleman from Lewis county I was heartily in accord with every word he said, and I wanted to amend his motion by making it twenty minutes instead of forty, because with twelve witnesses and only ten days to do the work in, with three hundred and odd bills before us in the Senate, we have no time to waste on this matter, and it seems to me, as a practicing attorney, that it does not require any length of time like an hour and a half to get all that a man can know.

THE PRESIDENT: If the senator from Walla Walla will permit the chair to state that he is entirely out of order.

SENATOR THOMPSON: I will now make a motion that we limit the examination of any witness on either side to twenty minutes—ten minutes on each side.

Motion seconded. Motion stated by the chair.

MR. PLUMMER: I offer an amendment by adding "unless the question is left to the house and a *viva voce* vote demanded."

SENATOR THOMPSON: I accept the amendment.

MR. DE STEIGUER: After the remarks made by the chair, I should say this was an amendment of our rules and could not be carried through this body, but must be made by concurrent resolution.

MR. MILLER: I think we are treading on dangerous ground on this motion and on the one preceding, and I think we ought to reconsider the other motion.

MR. DE STEIGUER: It seems to me that we are going entirely too far in this matter. Now, what power are we placing in the hands of the counsel in this case? We say that we do this to take away from counsel the right to delay proceedings here. We are placing in the hands of the counsel on each side power to deprive the counsel on the opposing side of any examination whatever. Supposing that the counsel for the prosecution starts in to examine the witness and the counsel for the defense object four times and use the whole twenty minutes which we have allotted in argument, when the witness must leave the stand, so far as the prosecution is concerned without uttering a syllable of testimony. Now, I think that is a power which is placed in the hands of the attorneys by this house, which is far more dangerous to the purposes of justice than any other power of delay, and, in addition to that, I think this is a right. These restrictions are being put upon testimony which is not based on the importance of the witnesses nor upon any other reasonable limit, and is one which should not be tolerated here.

SENATOR THOMPSON: I never saw a witness that could not tell all he knew in ten minutes. I can tell all I know in five minutes, and I do not believe in allowing the gentlemen here to advertise themselves over this state as cross-examiners or prosecuting attorneys. We are here for business, Mr. President, and these gentlemen or any other gentlemen upon that witness stand can tell this joint convention all that they know about the malicious malfeasance in office of this defendant here. I never saw the day that I could not tell all I knew about anybody in a good deal shorter time than has been taken in examining this man Calhoun. We have three hundred and thirty-seven bills before us in the senate chamber, and we must attend to our business, and it is unnecessary and uncalled for to keep any witness longer than twenty minutes on that chair, and the gentlemen who represent the defense in this case and the able gentlemen who represent the prosecution can draw out of their witnesses all that they need in a limited time. I do not propose to sit here and

agree that there shall be any long-winded examination or cross-examination of anybody.

MR. LONG: In reply to the remarks of the gentleman from King, I desire to say it was the understanding of every member of this legislature that the counsel was to have five minutes in which to argue any question on the filing of any paper, and this argument will not take away any part of the forty minutes allowed for the examination of the witnesses.

MR. READY: This is an unheard-of proceeding. The idea of attempting to stop the facts when the facts which we are here to try are sought. The idea of attempting to stop the witness on the witness stand at the expiration of a certain fixed time, is certainly unreasonable and certainly would be a wrong proceeding at this time now. I admit that we have a great deal to do here.

MR. GODMAN: I believe, sir, this limit is too short; the constitution provides that the defendant shall have an opportunity to make his defense. That word opportunity means a reasonable opportunity. It means a reasonable time. Now, if we shall violate that provision in the constitution in regulating and prescribing the defense of this respondent here in this limited way, I apprehend, sir, that there will be danger that our proceedings shall be set aside by the supreme court, because we have deprived him of his property without due process of law.

Motion stated. Vote had. Chair announced motion lost.

MR. WINSTON: We desire the formal objection made to the admission of the testimony of this witness, and also the further objection to the limitation of time.

Questions by MR. PARSONS: Q. Give your full name to the reporter.
A. Charles M. Pendergast.

Q. Where do you live? A. Port Townsend, Washington, Jefferson county.

Q. How long have you lived there? A. Between two and three years; about two years and a half.

Q. You may state what, if anything, you know in relation to the respondent, Judge Sachs, visiting gambling houses. A. Well, I have seen Judge Sachs in gambling houses in Port Townsend and seen him playing at the game in the gambling houses.

Q. What houses? A. I have seen him in the Reception and, also, in the Townsend saloon.

Q. When in the Reception? A. Well, I should say some time prior—well, it has been some five months ago, or six.

Q. How frequently did you see him there? A. I have seen him there quite frequently. I could not say how many times.

Q. How many times a week or month as near as you can. A. Well, I have seen him at least twice in a month in the Reception, but I would not testify any particular time.

Q. For how many months, twice a month in the Reception? A. Well, for six or eight months.

Q. When was the last time as near as you can recollect? A. It must

be about five months ago. I think it must be fully that long or, maybe, longer.

Q. By night or by day? A. Well, I have seen him—when I have seen him there it has been in the daytime, mostly.

Q. Do you know of what days of the week? A. I could not state positively. No, sir.

Q. What was he doing when you saw him there? A. He was playing faro.

Q. What class of persons were present? A. Well, there were other men who were playing at the game, and those who were conducting the game; that is all I know.

Q. How many persons were present at any of these times? A. Well, I should think there were sometimes more and sometimes less.

Q. As near as you can state. A. I could not state positively how many were there. Sometimes I have seen as many as ten or fifteen people in the room at the time the judge was playing.

MR. PRESIDENT: What were the others doing besides the judge. A. Some were looking on, and some were participating in the game; some were conducting the game.

Q. What nationalities were these persons as near as you can state.

MR. HAINES: Mr. President, we object to that question on the ground that it is immaterial. I do not know that it is any worse to play a game for money, a game of chance, in the presence of one nationality than another. The crime is not in anywise changed by the nationality of the people that are there, and I think it is taking up the time of this body and the persons in attendance upon this trial to go into an elaborate investigation of the nationality of the persons who may have been present, and we therefore object to it.

MR. PARSONS: In my judgment it would not affect the question of guilt but it would greatly bear upon the question of the degradation of the office and the influence of such an example.

THE PRESIDENT: If there is no objection the question will be answered. If there are objections, a vote will be taken.

No objection made by any member of the joint convention.

Answer the question.

Question read by reporter.

A. All those participating or playing at the game.

Q. Those who were present and looking on and participating both.

A. That is a question that I could not answer. I do not know that I could state any particularly—

Q. Can you state— A. Positively, Americans.

Q. Can you say anything as to the amount of Judge Sachs' bets? A. Well, I have seen him bet as high as \$20 at one bet.

Q. Can you state about when that was? A. Well, it has been within the last eight months—I should say six or eight months ago.

Q. Are you sufficiently familiar with the game of faro to tell us what is meant by keeping cases? A. Well, it is a mode you have of designating the cards that have been played or taken from the box, as I understand it.

Q. State whether that is usually kept by the proprietor or person carrying on the house, or one of his employes. A. I think that this is mostly done by employes of the house, unless the persons playing desire to do so themselves.

Q. State whether you have seen Judge Sachs at any time playing at other public gambling houses at Port Townsend, and if so, where. A. I have seen the Judge playing at the Townsend saloon, or back of the Townsend saloon in the gambling department.

Q. The place described by the former witness. A. Yes, sir.

Q. About when? A. Well, it was in December that I saw him there.

Q. Can you state any particular time or near any time in December? A. It was on or about Christmas day; I think it was Christmas morning that I saw him there.

Q. Can you state any particular day of the week that you saw him there. A. No; I could not.

Q. About what was the limit there, or was that the place that you said you saw him bet the \$20? A. Yes; that is where I saw him; that I am positive, that I saw him bet as high as \$20.

Q. You may state whether his bets were in the character of chips or currency. A. I saw him play with chips and have also seen him bet money.

Q. What as to the exhibition of money at such a place—or was it at any of these places when you saw Judge Sachs there, as to whether it was publicly kept on the table, I mean? A. Do you mean at the time he was betting it that it was exposed?

Q. Yes, sir; that is what I mean. A. It was exposed upon the table; yes, sir.

Q. How many persons were there at the time you saw him bet as high as \$20? A. I could not say positively; there were at least ten or twelve people there, and probably more; I could not say positively.

Q. Have you ever seen him at any other than the two places you have named, gambling? A. I never did.

Q. What do you know, if anything, upon the subject of lawyers going to any of these places to see him on business? A. I could not say that I ever knew positively of any lawyer going to see him there on business. I have seen him talking to one or more lawyers at different times, but I could not say that it was on business.

Q. Unless it was the same business he was on. A. Yes, sir.

JUDGE PARSONS: That is all, Mr. President.

(Cross-examination.)

By COL. HAINES: Q. How frequently, Mr. Pendegast, have you been in these places where you say gambling is carried on? A. Well, I have — Do you mean how many times?

Q. I mean how frequently as a general thing. A. Well, I probably would go in there once in two or three days; sometimes oftener, and sometimes not so often.

Q. What is your business? A. I have been in the ice business almost ever since I have been in Port Townsend.

Q. Were you delivering ice when you went into these places? A. At times I have been in there to deliver ice.

Q. What did they use the ice in the gambling houses for? A. It was not in the gambling parts; it was in the saloon.

Q. Then what were you doing in the gambling room? A. I would step in there from the adjoining saloon; into the gambling saloon.

Q. Merely from motives of curiosity, I suppose. A. Yes, sir.

Q. You say your business is the ice business. A. I have been in that business up to right recently.

Q. How long have you resided in Port Townsend? A. About two years and a half.

Q. Have you been in the ice business all that time? A. No, sir.

Q. What other business have you been in while you have resided in Port Townsend? A. In the real estate and insurance business.

Q. Are you familiar with this game of faro, to which you have referred? A. Well, I have seen it played a great deal, and have enough to know what it means—the way the cards are played, etc.

Q. It is not an uncommon thing then for the game to be played in Port Townsend. A. No, sir; it has been played ever since I have been there, I think.

Q. For the last two years that you have been there? A. Two years and over.

Q. And it is a game that pretty much everybody has been familiar with down there during these two years. A. Well, I don't know.

Q. I refer to the male population of Port Townsend, and do not include the ladies in any question. A. I guess the most of them know of it, and pretty generally play it.

Q. It is pretty generally played in that town, is it not, by men of all classes? A. I think it is; yes, sir.

Q. You have played it there yourself, have you not? A. Very seldom; I have played a little.

Q. And have you played in these places where you saw Judge Sachs play? A. Yes, sir.

Q. Did you ever play there while he was playing? A. Don't remember that I ever did, sir.

Q. Are you sufficiently acquainted with the game of faro to describe it? A. Well, think I could if I had to; yes, sir.

Q. I wish you would describe it. A. Well, it is played—in the first place they have a box in which the cards are placed, open at the top, with one exposed; and it is arranged so that you can push one card out, and of course that leaves the next card exposed; and then the other one is pushed out, the under one, and the one that is left after the second card is pushed out is called the winning card; it is the one that is left in the box, the one that is left that is the losing card, and when they wish to bet on a card they put their money down on the card, and if they happen to put it on the one that wins they win the money, and if not they lose their money.

Q. Is that all there is to it? A. That and what is called keeping the cases.

Q. What sort of a machine do they have for this keeping of cases?

A. Well, its a rack with the little checks or round pieces of wood, four on each side, I believe, and making the whole number of 52 cards, and each one designating a card; and when a card is pushed out of the box, they just simply move one of these back to designate that that card has been pushed out of the box.

Q. What are the round pieces of wood strung on, wires? A. Yes, sir, on a small wire.

Q. And are there 52 of those wires, one for each card? A. Oh, no, sir, it is kept more in a bunch shape.

Q. Now, the case keeping is entirely for the benefit of the player is it not? A. Well, I should think it would be for the benefit of all parties concerned; that it would help the dealer or the one who runs the game to know, and also the players.

Q. A person would not know very well how to make his bets unless the cases had been kept so he could ascertain what cards had been played, would he? A. No, sir.

Q. You do not mean to say that the keeping the cases is any part of the game, do you? A. They would have to have something to designate, or to keep the game in some way; I could not say positively, I am not well enough acquainted with that.

Q. Do they not furnish this rack to the players, for the players to keep the cases? They can always find a player who is willing to keep the cases, can they not, no difficulty about that. A. That, sir, I could not say, because I do not know if all players know how to keep the cases properly.

Q. But as a matter of fact, it is generally the player who keeps the cases. A. That I do not know; I have very often seen men who were playing, keeping the cases.

Q. Men absolutely disconnected with the game? A. Yes, sir.

Q. You do not mean to say, that Judge Sachs was helping to run that faro game, or employed there, or a manager of it, or anything of that kind. A. No, sir, I do not.

Q. You say you saw him in the Reception last, about five months ago. A. Yes, sir.

Q. You have been there since. A. Yes, sir.

Q. The Reception saloon is quite a resort in Port Townsend, is it not? A. It has been considered always a very popular place, yes, sir.

Q. Before that time, five months ago, or since then? A. Well since then, not so much as before.

Q. Do you know of any reason for that falling off in its popularity? A. I do not.

Q. It is still resorted to sufficiently to make it a profitable enterprise? A. Yes sir, I think so.

Q. You have been there frequently yourself. A. Well, yes; I think so.

Q. You have been in there frequently within the last five months and in these other places also. A. I have not been in any gambling houses

except the Reception. I don't think there has been any gambling there. I have been in there but not in the gambling part.

Q. Do you mean to say that you have not been in the gambling part for the last five months? A. It has been at least four months since I have been in there.

Q. How long have you been in the habit of going into the Reception gambling room? A. Prior to that time, as much as two or three times a week.

Q. Generally in the day time? A. Generally in the day time; although I have been there at night.

Q. This is a retired back room; not a public place at all, that is, in the sense of attracting the public attention. A. Well, anyone going in the saloon would naturally be attracted to it.

Q. It would depend somewhat as to whether their tastes led them in that direction, would it not? A. Yes, sir.

Q. What is there to attract the attention of anyone going into the saloon? A. Well, there are a couple of green doors and the word "Club" printed or painted so that anyone can see it there; that is enough to attract the attention of anyone, I should think.

Q. There are several clubs in Port Townsend that are not gambling houses, are there not? A. I know of one, anyway.

Q. The Key City. A. Yes, sir.

Q. So the word "club" would not necessarily attract anyone's attention, or make anyone think that gambling was going on there, would it? A. No, sir; I don't think that it would.

Q. This place called the Townsend; when was the last time you saw Judge Sachs there? A. I never have seen him there since the latter part of December.

Q. Along about Christmas day? A. I am pretty positive I saw him that day there.

Q. Was Mr. Calhoun, the former witness, there on that occasion? A. I am pretty sure he was.

Q. And was anybody playing but Judge Sachs on that Christmas day? A. Yes, sir; there were.

Q. Anybody that you knew? A. Well, I don't remember—

Q. I don't ask for any names. I don't want to draw anybody else's name in here, but I want to know if you knew the people. A. Yes, sir; I did.

Q. How many people were playing there that you knew? A. At least two or three that I remember.

Q. Citizens of Port Townsend? A. Yes, sir.

Q. People of standing and respectability were there, were they not? A. Well, yes, sir; they were, mostly, those who were respectable.

Q. Nothing disorderly about the place, was there? A. Not at that time; no, sir.

Q. Now, did you see Judge Sachs keeping cases in the Townsend? A. I would'n't say that I ever did, no, sir.

Q. You have spoken about seeing him bet chips and money. Where

did you ever see him bet either chips or money? A. I saw him bet chips and money in the Townsend and Reception both.

Q. Do you know anything about the value of those chips? A. I do.

Q. Is that value fixed by the particular proprietor of the game where it is being played? A. Yes, sir, that is what I am informed.

Q. And do you know anything about the value of these chips, how they are valued in these places? A. Yes, sir, I do.

Q. Well, what is the value? A. The white chips 10c., red chips 50c., blue ones \$2.50 and yellow ones \$5.00, I understand.

Q. Yes, and what are the colors of the other ones? A. I believe that is all the colors, all I have ever seen there.

Q. Have you any recollection of any sum that you have seen Judge Sachs bet at this place? A. I saw him bet on that last occasion I spoke of, I saw him bet \$25 on one card, in gold.

Q. Whereabouts was that? A. In the Townsend saloon.

Q. Don't you know, sir, that the limit of that saloon is \$12.50? A. I do not.

Q. Do you know what the limit was? A. No, sir.

Q. Do you know if there was a limit? A. I do not.

Q. How many times have you been in the habit of going into the Townsend saloon? A. In the last two or three months, I have been in there at least two or three times a week.

Q. Do you always go from motives of curiosity, or because you wish to play? A. Mostly for curiosity, sir.

Q. You saw Judge Sachs there the 25th day of December? A. Yes, sir.

Q. Have you been there frequently since that? A. Yes sir.

Q. Have you ever seen him there since that time? A. I don't remember of seeing him there since that date.

Q. Do you remember of ever seeing him there in that saloon, in the Townsend saloon, before that time, and subsequent to the time that he took the oath of office? A. I would not swear positively about any time I have seen him there before or during that time; I think I have seen him there.

Q. You would not testify to this convention that you have seen him there during that time? A. I would testify that I had seen him there, but I would not testify that I saw him at any particular time.

Q. How many times? A. I think not more than twice.

Q. How long has that saloon been open? A. About four months.

Q. And you have been there often? A. Yes, sir.

Q. How much time have you spent there on the average when you would be in there? A. Sometimes five minutes; sometimes ten or fifteen minutes.

Q. Is that as long as you would stay there when you would play? A. I don't remember of ever having played but once or twice in the Townsend, and then it was a short time that I played there.

Q. How many times did you say you saw him in the Reception? A. I have seen him quite often in the Reception; I could not say how many times positively.

Q. Did you not say that you saw him there but twice a minute ago?

MR. SALLEE: Mr. President, I call for the time on this witness.

THE PRESIDENT: The time will not be up yet for five minutes.

A. I say I have seen him there at least that many times.

Q. And you said that in answer to a question by Judge Parsons. A. I say I have seen him there that many times; yes, sir.

Q. And you would not testify to more than that. A. I would not swear positively to more than that; no, sir.

Q. What was the character of people who were there—were they a riotous and disorderly or well behaved people? A. I never saw any disturbance that I remember of at the Reception.

Q. And no lawlessness there other than what might be inferred from playing faro there—no drunkenness or anything of that kind. A. I have seen drunken men in there; yes, sir.

Q. But not disorderly? A. Yes, disorderly; that is, not particularly disorderly, but drunken men.

Q. While Judge Sachs was there. A. I would not say that Judge Sachs was there at the time; no, sir.

Q. When you came into these places and saw Judge Sachs there would he come in where you were, or would you go in and find him there and come away and leave him there—how about that? A. To my remembrance I always found him there, when I saw him there; but I could not swear positively whether he went out before I did or whether I went out before he did; sometimes I guess I have gone out first.

Q. And sometimes he has gone out first. A. Yes, sir.

Q. This Townsend club, the saloon itself, was quite a resort, was it not? A. Yes, sir.

Q. Was there nothing about that place to indicate it was a gambling house except to those who knew there was one there. A. Nothing in sight do you mean?

Q. Yes. A. Nothing that I ever saw outside.

Q. What was there inside to indicate that it was a gambling house? A. Nothing except the back door of the saloon where they go into the club room.

Q. That is, you could go from the saloon into the gambling place. A. Yes, sir; through a door.

Q. What kind of a door was it? A. A swinging door.

Q. By a swinging door do you mean just an ordinary swinging door, or was there a wicket in it? A. They were just ordinary swinging doors; that is, you push upon them and they go back.

Q. No lock upon it. A. No, sir.

Q. Mr. Pendegast, did you have anything to do with the institution of this prosecution? A. Nothing, whatever.

Q. Were you a witness before the investigating committee at Port Townsend? A. Yes, sir; I was.

Q. Was Judge Sachs present when you were examined? A. No, sir.

Q. Was he represented by counsel at the time examination took place to your knowledge? A. Not to my knowledge; no, sir.

Q. Were you cross-examined by anybody before that committee? A. Cross-examined?

Q. Yes, by an attorney. A. No, sir; I was examined only by the committee.

Q. And there was no one representing Judge Sachs that you know of. A. Not that I know of.

Q. And do you know whether that was a secret investigation that you attended as a witness, or whether it was an open investigation? A. There was no one in the committee room I think when I was there, except the committee themselves.

Q. Was any oath administered to you, binding you to preserve secrecy as to the proceedings when your testimony was taken? A. No, sir.

Q. There were no reporters there that you know of. A. No, sir.

Q. Do you know how you came to be called as a witness before that committee? Did you give your name to anybody as a witness? A. no, sir.

Q. Do you know, or can you in any way account for your being called as a witness there? A. Well, I was spoken to by one or two parties, and asked if I had ever seen Judge Sachs gambling. I told them I had seen him playing faro two or three different times, and afterwards I was summoned as a witness before the committee.

Q. Who were these people who inquired concerning these matters of you? A. I think, if I remember distinctly, Mr. Robertson was one of them.

Q. Who is Mr. Robertson? Does he live in Port Townsend? A. He is an attorney of Port Townsend.

Q. Do you know his first name? A. I do not.

Q. Was he a witness before this investigating committee to your knowledge?

THE PRESIDENT: The time is up.

MR. TYLER: Mr. President, I move you that the joint convention do now arise and separate to meet again in joint convention to-morrow evening at 7:30.

THE PRESIDENT: The chair heard no second to the motion of the gentleman from Pierce. The attorney for the prosecution has eleven minutes left in which to examine this witness before his time expires if he desires to do so.

JUDGE PARSONS: I shall take but a minute of that time, Mr. President.

COL. HAINES: Mr. President, I have not yet finished the cross-examination of this witness, and on behalf of the respondent of this case, we now respectively claim of this convention the right to finish the cross-examination of this witness, and we wish our protest entered upon the record against any rule or regulation of this joint convention which arbitrarily, without reference to the subject matter of the testimony, limits the time, either for examination or for cross-examination, of any witness before this joint convention. And we base that protest, sir, upon the grounds that the defendant in this case is entitled to be heard in his

defense, and cannot be heard unless he be allowed the privilege of cross-examining the witnesses.

THE PRESIDENT: The secretary will note the protest; the time will not be extended except on motion, and the ruling made by vote of this house.

COL. HAINES: Mr. President, we desire an exception to the ruling of the chair and to the action of this joint convention.

THE CHAIR: The exception will be noted.

MR. DE STEIGUER: Mr. President, if there are any pertinent inquiries that the gentleman wishes to put to the witness, I will move to extend his time; therefore, I would like to call upon these gentlemen to state what is the purpose of the further inquiry which they propose.

THE PRESIDENT: The gentleman from King (Mr. De Steiguer) desires to inquire of the attorneys for the respondent what the purpose of the further inquiry they propose to make of this witness is, and states that he will move to further extend their time, if the inquiries are material and pertinent.

SENATOR THOMPSON (G. T.): Mr. President —

THE PRESIDENT: The gentleman from King (Mr. De Steiguer) has the floor for the purpose of asking a question. The chair stated the question loud enough for the attorneys for the respondent to hear it, but the chair has heard no answer from them.

COL. HAINES: On behalf of the defense, Mr. President, we wish to state this: That the object is to more fully go into the testimony in chief, to develop the motives and feelings of the witness, and the circumstances of the transactions and facts concerning which he has testified. In other words, Mr. President, we wish to cross-examine this witness under the same rules and regulations as we would be allowed to examine him in a court of law.

MR. DE STEIGUER: Mr. President, notwithstanding the facts, that the attorney has examined this witness for the last five minutes upon subjects not examined upon in chief, I move you, sir, that his time be extended until further order of the house.

THE CHAIR: The motion should be made definite by stating a limit to the time of the examination.

MR. MEGLER: Mr. President, I move as an amendment that the time of the gentleman be extended ten minutes.

Motion and amendment stated by the president.

MR. GARRETSON: Mr. President, I shall support this motion. I have fully come to the conclusion, from the character of the questions in the cross-examination, they being clearly immaterial, that the purpose of this is for delay; but I want to extend this time for the purpose of showing what this inquiry is, and for the purpose of showing that it will amount to nothing. Therefore, Mr. President, I shall support this motion at this time.

A vote being taken, the original motion as amended was declared carried, and the time for cross-examination of witness extended ten minutes.

Questions by COL. HAINES, continued: Mr. Pendergast, you say that you saw ten or fifteen men playing and looking on at the Reception when Judge Sachs played there. A. Yes, sir.

Q. Can you give the names of any of those men now? I am asking you about the Reception. A. I could not; it has been a good while ago.

Q. Were they well known in Port Townsend? A. Well, some of them were; yes, sir.

Q. Persons of respectability and standing, some of them were, were they not? A. Well, really I could not say as to that.

Q. What are your politics, Mr. Pendergast? A. I am a democrat.

COL. HAINES: That is all.

SENATOR THOMPSON (G. T.): Mr. President, I desire to —

THE PRESIDENT: The chair is not aware that the gentleman from Walla Walla is acting as attorney in this case; the allotted time granted the defense for the cross-examination of this witness expired, but the twenty minutes was extended to give them ten minutes additional time. The counsel occupied but one minute, and the prosecution may now proceed with the examination, he having eleven minutes left in which to examine this witness, and the defense may then use the nine minutes it has left if they so desire.

SENATOR THOMPSON (G. T.): Mr. President, I desire to ask this question, just for the benefit of the Senate: Mr. Pendergast, as you seem to be quite familiar with the game of faro, I want to know, did you ever know of anybody being paid for keeping cases in that game, and being considered as part of the management if he did keep cases? A. I never did.

SENATOR THOMPSON (G. T.): That is all I wanted to know, Mr. President.

(Re-direct Examination).

Questions by MR. PARSONS: Mr. Pendergast, Colonel Haines asked you whether there were any outside signs to indicate that these were gambling houses. You may now state how generally and notoriously these places that you have named were known at Port Townsend, as public gambling houses.

MR. HAINES: We object as leading.

Objection overruled.

Question read by reporter.

SENATOR THOMPSON: I object to the question as immaterial and as incompetent.

MR. PRESIDENT: The senator is out of order. The witness will answer the question. A. Well, I have always known the places to be quite well known; that most everybody knew they were places where there was gambling going on.

Testimony of witness closed.

SENATOR THOMPSON: Mr. President, I dislike very much to appear upon this floor so often, but as a lawyer and seeing things going on here that shocks my sensibilities, I am going to make a motion, that is this:

The State of Washington has as competent an attorney as any in the United States, and a gentleman equally fitted for any position—

THE PRESIDENT: Will you make your motion?

SENATOR THOMPSON: I move that the attorney general sit by the presiding officer and decide these questions of law that are called up here before us.

THE PRESIDENT: There seems to be no second to the motion. The chair would be very thankful if the attorney general or any other gentleman should decide these questions.

MR. PARSONS: I will call Mr. Hammond.

MR. TYLER: I now renew my motion that the committee now arise and separate until to-morrow evening at half past seven.

Motion seconded.

Motion stated by the chair.

SENATOR CLAYPOOL: I sincerely hope this motion will not prevail for two reasons that I consider important. One is the interest of the state, because of the shortness of the time between this and our final adjournment, and second, because personally I am being instructed in a branch of science that seems to be necessary for the education of an American citizen.

Motion stated by the chair. Vote taken and the chair announced the motion lost.

MR. WINSTON: Feeling a little unwell, I ask to be excused for the rest of the evening and my associate counsel will conduct the defense.

THE PRESIDENT: If there is no objection, Mr. Winston will be excused for the rest of the evening.

Mr. E. S. Hammond, a witness called on behalf of the prosecution, after being duly sworn by the president testified as follows:

Questions by MR. PARSONS: I will ask you to speak up loud so that everybody can hear you. Will you please state to the reporters your full name? A. E. S. Hammond.

Q. State in what state and county you reside. A. In Port Townsend, state of Washington, Jefferson county.

Q. How long have you resided there? A. Twenty years.

Q. State whether you know the respondent, Morris B. Sachs. A. Yes, sir.

Q. How long have you known him? A. About five years.

Q. What has been your business during any portion of the time since he has occupied a seat upon the bench? A. Well, I have been keeping books for the electric light company, and am at present deputy county treasurer of Jefferson county.

Q. State what occasion, if any, you have had to be in attendance upon the courts of that county. A. I have been bailiff. I was bailiff during the term in September last, in 1890.

Q. Who presided as judge of that term? A. Judge Morris B. Sachs

Q. State what knowledge, if any, you have of his visiting gambling houses during that term of court. A. At one time I was bailiff, and there

was a case going on—I think it was a criminal case of some kind, the man being tried for burglary—and I was appointed bailiff to look out for the jury that had that case; and during the time they had the case they agreed, and I was sent for the judge, and I went and looked around for him on the street and could not find him, and I went into two or three saloons and I could not find him there. I went to the Townsend saloon, and went in there, and I saw him sitting down there at the faro table, and I spoke to him easy and told him that the jury had agreed on that case, and he said all right, I will be right there. I went over and it was, I should say, about ten minutes, not more than ten minutes, and he came over, and I let the jury in as he was there to receive the verdict.

Q. In which of the two rooms did you find him? A. I found him in the gambling room.

Q. How did you come to go to this gambling room to find the judge? A. Well I have seen the judge there quite a number of times, and I thought it would be a pretty good place to find him as I could not see him on the street.

Q. When had you seen him there before? A. All the summer. Not in that Townsend saloon, I did not see him all the summer there, but I saw him around these places all summer.

Q. Around what places? A. Gambling places.

Q. What gambling? A. Well the Silver Safe, as you call it, the Reception and the Townsend saloon.

Q. When you found him on this occasion, what was he doing, I mean at the Townsend when the jury agreed? A. He was sitting at the table.

Q. Did you see what he was doing? A. No, I did not notice.

Q. What was going on at the table? A. There was some gentlemen sitting there, that is all; I did not notice whether they were gambling or not, I was in a hurry, and had to get back.

Q. Upon these other occasions when you had seen him at gambling houses, what was he doing? A. He was gambling.

Q. What game? A. Faro.

Q. How frequently? A. Oh, he would probably hit it once or twice a week, or three times.

Q. For what amounts of money? A. From one hundred up to four hundred or five hundred.

Q. Do you mean dollars? A. Yes, sir.

Q. At what places did you see him gambling for amounts running from one hundred to five hundred dollars? A. Well, at the Townsend saloon I saw him gambling from one hundred dollars.

Q. In what form was he betting, checks or currency? A. He was, at that time I saw him, betting currency.

Q. Did you notice the denominations of the currency, bills or coin and if so, what denominations? A. Twenty-dollar bills.

Q. When you saw him betting three hundred or five hundred, state how it was. A. Well, it was in checks.

Q. At what house? A. At the Reception saloon.

Q. About what time? A. That I could not say.

Q. I do not mean the particular month or week, but about what time and season, as near as you can remember? A. It was in July or August, sometime about there.

Q. Of what year? A. 1890.

Q. Do you know whether the court was or was not going on at that time? A. The court was not in session at that time; that is, the regular term of court.

Q. About when would you fix the first time you saw him gambling at these places, if you can; what month, or as near as you can, what month? A. I could not say.

Q. What month would you say it was that you went after him and found him at a gambling house, to tell him that the jury had agreed? A. That was last September.

(Cross-examination.)

Questions by MR. HAINES: Q. How long, Mr. Hammond, did you say you had resided at Port Townsend? A. About twenty-two years.

Q. Is that your age? A. Yes, sir.

Q. You were born there. A. Yes, sir.

Q. How long have you been familiar with the gambling game which you referred to? A. About three years.

Q. What places have you frequented where gambling was carried on during these three years? A. The Silver Safe, the Reception, the Townsend, the Buddweiser and Cort's Standard theater.

Q. Your knowledge of the games is quite accurate, is it not, as well as quite extensive? A. Oh, yes; I have seen a good deal of them.

Q. How long have you been deputy county treasurer of Jefferson county? A. Since the 12th day of January, 1891.

Q. When was the last time you saw Judge Sachs in a gambling house? A. About two weeks ago.

Q. What were you doing there? A. Walking out and in.

Q. Which were you doing, both? A. Oh, I would go in and look around and come out again.

Q. What were you there for? A. Sometimes I would just go in to look around and come out again, that is all.

Q. Is that what you usually go in there for? A. Yes, sir.

Q. Never go in to play? A. Oh, no.

Q. Do you mean to say you saw Judge Sachs gambling two weeks ago? A. No, sir; I do not.

Q. What was he doing in the gambling house when you say you saw him two weeks ago? A. Standing up.

Q. Taking any part in the game? A. No, sir.

Q. Have you ever seen him in any gambling house except the Townsend? A. Yes, sir.

Q. Which one? A. In the Reception and the Silver Safe.

Q. And you ask this convention to believe, although you have been familiar with all these places for all these three years, you have never gambled yourself?

Q. Where did you ever see Judge Sachs playing from one to five hundred dollars? A. In the Reception saloon and Townsend saloon,

Q. On a single bet? A. No, sir.

Q. Well, how large were the bets when you saw him playing five hundred dollars? A. Twenty dollars on a card.

Q. How many cards did he bet on at a time? A. Sometimes he would put twenty dollars on one card and twenty on another, and get a stand-off, or something like that.

Q. You are quite familiar with the slang of the game, are you not? A. No, I am not familiar with it.

Q. You used an expression like this: "Would hit it once or twice a week." What do you mean by that? A. Go in and sit down and play.

Q. Is that one of the terms connected with the game? A. Oh, that is just a slang I use.

Q. It is peculiar to yourself. A. Yes, sir.

Q. Now, you say that you have seen Judge Sachs bet as high as \$500 by putting \$20 on one card and \$20 on another. A. No, sir.

Q. I wish you would explain how he got up these \$500 bets. A. He would have \$500 on the table, in reds and blues; he never hardly played white checks, because they were small amounts, and the red and blue because they were big amounts. He would not have any \$500 on the table at once on these cards; he would probably have \$20 here and \$20 there, and \$5 here, and the rest would be at the side.

Q. Then you mean to say that he had \$500 in his possession. A. Yes, sir.

Q. And he would not play more than \$20 or perhaps \$45 at one time. A. Yes, sir.

Q. I am glad that we understand each other. When was the last time you saw Judge Sachs playing or gambling in a gaming house? A. I have not seen him playing for I guess four months.

Q. In July or August last? A. Oh, it was later than that.

Q. Well, for four months, anyhow. A. Well, not later than that.

Q. You have been going in and coming out of these gambling houses as you have for the last three years. A. Yes, sir.

Q. How many times a week are you in the habit of doing that sort of thing? A. Sometimes I would go in there every day for the week.

Q. How would be the next week? A. Oh, the next week I would probably not do it so much.

Q. You had good reasons for that, had you not? A. No.

Q. Now, when you found Judge Sachs in there sitting down in the gambling house, do you pretend to say that he was gambling at the time this jury agreed? A. No, sir.

Q. If he had been gambling, you probably would have noticed it. A. No, not at that time, because I was pretty busy; I was rushed, and had to hurry up.

Q. But the other times you were not so busy and was not so much rushed, and you noticed down to the amount he had on the table. A. Yes, sir; when I would not have anything else to do, I would be standing around there.

Q. Was that where you spent your leisure time? A. All the boys hung out there.

Q. By boys who do you mean; young men or people who were in the habit of frequenting saloons and places of that character? A. Well, that is, all the fellows of my age, probably older, like Judge Sachs and a few more.

Q. And some gentlemen even older than that. That is not uncommon in Port Townsend. A. Oh, no; not at all.

Q. You and your friends and neighbors go to these places. A. Yes, sir.

Q. Dozens of men. A. Yes, sir.

(Re-direct Examination.)

Questions by MR. PARSONS: When you say you think you saw him bet \$20 here and \$20 there and \$5 in another place, where was his \$500 at that time? A. At his side right on the table.

Q. In what particular, currency or checks? A. In checks.

SENATOR DRUM: I would like to ask one question. Q. What is your politics? A. I decline to answer.

MR. HAINES: I would like to ask the witness another question. Q. Do you decline to answer for the same reason that you declined to answer whether you gambled or not? A. I decline to answer that.

Close of witness' testimony.

Motion made that the joint convention arise to meet to-morrow evening at half-past seven.

Motion stated. Carried.

OLYMPIA, February 26, 1891.

The Senate entered the bar of the House in a body at the hour of 7:55 P. M. President Wilson took the chair.

THE PRESIDENT: The secretary of the Senate will call the roll of the Senate.

The roll was called and twenty-eight senators answered to their names.

THE PRESIDENT: The chief clerk of the House will call the roll of the House.

The roll of the House was called and sixty-nine members answered to their names.

THE PRESIDENT: There are sixty-nine members of the House and twenty-nine members of the Senate present.

SENATOR KINNEAR: Before proceeding with the regular order of business, I have been handed the names of two witnesses residing at Port Townsend, and move that the sergeant-at-arms be instructed to subpoena the witnesses.

Motion seconded. Carried.

THE PRESIDENT: The clerk will read the journal of last evening's proceedings.

During the reading of the journal it was moved that the further reading of the journal be dispensed with.

Motion carried.

THE PRESIDENT: The journal of last evening was not approved.

SENATOR THOMPSON (G. T.): I move the approval of the journal of proceedings of this joint convention for each and every day.

MR. GANDY: I desire to have the journal read as corrected last evening.

THE CHIEF CLERK: It will be necessary to read it from the transcripts of the stenographer's notes.

Reading from transcripts.

SENATOR CLAYPOOL: I move that the rules be suspended and this journal be approved.

Motion seconded. Stated and carried.

The chief clerk read the following telegram:

PORT TOWNSEND.

To Amos F. Shaw, Speaker of the House:

Impossible to get away. Sickness in my family. You will excuse me as I cannot even attend to my own private business away from home.

(Signed)

R. D. ATTRIDGE.

SPEAKER SHAW: The chair will say that this is from one of the witnesses that was asked for by the defense.

MR. WINSTON: We will excuse the witness.

MR. KINNEAR: I move that the defense be furnished with a transcript of the stenographer's notes daily, as they are transcribed.

The motion was stated by the chair.

SENATOR OWINGS: I would like to inquire whether a transcript can be made daily, and if it cannot be done it is idle to order it.

THE PRESIDENT: The chair would like to ask Senator Kinnear if that motion is intended to refer to the original notes, or to a copy of the transcript of those notes?

MR. KINNEAR: A transcript of the evidence; and I am informed by the stenographers that they have their notes transcribed.

MR. GODMAN: I am in favor of giving counsel for defense a copy of the transcript of the proceedings, but as to the transcript of the testimony I am not in favor of it. I suppose the counsel for the defense can readily get this transcript if they call upon the stenographers for it. It belongs to them.

MR. THOMPSON (G. T.): I would like to ask of this joint convention if this defendant should not be furnished with every charge of the indictment and copy of every paper filed against him; and I hear it stated from the honorable senator that the gentlemen who have taken the notes will not furnish them unless they are paid for, and I think any man, whether he be a judicial officer or what he may be—a citizen, a bootblack or even a common senator from the State of Washington—is entitled to be heard in this court, and is entitled to be furnished with every charge against

him and a copy of the proceedings, and I think this joint convention will rise to its manhood and see that American fair play is given this man, and this man is entitled to know every word that is testified against him, and I ask that this convention furnish him with the same.

Motion stated by the president; vote was had; division called for. On the divisional vote thirty-nine voted aye and forty-six voted no.

Chair announced motion was lost.

THE PRESIDENT: The prosecution will proceed with the examination of their witnesses.

TESTIMONY OF GEO. H. JONES.

GEO. H. JONES, Esq., witness called on behalf of prosecution, after being duly sworn by the president, testified as follows:

Questions by MR. PARSONS: Q. Where do you reside? A. I reside at Port Townsend, this state.

Q. How long have you lived there? A. Ten years.

Q. What is your profession? A. I am an attorney at law.

Q. Do you know the respondent, Judge Sachs? A. Yes, sir.

Q. How long have you known him? A. I think seven or eight years. I have known him since he has resided at Port Townsend.

Q. State what, if anything, you know of his visiting public gambling houses at Port Townsend. A. I know of his being in a gambling house on two occasions during my acquaintance with him.

Q. In what gambling houses? A. A saloon called the Townsend, and the Reception—both of these in the city of Port Townsend.

Q. Name as nearly as you can the time when you saw him there. A. The last time I saw him there, and that is in the Townsend as near as I can recollect, was in the latter part of November or the first part of December last. The other time that I have referred to would probably be two months prior to that, or longer.

Q. State how you come to go to these gambling houses. A. Well, on both occasions I was seeking the Judge to procure his signature to an order arising out of a case that was pending in the superior court.

Q. What kind of an order was it? A. The first order was in reference to restraining the sheriff from levying on certain personal property and removing it from the house in which it was. The second occasion it was to procure an order to prevent a mortgagor from the removing of certain personal property out of the jurisdiction of the court.

Q. At which of these places did you find him? A. On the first occasion at the Reception saloon.

Q. How did you come to go there to seek him? A. I cannot at this time state whether it was from special information I had that he was in there or not. The best of my recollection is that I went in there because I had been informed that he was there.

Q. In what room did you find him? A. My recollection is that the Reception, the time I found him there, he was in the bar room.

Q. State whether you obtained your order. A. Yes, sir.

Q. Where did he sign it? A. He signed that order at the court house.

Q. State whether he did not leave this place and go with you to the court house, or how did it come that you found him there and he signed the order at the court house. A. On informing him of my business, he said that he would sign the order, and went over to the court house and signed it.

Q. State how you came to go to the second place to seek him. A. I think that I had been informed that he was there; I had looked for him and could not find him at the court house or on the street, and my recollection is that I was informed that he was there.

Q. State whether you sought for him at other places before going there. A. I was at the court house and at his house, and looked for him on the street.

Q. What time of day was this, Mr. Jones? A. The first occasion I have referred to I think was in the afternoon at about two o'clock, probably between two and three o'clock.

Q. The second occasion? A. That was about eleven o'clock in the morning, or a little later.

Q. Where did you find him? A. In the Townsend. I went into the saloon and into the second room adjoining the bar room. Judge Sachs was sitting at a table.

Q. What table? A. I am informed it was a faro table.

Q. What was he doing? A. He was sitting at the table, and as I came in I thought, my impression was, that he shoved some checks onto the table further away from him, but I did not see him playing; I immediately stepped over to where he was and made known my errand, and he came out into the bar room and signed the order, and I went away.

Q. What kind of checks were these? A. Well, I don't know.

Q. What I desire to know is whether they used coin or checks in playing faro. A. I believe so; I have seen the game played, and I think that was a faro lay-out.

Q. How many persons were there at that time? A. There was quite a number; I am not able to state.

Q. How were the persons that were around the table with the Judge at that time employed? A. I simply had the impression that I formed when seeing him sitting there as to what they were doing, I did not pay any attention to the game at all. I immediately went with the Judge, and went out.

Q. Where did he sign that order upon that occasion? A. In the saloon.

Q. What part of the saloon? A. In the saloon proper where the bar is.

Q. State where you last saw him, whether he remained there after you went away or when you went away. A. He was in the saloon after I went out, I immediately took my order and then went out.

Q. Do you remember whether Judge Sachs said anything when he pushed the checks away, and if so, what? A. My recollection is that he said, "I am not playing," or words to that effect, that is my recollection.

(Cross-examination.)

Questions by MR. HAINES: Q. Mr. Jones, these orders such as you procured of Judge Sachs are what is known as interlocutory orders. A. Yes, sir.

Q. And they are not orders which must be granted by the judge while he is holding court. A. No, sir.

Q. You came to the judge and you got the order signed wherever you might find him. A. Yes, sir.

Q. And with your experience as a lawyer you have had orders signed by judges when they were in bed, when on the street, or any place wherever you happen to find them. A. Yes, sir.

Q. And you would not consider that a judge was holding court simply because he signed an interlocutory order. A. No, sir.

Q. The first order which you referred to was an order, a preliminary restraining order. A. That is my recollection.

Q. Now, the second order, was that not an order allowing you or rather ordering to be paid to you from the registry of the court, some money which had been taken from a client of yours which you were to receive as your fee for defending him? A. Yes, sir.

Q. Do you remember the title of the case in which you had the second order signed? A. Yes, sir.

Q. What was it? A. E. T. Biggs vs. Margaret Koch and her husband, I have forgotten his name.

Q. When the first order was signed Judge Sachs was not in a room where any gaming was going on, was he? A. To the best of my recollection he was not, at any rate, he was in the bar room of the Reception.

Q. You have some acquaintance, have you not, with that place? A. I have been there probably twice in a year or a year and a half.

Q. And the outer room is what is known as the bar room and that is where liquor is sold and the billiard tables are, and there is no gambling going on in that room, and was not at that time where this order was signed. A. Not to my recollection; no, sir.

Q. There is where you found him, was it not? A. The first occasion.

Q. And the signing of the first order was not done in a gaming house or any place where gaming was carried on. A. That was down at the court house.

Q. I mean where you found him. A. No, sir.

Q. Now, when he found you had this order for him to sign he left this place and went to the court house. A. Yes, sir.

Q. And signed the order at the court house. A. Yes, sir.

Q. Now, on that second occasion you say you found him in the rear room in what is known as the Townsend. A. Yes, sir.

Q. He was not playing faro to your knowledge. A. No, sir.

Q. Not playing any gambling game, and he stated at that time that he was not playing. A. That is my recollection, he made that statement.

Q. You went in, and when he found you desired to see him on official business he immediately got up and left the room. A. Yes, he came out of that room into the front room.

Q. The front room is a saloon. A. Yes, sir.

Q. And as orderly a kind of a place of that sort as they usually are.
A. Yes, sir.

Q. Now, was there not a desk in that front room where people often go to write? A. I am not prepared to state whether there was or not; there might have been; I would not undertake to say there was not.

Q. You would not undertake to say but that Judge Sachs went to the desk where there were conveniences for writing and signed this order. A. I am not prepared to say that he did not.

Q. You are certain of one thing, that the order was not signed in a gaming house. A. No, it was in the front room.

(Re-direct Examination.)

Questions by MR. PARSONS: Mr. Jones, Colonel Haines asked you whether in your experience you had gone to many places to have judges sign orders; state whether upon any single occasion before in your experience you went to a gambling house to have a judge sign an order.

MR. HAINES: We object, because the testimony shows that the order was not signed in a gambling house; therefore, the testimony is not material.

THE PRESIDENT: The question is, shall the witness be permitted to answer the question?

Question stated; vote taken; question was ordered answered.

Q. What is your answer? A. I never did.

Q. State whether you ever before had an order signed by a judge in a gambling house or by his leaving a gambling house to go into another room under the same roof, and kept in the same connection. A. No, sir.

Q. How was this front room in which he signed the order at the time he was found sitting at the table by you with the checks before him, situated with reference to the saloon part of the building, in which he in fact signed it? A. As I recollect, there were swinging doors between the saloon proper and the bar room and this room in which they were engaged in gambling.

MR. THOMPSON (G. T.): I desire to ask the witness a question for the benefit of the gentlemen on this floor who are not lawyers, with the permission of the house or with the permission of the chair.

THE PRESIDENT: Ask the question.

Q. Did these transactions that you have referred to take place during a period of court, or were they in vacation? In other words, was the court in session at the time? A. Well, I do not think there was any jury in service.

Q. There was no set days for the trial of cases. It was not what you might call a period of court. A. No, sir; it was not our periodical term for the trial of matters of law.

Testimony of witness closed.

TESTIMONY OF J. M. ROUSE.

MR. J. M. ROUSE, a witness called on behalf of the prosecution, after being duly sworn by the president, testifies as follows:

Questions by MR. PARSONS: Q. Where do you live, Mr. Rouse? A. Port Townsend, Jefferson county.

Q. How long have you lived there? A. I have lived there seven years.

Q. What has been your business during the greater portion of that period? A. I have been keeping a livery stable some of the time and I have worked at the carpenter business some of the first part of the time I have lived there, and done a little of all kinds of work..

Q. Do you know the location of the gambling houses that have been mentioned by the former witnesses? A. Yes, sir.

Q. The Silver Safe, the Townsend, and Reception. A. Yes, sir.

Q. Where was your place of business in reference to any one of these houses? A. Well, it is across the street and on an opposite corner from one of them—the Townsend, and is two blocks and a half from the other places.

Q. You may state how long you have known the respondent, Judge Sachs. A. Well, I have known him about seven or eight years.

Q. State whether you have any knowledge, and, if so, what knowledge, of his visiting these houses. A. I have seen him in them a great many times.

Q. In which one or ones? A. All three of them.

Q. Beginning about what time? A. Well, beginning about the first of their opening in town.

Q. When was that? A. I don't know as I could tell you exactly—two or three years.

Q. How frequently have you seen him in these places in the last two years? A. Two or three times a week.

MR. HAINES: Judge Sachs is charged with an offense committed during the time he was judge of the superior court. He has not been the judge of the superior court for two years, and therefore we object to it.

Q. I will modify the question so it will conform to the suggestion. How often have you seen him in this place or any of them since his induction in his office as judge? A. Well, I could not say positively; I should say likely two or three times a week.

Q. How many times, according to the best of your judgment, in all? A. I do not know; forty or fifty times anyway.

Q. In each of them. A. In all of them.

Q. Take the Silver Safe in the first place, and tell us what he was doing there when you saw him. A. Well, I saw him gambling there.

Q. Gambling at what game? A. Faro.

Q. What was he doing in the way of gambling—betting or what? A. Betting.

Q. How long did you see him there at any of these times? A. Well, I would see him there when I would go in and he would be there when I

came out. I could not tell you how long he would stay there; at times he would come in and not stay long.

Q. State how long you have ever stayed at the Silver Safe upon any occasion when he was there. A. I think very likely I watched him half an hour at a time, or watched the table while he was at it.

Q. Tell how the method of betting, in which he was engaged, was carried on at this particular place at any of these times. A. How it was carried on?

Q. That is, whether in currency or in checks. A. Both ways; I have seen him play both ways—with money and with checks.

Q. At present, confining yourself to the Silver Safe, how many persons did you ever see there at these times, when Judge Sachs was gambling?

A. Well, all the way from one to fifteen or twenty or twenty-five dollars.

Q. When, at these games, what class of persons did you see there? A. Well, you might say pretty near every class.

Q. Tell what they were, if you please. A. Well, they were Chinamen, sailors, colored men and all kinds of white men.

Q. State, if you know, about the extent of his betting; by that I mean the amount. A. Well, he is a pretty high player.

Q. How high did you ever see him play there at the Silver Safe? A. The top of their limit.

Q. What was that? A. I don't know as I can tell you. They regulate these limits from the number of cards that have been drawn out. When they get down to what they call cases, they do not allow them to bet quite so high. Where there is one nine spot in there they won't let them pile on to it as heavy as if there were two or three or four.

Q. How high would you see Judge Sachs bet? A. I have seen him bet, I think, twenty-four or twenty-five dollars at a time and maybe have two or three side bets on the table at a time.

Q. You said something about cases; will you explain what you mean? A. Cases is what I call a record of the game.

Q. Will you, as briefly as you can, explain how these cases are kept? A. Well, sir, there is a little box with pictures of all kinds of cards; an ace, deuce, tray, a four spot, five spot, six spot on one side, a seven spot at the end and the eight, nine, ten, jack and king on the other; and there is a little wire place for each one of these cards which has four little buttons on it, and when the ace is showed up, this button is moved for the ace and is a check or a tally, and when the deal is started, that button is marked for a winner. If the next ace comes loser, it is marked for a loser, and without that case we could not tell when the aces were all out, and we would be betting on aces when they are all gone, without they had a pretty good memory.

Q. Whose business is it, the way faro is conducted, to keep the cases? A. Well, if there is anybody there who is gambler enough to keep it and don't want to keep it, the lookout keeps it. If there is anybody there who wants to keep it, he is chosen to keep it.

Q. State whether this thing of keeping cases requires any considerable

knowledge of the game of faro. A. It does; a man has got to be something of a gambler to handle it correctly.

Q. You may now pass to the next gambling house, the Port Townsend; when was that opened? A. Well, I could not tell you. The Reception is the nearest.

Q. How long have you known it? A. Well, I think they commenced their games in 1890, they may have before that, but I think about the year 1890, or 1891.

Q. You may state what knowledge you have, if any, of Judge Sachs visiting that place. A. I have seen him play in there.

Q. When? A. Well, on last summer when the game was running up close to September, I would not be positive about him playing as long as the game run, so far as I know.

Q. Do you mean by that that the house was closed? A. They quit gambling—the gamblers closed.

Q. When did the gamblers close? A. I could not tell you.

Q. About how often, to the best of your recollection, did you see Judge Sachs there? A. Oh I have seen him in there a great many times when I would go in, I could not tell you exactly.

Q. As near as you can remember, within a safe limit. A. I do not think I have seen him there as often as in the other house, but I have seen him in there. I do not go there much myself.

Q. How many times would you say to the best of your judgment, and being perfectly safe? A. Five or six times.

Q. What was he doing there? A. Gambling.

Q. At what? A. At faro.

Q. How many persons were there present on these occasions? A. Well, there were three or four; up to a dozen.

Q. What class of persons? A. Well, it is considered a little higher toned; don't know that I ever saw anybody but white men playing there.

Q. State about how heavily Judge Sachs was playing. A. He was playing a pretty heavy game, along about as high as the limit.

Q. How high?

SENATOR THOMPSON (G. T.): Mr. President, as a member of this senate, I think that this examination should be confined to the question of whether this accused is guilty or not guilty of the offense of gambling, and I certainly think it is not material, and that the time of this body should not be taken up by questions as to whether Mr. Sachs played one dollar or fifty dollars.

THE PRESIDENT: Unless the defense's attorneys object to any question asked, the chair will not entertain a motion to and leave it to the house—that is to say, the chair will only entertain an objection when it has been made by a member of this joint convention as coming from the defense's attorneys.

Question read.

A. From a dollar up to \$10 or \$15, along there.

Q. You have heard that place described with reference to where it is,

in the business part of the city and the means of entrance, what do you say as to the description being correct as given by the other witnesses?

A. Perfectly correct, sir.

Q. You may now pass to the Port Townsend, and say when that place was opened, if you know. A. I do not understand what your question is.

Q. I mean the Port Townsend, all about that. A. Night or day?

Q. When was it started, if you know? A. Well, they were gambling in there two years ago, or nearly that.

Q. State what knowledge you have, if any, about Judge Sachs visiting that place. A. Well, I have seen him there a great many times.

Q. How many times would you say? A. Twenty perhaps, or twenty-five.

Q. For how long a time? A. For a little over a year, or the last year.

Q. Up to what time? A. I do not think that I have seen him there since Christmas.

Q. When with reference to Christmas do you remember of seeing him there the last time, Christmas, 1890? A. Close up to that time, I could not tell exactly.

THE PRESIDENT: The time is up.

WITNESS: I never noticed any particular day.

THE PRESIDENT: The time is up.

JUDGE PARSONS: With the permission of the president and the convention, I would like to ask one question, and that is, whether he was there when Mr. Jones came in there.

CHAIR: If there is no objection, the gentleman will be allowed to ask the question. The chair hears no objection; the gentleman will proceed.

Q. What do you say as to that? A. Yes, sir.

Q. State what there was about it. A. I saw Mr. Jones come along and whisper to him, and saw him get up and go out with Mr. Jones, or right after Mr. Jones.

JUDGE PARSONS: That is all.

(Cross-examination.)

By COL. HAINES: Mr. Rouse, are you an informer in this case? A. No, sir.

Q. You have acted in that capacity, have you not? A. In this case?

Q. In other cases. A. I once did on some opium, sir.

Q. You are not an informer in this case. A. No, sir; I have nothing to do in this case, more than I was subpoenaed here as a witness.

Q. You made a claim against the government, did you not, for your services as an informer in that case? A. I did, sir.

Q. How long have you lived in Port Townsend? A. Something like eight years, in the county.

Q. Your business has been keeping a livery stable and as a carpenter. A. Yes, sir.

Q. All that time? A. No, sir, not all that time; I said I have done everything, pretty near.

THE PRESIDENT: The chair made an error in the time in regard to the prosecution's examination of this witness; I called it 8:22 by my watch when the prosecution started in, but it was in fact 8:27, and the prosecution has still five minutes left; the attorney can have that time now, or after the defense has cross-examined, as he prefers.

JUDGE PARSONS: I will take that now, or wait until the other side is through, as the president directs.

COLONEL HAINES: We prefer to have him finish his examination in chief before we cross-examine.

JUDGE PARSONS: Very well; I prefer that myself.

By JUDGE PARSONS: Q. State what knowledge you have, if any, of Judge Sachs keeping cases on these occasions. A. I have seen him keeping them on all of these occasions.

Q. What class of persons were playing at these times when you saw him keeping cases? A. Pretty much everybody; all classes.

Q. What nationalities? A. Chinamen, colored men, and all kinds; I don't know that I can tell you if they were Irish or Dutch-Irish, and all of that.

Q. Now, Colonel Haines asked you something about making a claim against the government as an informer. Had that anything to do with gambling? A. Not that I ever knew of.

Q. What was the charge? A. Well, I informed on some smugglers that were smuggling opium into the country, and they tried to do me out of most of my share that I should have had for that. He had a good deal to do with it, and I do not know but I stepped on his toes in the matter; but I got one of the gentlemen into states prison just the same.

Q. When you say "he" who do you mean—Judge Sachs? A. No, sir; he had nothing to do with it that I know of; I never knew Judge Sachs in the matter at all.

JUDGE PARSONS: That is all.

(Cross-examination.)

By COLONEL HAINES: Q. When did you enter the livery stable business, Mr. Rouse? A. Three years ago—four years ago—four years the 12th day of January last.

Q. When did you go into the place of business that you say is diagonal across to the Silver Safe? A. From the Townsend?

Q. Well, from the Townsend? A. Four years ago this last January.

Q. When was the Townsend, or the Townsend game begun? A. Well, it was two years ago.

Q. Two years ago? A. Yes; I think it was played in 1889.

Q. Now, don't you know that that building was not finished until last spring? A. Well, that gambling house was running before I sold out, and I sold out there a year ago.

Q. Will you swear that the building in which that — A. I won't swear that the building is done yet.

Q. You will swear then that this gambling game was running in the

building before it was built. A. No, sir; I won't swear to that; but before it was finished and the carpenters were working there at that time.

Q. When was it commenced? A. I could not tell you.

Q. Do you swear that the gambling house has been running there for two years? A. No, sir; but something like that—that is to say, since it was opened.

Q. How long then, since it was opened? A. I would have to study and figure up to find out about that.

Q. Well, I wish you would figure it up and let us know. Don't you know that that saloon did not open until last spring? (No answer.)

Q. Will you answer my question? A. It was sometime the latter part of the winter that it was opened.

Q. So it has been running for a year. A. I guess you are right.

Q. Yes? A. Yes, sir.

Q. And you are wrong about it? A. I was wrong about its being two years; and come to think, it was last spring that I sold out the last part of my livery stable; a year ago and little over.

Q. You have seen him forty or fifty times in all these different places? A. Yes, sir; something like that; I could not tell exactly.

Q. How many times have you seen him in the Townsend? A. I don't know how many times.

Q. You do not know how many times you have seen him in the Townsend. A. I should say twenty or twenty-five times; somewhere along there.

Q. What were you doing there, Mr. Rouse? A. Well, I have been doing nothing this winter, and had nothing else to do, and went in there to pass away the time, and seeing how the rest were having such good luck, I put on a dollar more or less myself.

Q. Were you ever in there until this winter? A. I never gambled any until this winter.

Q. But you were in there frequently. A. Yes, sir; they patronized my stable and—

Q. And you thought you would do them a good turn. A. Yes, sir.

Q. You would not play unless you thought you would win, would you? A. I would not have been very apt to.

Q. You say you have seen him gambling in the Silver Safe. A. Yes, sir.

Q. Now, have you ever seen him playing in the Townsend, coming up to the 25th of December, 1890? A. Yes, sir.

Q. Give us the day, then. A. I don't know that I could in December.

Q. Now, in the Silver Safe. A. Well, I have seen him play up there close to Christmas.

Q. That is the 25th of December, was it not? A. It was up close to that date.

Q. Never saw him play since that, anywhere, have you? A. Not since that; I do not think I have.

Q. Now, what was the last time you saw him play at the Silver Safe? A. Oh, it was quite a little while ago.

Q. Longer than that, was it not? A. Well, I guess it was two or three months ago; I should think so.

Q. You have been in there since. A. Yes, sir.

Q. Did you return the favors that the Silver Safe had extended to you by also putting a dollar or two on the cards there? A. I decline to try my case.

Q. All right, I am sure I do not want to try it. A. I have acknowledged that I put a dollar or two on, and I think that ought to be all that is necessary.

Q. Yes, I think so. Now, Mr. Rouse, you have given us a very elaborate and no doubt very exact description of faro in all its details and branches; I would like to know, if you have no objection to answering, how you acquired that knowledge? A. By looking on.

Q. Only in that way? A. I have played but very little, sir.

Q. Did you acquire all of that knowledge in Port Townsend? A. Yes, sir, all of it.

Q. How long were you engaged in acquiring your knowledge of this science at Port Townsend? A. I think it is about three or four months that I have been playing.

Q. But you have been watching the game longer than that. A. I have seen them play, yes, sir.

Q. For how long then all together have you been engaged in this study? A. It is two or three years that I have been engaged in watching the game.

Q. And how many times a week would you devote yourself to the study of this science as a looker on? A. I visited this place when I was in business there, three or four times.

Q. And it is not a very uncommon thing, is it, to see the business men of Port Townsend do the same? A. There is a good deal of walking in and out there, but I have never seen a great many business men gambling there.

Q. You testified that a man must be something of a gambler to be able to keep the cases. A. I think so; I know I can't keep them.

Q. But you can tell other people very clearly how to keep them, as you have told us here to night. A. I can see how it is done all right.

Q. But you can't keep them yourself? A. I have tried to keep them.

Q. And made a failure of it, did you? A. Well, yes, sir; I was not a success at it.

Q. Then it was not because you thought that there was anything wrong about it, that you did not keep the cases; but simply because you did not know how. A. Well, I don't know. I don't know as I thought there was anything very honorable about it.

Q. The cases are usually kept by players, are they not? A. If there is any player playing who wants to keep them, he is allowed to do so; but the cases belong to the game.

Q. You have testified that these places had been open all the time. Did you ever know any of these places to be open during a term of court

in Port Townsend? A. Not when they got a grand jury around; they generally shut them up then.

Q. Is there not a grand jury with every term of court? A. Well, they open as soon as the grand jury is gone.

Q. But the grand jury usually remains as long as the court is in session. A. Yes.

Q. Are these places usually closed while court is in session? A. Yes, sir.

COLONEL HAINES: That is all.

(Re-direct Examination.)

Questions by JUDGE PARSONS: Q. Colonel Haines asked you if you studied what he called this "science." You may state if you studied it under any teacher or master, and if so, who your teacher was? A. Well, I have watched Judge Sachs and such men as them, as were rolling high; they would go in there and make three or four hundred dollars, and I thought I ought to be able to go in there and make at least a dollar.

JUDGE PARSONS: That is all.

(Re-cross-examination.)

By COL. HAINES: Q. Did you say that you ever saw Judge Sachs make three or four hundred dollars gambling? A. I have seen him make some pretty big winnings.

Q. Did you ever see Judge Sachs make three or four hundred dollars gambling? A. I could not say that I ever did.

COL. HAINES: That is all.

Examination of Mr. Rouse closed.

TESTIMONY OF A. R. HOLTON.

A. R. HOLTON, esq., called as a witness for the prosecution, and having been first duly sworn, testified as follows:

(Examination in Chief.)

By JUDGE PARSONS: Q. State your full name, if you please. A. A. R. Holton.

SENATOR THOMPSON (G. T.): Mr. President, I arise for information. I desire to know what is the limit upon this examination, or upon the length of time allowed to examine any one witness.

THE PRESIDENT: The chair will inform the gentleman from Walla Walla that each side is limited to twenty minutes.

SENATOR THOMPSON (G. T.): Now, Mr. President, in view of the fact that we have but a few more days to remain here, and in view of the further fact that this is but a simple question of violation of the statute, or a misdemeanor simply, or whatever it is, and can be explained in a few words, therefore, I move you, Mr. President, that the time for the examination of each witness be limited to ten minutes on a side.

Motion seconded, and question stated by the chair.

SENATOR THOMPSON (G. T.): Mr. President, I have this to say to the gentlemen of this joint convention, that owing to the fact —

MR. GARRETSON: I rise to a point of order.

THE PRESIDENT: The gentleman from Pierce (Mr. Garretson) will state his point of order.

MR. GARRETSON: Mr. President, I make the point of order that these questions are not debatable.

THE PRESIDENT: This is a motion to limit the time, and the chair will rule that the rule the gentleman probably has reference to does not apply, and that the question is debatable. The gentleman from Walla Walla, (Mr. Thompson, G. T.,) has the floor.

SENATOR THOMPSON (G. T.): I desire to say, simply, Mr. President and gentlemen of this convention, that we are here to legislate for the people of the State of Washington; that we are not here to whitewash or screen any man; that we are not here to carry out the desires for revenge of any set of men; that we are not here to punish or carry out the malicious design of any set of men in Port Townsend or Jefferson county; and I do say and assert it here, that if all the charges brought against this gentleman, this accused here, are heard, that five minutes will be all that any man will need to testify in relation to him; because, Mr. President, it is a very easy question, it is a very simple matter, did he or did he not do a certain thing. I maintain that it cuts no figure, that it makes no difference, that it is wholly immaterial, that we didn't organize this joint convention of the legislature of the State of Washington into an ordinary justice court where every kind of practice is allowed.

THE PRESIDENT: The question is upon the limitation of time of the examination of witnesses to ten minutes on each side.

By vote of the members of the joint convention, the motion is lost without division.

Q. Where do you reside, Mr. Holton? A. Port Townsend, Jefferson county, Washington.

Q. What is your business? A. Attorney at law.

Q. How long have you lived in Port Townsend. A. Since December, 1889.

Q. How long have you known the respondent here, Judge Sachs? A. Since December, 1889.

Q. State what knowledge you have, if any, of his visiting public gambling houses in Port Townsend. A. I saw Judge Sachs first in a gambling house called the Reception in December, 1889; since that time I have seen him every few days in the same until about November, sometime in November, 1889, when the crowd that was keeping the Reception moved over to the Townsend; from that time on I have seen Mr. Sachs in the Townsend playing faro every few days up until about a month and a half ago.

Q. What occasion, if any, had you to visit that place? A. Well, at the time I speak of, at the Reception, I was in the real estate business; I was not practicing law at that time, and I had occasion very frequently to go

into the Reception to talk with people on business; and since they moved over to the Townsend, my office is next door—next door to the Townsend—and it is a very handy place for me, as there is a closet in the gambling place there, and I used to very frequently, almost every day, step in on account of its being so convenient.

Q. State where the closets in that building were located with reference to the gambling room—how you reached that in coming in from the side walk. A. In the first place, the gambling room was located in the main room of the saloon, with simple screen swing doors between, with a little partition, and the closet was in the inner side of that gambling room; but they have now changed the closet and also changed the gambling room back in the room further.

Q. State what you saw Judge Sachs doing at the Silver Safe. A. I have not seen him at the Silver Safe; I have never been in there.

Q. I made a mistake in the name; I should have said the Reception. A. I saw him playing faro there.

Q. How often? A. Every few days.

Q. When you say "every few days," how frequently do you mean, Mr. Holton? A. I mean every few days.

Q. What class of persons were playing when you saw him there? A. All kinds of people that usually frequent such places; gamblers, drinking men.

Q. You may state more particularly what Judge Sachs was doing. A. He was playing at the game of faro, betting on the game, and also sometimes keeping cases.

Q. How heavily do you remember to have seen him bet? A. I have seen Judge Sachs bet quite heavy. His usual bet is about \$5, \$10 or \$20 on the turn of a card, and he would have several bets on the table at a single time.

Q. How much do you think you have ever seen him have on the table at a single time? A. In saying \$50, I think I am safely within the limit.

Q. How long did you remain at the Reception while he was there? A. I can't say; twenty minutes, or perhaps half an hour.

Q. Now pass to the Townsend, and say as nearly as you can when you saw him there, and what you saw him doing, giving us the particulars as near as you can. A. Since about November, 1890; at the time, any way, that the crowd changed from the Reception over to the Townsend—I think that was in November, 1890—and since that time I have seen him every few days, every two or three days, every three or four days, betting on faro, playing and keeping cases there, the same as he had at the other place.

Q. How many persons were generally present on such occasions? A. A great many persons were continually going and coming, a considerable stream of people.

Q. State something as to the number of people there were usually present on those occasions. A. Twenty or thirty, sometimes more; sometimes no more than ten.

Q. What were the gambling games at that place, the Townsend? A. The gambling outfit there consists of a faro table and a roulette wheel.

Q. How heavily do you remember to have seen Judge Sachs bet there?

A. About the same as at the other place.

Q. And about how frequently would that occur—his betting in that way at that place? A. Sometimes he would bet lower than at other times; the betting there would be every two or three days, every three or four days that I have seen him; sometimes every day.

JUDGE PARSONS: That is all.

(Cross-examination.)

By COL. HAINES: Mr. Holton, how long have you been an attorney at law? A. Since May, 1890.

Q. How long have you resided in this state? A. In this state about two years and a half or three years.

Q. From what state did you come to this state? A. From California.

Q. What was your business prior to your coming here? A. In southern California I was in the real estate business.

Q. Were you not in the saloon business in the State of Oregon? A. I did own a saloon there for about four months.

Q. Run it, too, didn't you? A. Well, partially.

Q. What do you mean by partially? A. I did not conduct it myself, exclusively; I usually had somebody to run it; it was a very short time, only about three or four months.

Q. You mean that you had a bartender to stand watch and watch with you. A. No, sir.

Q. Well, you are a member of the bar at Port Townsend. A. Yes, sir.

Q. And you are a member of the Bar Association at Port Townsend. How long have you been a member of the Bar Association? A. Ever since it started.

Q. When was that? A. This winter.

Q. What time this winter? A. I think perhaps about three months ago.

Q. You frequented the Reception because you were in the real estate business, you say. A. Yes.

Q. Did you go in there to sell real estate? A. Very often to try to sell some.

Q. It was a good place to sell real estate in that gambling house, wasn't it. A. Sometimes you could find men that you wanted to see, in there.

Q. You could usually find some of the wealthy and prominent business men of Port Townsend in there, could you not? A. Some of them were very prominent.

Q. You found that a good place to sell real estate in, and so you went in there. Now, did you ever play in there? A. I have never played faro.

Q. You have never played faro in your life? A. No, sir; except that I have sometimes put down a half dollar once in a while, so as not to appear mean; just put it down to win or lose.

Q. Not for profit; not for pleasure? A. No.

Q. You say you frequently saw Judge Sachs in the Reception. A. Yes, sir.

Q. How many times since he qualified as judge have you seen him in there, down to the present time? A. In the Reception, probably about twenty-five or thirty times.

Q. You have not seen him there subsequent to November, 1890. A. No, sir; I don't hardly think I have been in there since.

Q. Whereabouts in the city of Port Townsend is your residence located? A. My residence is in the same building that my office is in.

Q. And that adjoins the Townsend Club gambling house, does it not? A. Yes, sir. It is right on the same street there.

Q. Your office is in your residence, and your residence is right alongside the gambling house. A. Yes, sir.

Q. Now, did you derive all your knowledge of Judge Sachs' playing faro over or through this partition you have spoken of? A. I did not say anything of the kind.

Q. I asked you about that. How did you derive your knowledge? A. I told you I went in there.

Q. What did you usually go in there for? A. I told you I would go in there on account of the closets there.

Q. Did you ever stop there? A. Yes, occasionally.

Q. Did you ever bet any money on the game there? A. I say that I sometimes put a half dollar on a card.

Q. When was that gambling room moved further back? A. Only a short time ago; I should say, a couple or three months ago.

Q. Have you seen Judge Sachs in that room since that change was made? A. Yes, sir.

Q. Well, what did you go in there for? A. Oh, just to look on.

Q. Did you go in there to sell real estate? A. I usually went in there on account of the closets.

Q. But I understood you to say that the gambling room was moved back away from the closet. A. No, sir, the closet was moved too; the arrangement was just about the same afterwards as before.

Q. And you used to go in there on account of the closet? A. Yes.

Q. When was the last time that you ever saw Judge Sachs in the Townsend Club gaming room? A. I can't say the exact date; about a month and a half ago.

Q. Have you ever seen him there since December, 1890? A. I can't say for certain, but it was about that time that he quit, as far as I know.

Q. And you have been frequently yourself in that place, and have never seen him in there since? A. I have been in there since, but not as many times as before.

Q. Now have you not been in there since that time to see whether Judge Sachs was in there, for that express purpose? A. I have never gone in there for that express purpose.

COL. HAINES: That is all.

JUDGE PARSONS: That is all.

Examination of Mr. Holton closed.

TESTIMONY OF WARREN CARROLL.

WARREN CARROLL, a witness called on behalf of the prosecution, after being duly sworn, testified as follows:

MR. PARSONS: Q. Mr. Carroll, give your full name to the reporter.
A. Warren Carroll.

Q. Where do you reside? A. Port Townsend, Jefferson county.

Q. How long have you resided there? A. About two and a half years.

Q. What is and during that time has been your business? A. The practice of the law.

Q. State how long you have known Judge Sachs. A. All of that time.

Q. State what knowledge you have of his visiting gambling houses, or any gambling house in that city.

MR. HAINES: We object to that question, unless it is limited to a time after the qualification of Judge Sachs.

Q. We mean to limit it, Mr. President. A. I know of his visiting gambling places during that time only from seeing him going in and out.

Q. State whether you have found him there, or had occasion to seek him at any of those places, and if so, when, and for what purpose. A. At one time about a month ago, I was seeking Judge Sachs for the purpose of having the time set for the motion, and was informed on the street that he was in the Townsend gambling place, in the back room of the Townsend saloon, and I entered the Townsend saloon for the purpose of inquiring for him and learned from the barkeeper that he was in the gambling room, but was refused admittance to it.

MR. WINSTON: Judge Parsons, do you think what the barkeeper told him was evidence.

MR. PARSONS: This is part of the inquiry seeking Judge Sachs.

Q. Do you know anything about it, whether there was more than one gambling room kept there? A. No, sir, I know nothing at all about it.

Q. Did you succeed in finding Judge Sachs? A. I then went out on the street and waited until he came out, which was about an hour later.

Q. How do you know that he came out of that place? A. I saw him come out.

Q. What were you waiting for him for? A. For the purpose of having the time set, as I said, for the hearing of the motion.

Q. Where did you see him after waiting this hour, and state whether you got that order signed. A. I did not; after he came out he did not go to the court house again that day.

Q. Do you remember whether this was or was not during what may be called a session of the court, as sessions or terms are now arranged? A. It was.

Q. What time of day was this, Mr. Carroll? A. It was in the afternoon, between two and five o'clock.

(Cross-examination.)

MR. HAINES: Q. Were you ever in this place, Mr. Carroll, the place you have termed a gambling house? A. I never was.

Q. You have no knowledge, then, as to whether there was any gambling going on in that room at the time you were there? A. Not to my personal knowledge, except that I was told that he was in the gaming room.

Q. You do not know that he was in that room, or for what purpose he was there? A. No, sir, I do not.

Q. You don't know but that he may have been there for the purpose that the last witness says, that he often went in there? A. No, sir, I do not; he may have been there for that purpose.

Q. And all you know about it is, that you saw him come out? Did you see him come out of the gaming room, or simply the front door? A. Out of the front door.

Q. But whether he came out of that gaming room at all you don't know? A. He was not in the saloon when I went in there.

Q. You stood out on the sidewalk and saw him come out of the door of the saloon? A. Yes, sir.

Q. Now were there any other rooms connected with that saloon, with the exception of the gaming room? A. There may be a dozen, for all I know.

Q. He may have come in a side door, and come through the saloon and come out of that door, for all you know? A. No, he could not have done that.

Q. Why not? A. He would have to come in from the street.

Q. Is this on the corner? A. Yes, sir.

Q. Do you know whether there is a door on the other side, on the side street that opens into the saloon? A. I am not positive.

Q. So he might have come into the saloon from the side street? A. I simply took the bartender's word that he was in there.

Q. Whether he was in there for the purpose of gambling or not, you do not know? A. No, I am not positive about that.

Q. Now this order that you wanted was simply an order—that is, you wanted him to fix the time when he would hear your motion? A. That's the point.

Q. Had court been in session that day at all? A. I think court convened in the morning regularly.

Q. How are your sessions regulated there, how often, and during what months, do you have sessions of court at Port Townsend? A. We have a term beginning in the early part of January; I believe on the second or third Monday, and continuing on until the business is closed up.

Q. When was this you went to see Judge Sachs? A. It was the first part of the January term of court.

Q. And court had adjourned. A. Simply for the day.

Q. It was not in session at the time. A. The judge was not at the court house.

Q. Did the court adjourn for the day, and then you went hunting him for the purpose of getting an interlocutory order out of court hours? A. Yes, sir.

Q. It was not to get a judgment or anything of that kind? A. No, sir.

Q. Were you in court that morning? A. No, I think not.

Q. Why didn't you apply to the judge when the court was in session for that order? A. Oh, I don't know why I did not; probably I had business to attend to at that particular time in the morning.

Testimony of witness closed.

TESTIMONY OF J. W. LYSONS.

MR. J. W. LYSONS, a witness called on behalf of the prosecution, after being duly sworn by the president, testified as follows:

MR. PARSONS: Q. Please give the reporters your full name? A. J. W. Lysons.

Q. Where do you reside? A. Port Townsend.

Q. How long have you resided there? A. About a year and a half.

Q. What is your business? A. I am at present connected as one of the editors of the *Morning Leader*.

Q. State whether you are acquainted with the respondent, Judge Sachs. A. Yes, sir; I am.

Q. How long have you known him? A. I got acquainted with him the day he assumed his office as judge of the superior court.

Q. According to your recollection when would that be? A. That would be sometime in November, 1889.

Q. State whether you have any knowledge of his visiting the public gambling houses of Port Townsend, or any of them since that time, and if so, when? A. Yes, sir; I have seen him a number of times.

Q. Name the houses, if you please. A. I have seen him about twice in the Silver Safe.

Q. When? A. Well, the two times were within a few days of each other, in November last, 1890.

Q. What time of day? A. It was in forenoon or in the afternoon—along toward the middle of the day.

Q. What class of persons were there, and about how many? A. The last time I saw him there, there were about half a dozen in the place. I met him as he was coming out of the gambling place. The first time, a few days before that, he was sitting at the table, alongside of a Chinaman, playing faro.

Q. What particular thing was he doing in taking part in the game of faro? A. Well, he was playing; I am not certain, I was only in there a minute, I guess. I am not certain whether he or the Chinaman were keeping cases, one or the other, they were sitting side by side.

Q. Did you observe whether he was betting or not, if so, how were the bets made? A. Yes; I was in there just long enough to see him place two bets, one or two bets on the cards.

Q. Currency or checks? A. Checks—red checks—they were colored checks anyway.

Q. And while he was doing that, what was the Chinaman doing? A. Well, they were sitting in front of the table, each of them almost at the case; I did not notice which one was keeping the case—evidently one of them.

Q. How far apart would that bring them? A. Their chairs were quite near together.

Q. Do you know anything about the amount represented by the checks at that time? A. No, sir; I do not.

Q. State whether, since he was qualified as judge, you have seen him at any other gambling house at Port Townsend, and, if so, when. A. Yes; I have seen him at the Reception and at the Townsend a number of times; probably three or four times at the Reception and I should judge eighteen or twenty times at the Townsend.

Q. We will take the Reception first. Is that place closed or is it still running? A. I do not know; I do not think I have been in the Reception in the gambling rooms for two months.

Q. Do you know who was running that place at the times you saw Judge Sachs there? A. No, sir; I do not. I think Billy Malloy was running it.

Q. Do you know whether he is the same person that has since been running the Townsend? A. Yes, sir; he is.

Q. But you cannot tell when he left the Reception and went over to the Townsend. A. Well, he has been in the Townsend since the first of November.

Q. You may now state what you saw of Judge Sachs at the Reception during the time that Malloy was running it. A. I just saw him playing there at different times—probably three or four times.

Q. Give the times, as near as you can, before November. A. I guess it was probably a couple of months before November.

Q. Can you tell us about how many persons were present at any of these times when you saw him there gambling at faro? A. Oh, there was half a dozen or so; sometimes as many as fifteen.

Q. Can you give us some idea as to how heavily he was betting? A. No; I do not know.

Q. You can tell us as near as you can when you first saw him there. A. I have seen him there since Malloy went into the Townsend.

Q. That would be since November, 1890. Now repeat, if you please, since we have entered upon that house, about the number of times you have seen him there. A. Oh, I have probably seen him there fifteen or eighteen or twenty times.

Q. Running through what months? A. Well, it has been since—it strikes me that that place was running, and a gambling room prior to that time in the Townsend, during the fall.

Q. We will take all of the time, commencing with last fall, as near as you can recollect, the last time that you saw him there what was he doing? A. Well, that was somewhere about Christmas time, December last, the last time I seen him there.

Q. Tell us what kind of an outfit they have at that gambling house. A. They have a faro table and a roulette table.

Q. Now, tell us what he was doing. A. Well, I have seen him both playing there and keeping cases.

Q. How heavily did you see him bet there? A. One time in particular

I saw him bet three twenty dollar gold pieces in succession, laying the gold on the cards.

Q. Do you mean that these three twenty dollar gold pieces would be laying on different cards at the same time, or did he hold one until the bet was decided on another? A. I think that he laid them one at a time, and lost two of them, and I think won one of them.

(Cross-examination.)

MR. WINSTON: Q. Mr. Lysons, it is quite a common thing for gentlemen at Port Townsend to occasionally indulge in a little pastime in playing faro, is it not? A. Well, there are some of the gentlemen there who play; not a great many of the business men, or the leading citizens.

Q. It is common on this coast, is it not; how long have you lived on this coast? A. All of my life.

Q. It is quite common on this coast, is it not? A. Well, I do not know how common.

Q. Who owns the Port Townsend *Leader*? A. I am one of the owners.

Q. Who are the others? A. My brother is one of them, and Mr. Searle is the third one.

Q. Are you in charge of the Port Townsend news bureau? A. Yes, I am one of the managers of the bureau.

Q. That is the bureau that has been sending out from this city news concerning Judge Sachs, is it not? A. Partly.

Q. It has been very bitter against him, has it not? A. It has not.

Q. Has not the Port Townsend *Leader* been very bitter against him? A. I have not been bitter against him; we favored his removal from office since the special committee reported to this legislature.

Q. You have favored or argued his removal before his trial. A. I have favored it, as I said, since the special committee reported.

Q. Before this trial? A. Yes, sir.

Q. Do you consider that a fair way to treat a man charged with an offense? A. Well, I consider he should be removed from office for cause.

Q. You have been aware of the fact for sometime, that he occasionally played faro, have you not? A. Yes, sir.

Q. Have you ever in your paper at any time denounced him for that, prior to this investigation? A. No, sir; we hardly dared to.

Q. Why? A. Well, at different times, people with whom he was connected have talked to us in such a way that we were afraid of losing their support and patronage if we opposed him in any way.

Q. Then you are the owner of a fearless newspaper which hesitates to expose vice for money. A. Well, when we considered it our duty, and the proper time, we did not hesitate to do it.

Q. Have you done it? A. Yes, sir.

Q. Prior to this investigation. A. Yes, sir.

Q. Denounced Judge Sachs. A. No, sir.

Q. In your paper. A. No, sir.

Q. For gambling. A. No, sir.

Q. Never said anything about his gambling. A. No, sir; we made a warfare against gambling, which caused the games to be raided.

Q: You are a member of a political cabal, or a political faction which is bitterly opposed to Judge Sachs.

JUDGE PARSONS: We object.

A. No, sir.

MR. WINSTON: He will take care of himself.

MR. PARSONS: I think he will if he is examined by you.

(Re-direct Examination.)

MR. PARSONS: Q. You may state whether you ever did denounce Judge Sachs before the investigation committee reported. A. No, sir, I never did.

Q. (Mr. Haines). When did you obtain the ownership of the Port Townsend *Leader*? A. About the first of November.

Q. Between the date of the last election and the election for senator? A. Yes, sir.

Testimony of witness closed.

MR. PARSONS: We will call Mr. Sisley.

MR. THOMPSON (G. T.): I desire to rise to inquire for information. I would like to ask the gentleman who represents this prosecution if he would please indicate how many more witnesses he has on this particular subject; I think cumulative and unnecessary testimony should not be imposed upon this body, and I would ask how many more witnesses he has.

MR. PARSONS: I am not prepared to say at this time how many we will call, but I will say that we expect to close this branch of the examination to-night.

TESTIMONY OF L. A. SISLEY.

Mr. L. A. SISLEY, a witness called on behalf of the prosecution, after being duly sworn by the president, testified as follows:

MR. PARSONS: Q. Mr. Sisley, you may give your full name to the reporter. A. L. A. Sisley.

Q. Where do you reside? A. At Port Townsend.

Q. How long have you resided there? A. About three years.

Q. You may state if you are acquainted with the respondent, Judge Sachs. A. I know him by sight.

Q. And how long have you known him? A. As long as I have been in Townsend.

Q. State what knowledge you have, if any, of his visiting a public gambling house of that city, or any of them. A. I have seen him in the Townsend club house.

Q. When you say the Townsend club house, now say whether you mean that which has been described here as the Townsend gambling house. A. The Townsend gambling house.

Q. What games were carried on there at the time you knew the place? A. I think, faro and roulette.

Q. When did you see Judge Sachs there? A. The last time that I was in the Townsend, to the best of my knowledge, was the Sunday forenoon following Christmas.

Q. Of what year? A. The present year, 1891.

Q. What time in the forenoon of this Sunday? A. I do not know. It was before twelve o'clock.

Q. What was the judge doing there at that time? A. He was sitting at the faro table, playing faro.

Q. Who were present, or what class of persons, without naming them—I do not care for that—at that time? A. It was a select class, I should say.

Q. How long did you stay there? A. Oh, less than half an hour.

Q. State whether the judge was there when you came in. A. Well, he was.

Q. State which of you left first. A. I did.

Q. State which portion of this half hour that you were there that he was playing. A. He played all of the time I was there.

Q. About how high? A. I don't know.

Q. What was he using as representatives of money, or was he using currency? A. He was using red checks.

Q. Can you give us any idea how many he had? A. A couple of inches high, or something like that.

(Cross-examination.)

MR. WINSTON: Q. What did you say your business was? A. Real estate, principally.

Q. You are one of the original prosecutors in this case? A. Yes, sir.

Q. One of the gentlemen who signed the original petition? A. Yes, sir.

Q. Against Judge Sachs? A. Yes, sir.

Q. Have you seen Judge Sachs playing at faro at any time since Christmas? A. I think it was Sunday morning following Christmas that I saw him.

Q. Are you sure it was not before Christmas? A. Yes, sir.

Q. What were you doing in there, Mr. Sisley? A. I casually dropped in.

Q. Into the bar room? A. Into the bar room. I went in and bought a cigar in the bar room, and walked through into the gambling room.

Q. The door closed between the bar room and the gambling room? A. A swing door.

Q. You say there was a select crowd in there? A. Yes, sir.

Q. Did you join the party? A. No, sir.

Q. How long did you remain in there? A. Something less than half an hour.

Q. And you did not join the party or participate in the game? A. I never played faro.

Q. In going into this room on that occasion do you regard yourself as committing any breach as regards a good citizen? A. I thought not.

Q. Are you a licensed attorney? A. Yes, sir.

Q. You belong to the Port Townsend bar association? A. I am an honorary member.

Q. Did you say honorable member? A. Honorary member.

Q. How many members are there of the Port Townsend bar association? A. I don't know.

Q. Are you friendly to Judge Sachs? A. I do not think I am; I never spoke to him except once on business.

Q. You say you are not friendly with Judge Sachs? A. I do not believe I am.

Q. Now, when you went into this place, did you see any money this morning after Christmas? A. On the table; yes.

Q. Did you see Judge Sachs have any cash? A. I do not remember; I do not think I did.

Q. Do you know whether these checks that you saw there at that time represented cash, of your own knowledge? A. I think they did; I have seen them purchased.

Q. You saw them purchased then and there. A. Yes, I think I did; I could not swear I did.

Q. The bar association of Port Townsend is divided into two factions on the question of the removal of Judge Sachs, is it not? A. It seems so.

Q. I ask you of those gentlemen who are in that bar association who are against Judge Sachs if it is not true that every one of them, except one, became a citizen of Port Townsend since Judge Sachs' election, and were not voters when he was elected in the State of Washington? A. I do not understand the question.

Q. I ask whether or not, that of these members of the Port Townsend bar association who favor the removal of Judge Sachs from the bench, if either one of them, except one, of the whole number who are against him, if all of them, except one, were not non-residents of this state and of Port Townsend at the time Judge Sachs was elected? A. I do not know.

Q. I ask you whether or not four-fifths of all the business done by the bar at Port Townsend is not done by that wing of the bar of Port Townsend that do not favor Judge Sachs' removal, and if the docket will not show that? A. I don't know anything about it; I think not.

Q. But you don't know. A. No; I am not practicing at the present time.

(Re-direct Examination.)

By JUDGE PARSONS: Q. Mr. Sisley, my brother Winston asked you if nearly all the members of the bar that are favoring Judge Sachs' removal have not come there since his election. I understood you to say you did not know. What is your answer? A. Well, there are quite a number of new ones since he was elected.

Q. You may now state whether of those who are sustaining him and opposing the proceedings for his removal, to a considerable part of them, have not been admitted by him since the commencement of these proceedings. A. I should say four or five had.

JUDGE PARSONS: That is all.

(Re-cross Examination.)

By MR. WINSTON: Q. I asked you, originally, whether of the practicing attorneys, not honorary members of the bar of the association, but of all

the practicing attorneys, whether or not four-fifths of the business was not done by these practicing attorneys who opposed Judge Sachs' removal—a large majority of the business; what is your answer? A. A large majority probably.

Q. Is? A. Done by three or four probably.

Q. Now, you said in reply to the question by Judge Parsons, that of those who were opposed to Judge Sachs' removal, four or five had been admitted since these proceedings had began; I ask you if any one of these four or five to whom you refer are not merely honorary members of the bar, and of the association? A. Yes, sir.

MR. WINSTON: That is all.

(Re-direct Examination.)

By JUDGE PARSONS: Q. In view of that, I ask you if you know for what purpose these persons who were not honorary members were admitted; what course have they taken in these proceedings? A. Every one of them have favored Judge Sachs in these proceedings; every one of them; that is all I know about it.

JUDGE PARSONS: That is all.

SENATOR THOMPSON (G. T.): Now, Mr. President, with the permission of the gentlemen of the convention, I desire to ask the witness a question.

MR. PRESIDENT: Are there any objections to the senator from Walla Walla asking the witness a question? The chair hears no objection, the senator will proceed.

SENATOR THOMPSON (G. T.): I would ask you your name; I have forgotten it?

WITNESS: Sisley.

SENATOR THOMPSON (G. T.): I would ask you if you are familiar with the ordinary practice in running faro games; if you have had any experience of that kind.

WITNESS: Not very much; I have played it in my life.

SENATOR THOMPSON (G. T.): you never saw Judge Sachs buy checks or pay any money for them?

WITNESS: No, I dont know that I have.

SENATOR THOMPSON (G. T.): Consequently you do not know if he was playing celluloid or faro representatives of coin, with or without consideration, do you?

WITNESS: I could not swear to it.

SENATOR THOMPSON (G. T.): That is all.

Examination of Mr. Sisley closed.

TESTIMONY OF DAVID T. RUFFIN.

DAVID T. RUFFIN, called as witness on behalf of the prosecution, having been first duly sworn, testifies as follows:

(Questions-in-chief.)

By JUDGE PARSONS: Q. Please have the kindness to give your full name to the reporter. A. David T. Ruffin.

Q. Where do you reside? A. In Port Townsend.

Q. How long have you lived there? A. Nearly three years.

Q. How long have you known Judge Sachs? A. Ever since I have been there.

Q. You may state whether you have any knowledge of his visiting any of the public gambling houses of that city. A. Yes, sir; I have.

Q. Which ones? A. The Reception and Townsend.

Q. State when you saw him at the Reception. A. Last spring—last summer; I think last spring, but last summer and this fall anyway.

Q. About how many times can you recall when you saw him there? A. Twenty-one or fifteen.

Q. What games were being carried on there? A. Roulette, faro and stud poker.

Q. What is that last game? A. Stud poker.

Q. State whether Judge Sachs was taking any part in any of these games, and, if so, in which of them. A. I have seen him play faro.

Q. Were all of these games carried on in the same room? A. Yes, sir.

Q. You have heard the description of the way the entrance into this gambling room is constructed, have you not, given by the other witnesses? A. Yes, sir.

Q. State whether or not that is correct. A. It is correct.

Q. Now, proceed and state more particularly what Judge Sachs was doing in the way of playing faro. A. I have seen him in there when he was playing, and I have seen him in there when he was not playing.

Q. About how many persons were present upon these occasions when you saw him playing at the Reception? A. Two or three; sometimes twenty; may be more.

Q. At what times of day? A. Most all times from nine o'clock in the morning until ten o'clock at night; I have seen him at different times between those hours.

Q. How long did you remain there upon any one occasion while he was there? A. Half an hour, I suppose.

Q. Do you remember whether you found him there or whether he came in after you got there? A. Sometimes he came in while I was there; sometimes I found him there.

Q. Do you recollect how many persons were playing at the game at any time when he was in there? A. Sometimes two or three; sometimes ten or twelve.

Q. Can you give us any idea of the amount of his bets? A. I have seen him bet from ten cents to twenty dollars on one card.

Q. And how often would he repeat these bets upon any occasion when you were there? A. He would have three or five bets down at a time.

Q. Can you tell us about how much money you have ever seen him have down at one time, on one card or on more than one? A. I have seen him have three twenty dollar gold pieces at one time on three different cards.

Q. How much have you seen him bet on any one occasion? A. I said sixty dollars at one time.

Q. I mean during any half hour or any such period of time? A. He would win and lose, may be one hundred dollars during that time.

Q. How much do you remember of his betting on any one occasion when you were there? A. I do not remember of seeing more than \$60 at any one time.

Q. How much would he have on the table, and how much would you say that you saw him bet during the whole time when you were there? A. I have seen him have anywhere from \$10 to \$200, \$250, may be \$300 on the table.

Q. Now, you may go over to the Townsend and tell us what you saw there, and when. A. Well, three \$20 gold coin pieces; I was speaking about seeing him bet at the Townsend.

Q. I thought it was at the Reception. A. No, I do not remember seeing him bet three \$20 gold pieces at the Reception.

Q. You were speaking of the Townsend. A. Yes, sir.

Q. When did you see him at the Townsend the last time? A. You mean in the gambling room?

Q. Yes. A. It was the first Sunday, or second Sunday, after Christmas.

Q. Do you know whether that is the same occasion spoken of by Mr. Sisley? A. Yes, I think Mr. Sisley was in there.

Q. What was he doing on that Sunday? A. That was the Sunday I saw him bet the three \$20 gold pieces.

Q. As I misunderstood you as to the place, I will go back now and ask you what you saw him do there at the Reception, which was the place I had in mind. A. I saw him playing faro there.

Q. How often have you seen him there, and for what amount? A. Several times; I do not remember the amounts; he usually played pretty high.

Q. How many gambling rooms are there at the Townsend? A. There is one faro room, where it is faro and roulette.

Q. Is there any other, and for what is it used for? A. In the Townsend?

Q. Yes. A. I don't think there is any other gambling room in the Townsend.

Q. Well, connected; into which you pass in leaving the faro room? A. There are no other public rooms open to the public that join there.

Q. Well, is there any other room, and for what is it used? A. I think there is a poker room back of the Townsend.

Q. Do you know anything about Judge Sachs visiting that poker room connected with the faro room at the Townsend? A. I would rather not answer if I don't have to.

Q. Well, as far as I am concerned, it is entirely with yourself. A. I would rather not answer.

JUDGE PARSONS: That is all.

(Cross-examination.)

By MR. WINSTON: Q. Mr. Ruffin, how long have you been a resident of Port Townsend? A. Nearly three years.

Q. You are from North Carolina, are you not? A. Yes, sir.

Q. You spoke of an occasion, or a room in which there are three kinds of games running. A. There were.

Q. Roulette, faro and what is called poker—stud poker. A. Yes, sir.

Q. It is not an unusual thing for gentlemen to indulge in a little game of chance in these rooms, is it? A. Well, a great many do; I think the majority do not.

Q. You do, do you not? A. I did not say whether I do or not.

Q. A little roulette occasionally, Mr. Ruffin. A. I did not say so.

Q. These rooms that you speak of cannot be seen from the street, can they? A. No, sir.

Q. So they are private rooms, are they not? By that I mean they are private from the sight of the public. A. Folks cannot see them from the outside.

Q. A person passing along the street— A. Would not know that they were there, I suppose.

Q. Would not know there was any place inside where they can tip a little. A. They would not know it, I think, unless they went in there.

Q. They have no signs outside. A. No, but I think it is generally known.

Q. That is, generally known by those who care to inquire into such matters. A. Well, I think every man in Port Townsend knows it.

Examination of Mr. Ruffin closed.

TESTIMONY OF JAMES G. McCLINTON.

JAMES G. McCLINTON, called as witness on behalf of the prosecution, having been duly sworn, testifies as follows:

Questions in chief by JUDGE PARSONS: Q. Judge, will you have the kindness to give the reporter your full name? A. James G. McClinton.

Q. Where do you live? A. Port Townsend.

Q. How long have you lived there? A. In the town about fourteen months.

Q. And in the county? A. Nearly four years.

Q. And what has been your business during the time that you were living there? A. Most of the time I was on a farm.

Q. Have you a profession, and if so, what is it? A. I am a lawyer.

Q. Have you, any portion of this time, been engaged in the practice of your profession? A. I have, sir.

Q. Before Judge Sachs? A. Yes, sir.

Q. State whether, in the course of your practice, you have had occasion to hunt up Judge Sachs for the purpose of having him sign any papers or orders that you desired to obtain from him? A. I did.

Q. State where you found him, with reference to any of the gambling houses of that city, if you found him at all there. A. On one occasion I found him in the faro room of the Townsend saloon.

Q. What was your purpose in seeking him there? A. I desired to have him sign an order or paper of some kind.

Q. State whether it was a court paper of some kind. A. It was.

Q. How did you happen to go there to see him? A. Some one whose name I do not recollect told me that he had seen him go in there a few minutes before.

Q. Where did you find him in the gambling room? A. Well, I found him in the faro room, in front of the table.

Q. What was he doing? A. Simply sitting at the table.

Q. And what was going on there? A. There was a man behind the table and cards.

Q. What was the game? A. Faro.

Q. Did you stay long enough to see whether they played it at that time or not? A. I did not.

Q. Did you stay long enough to see whether there was any money on the table, or chips? A. Oh, I saw chips on the table.

Q. How many persons were there besides the judge and the dealer? A. I don't know; probably a good many around the table; I didn't count them—didn't stay long enough.

Q. How long did you stay? A. Probably a quarter to a half a minute to a minute.

Q. Did they apparently suspend while you were there? A. Well, I don't know; the man was shuffling the cards.

Q. How many were sitting at the table besides the Judge? A. I am unable to say.

Q. Well, of course this shuffling is a part of the game in dealing faro? A. I suppose so.

Q. Well, what did the Judge do? A. In answer to my question, he said he would be at the court house in a few minutes, and would sign my order.

Q. State whether or not you left him there. A. I did.

Q. And went to the court house and waited for him to come? A. Well, I went to the court house.

Q. Well, did you wait for him to come? A. Yes, a few minutes.

Q. And did he come? A. He did.

Q. What time of day was this? A. I think it was about half past twelve o'clock; it was during the noon recess of the court.

Q. Was it during what you would call a term of the court over there? A. Yes, sir; I believe it was.

Q. And will you give us the term, what term it was, as near as you remember? A. The November term, I believe.

Q. What is your present occupation, Judge? A. I am now supervising clerk of the enrolling and engrossing departments of the senate.

JUDGE PARSONS: That is all.

(Cross-examination.)

By COLONEL HAINES: Q. Judge, is your practice in Port Townsend an extensive one? A. No, sir.

Q. There is some little division in the bar at Port Townsend, is there not, in regard to the propriety or impropriety of the institution of the proceedings to remove Judge Sachs? A. I am informed that there is. This division has grown up since I left there.

Q. You have been here during the session of this legislature. A. Ever since it opened, yes, sir.

Q. Have you not understood that some seven attorneys had protested against the removal of Judge Sachs? A. Well, I know as much about that, probably, as any person would from reading the newspapers.

Q. One can acquire a good deal of information by reading the newspapers sometimes, can he not? A. Yes, a good deal.

Q. Well, you have heard that was the fact. A. Yes, sir.

Q. You have heard the names of those attorneys mentioned, have you not? A. I have read them in the newspapers.

Q. Is it not a fact, Judge, that the attorneys who signed that remonstrance do about two-thirds of the business that is transacted in the superior court of that county, and that the docket will show that? A. If you will name them I might be able to say more about it. I don't remember now all those who did sign that paper. I know that Mr. Coleman and Mr. Trumbull do a great deal of the business there, perhaps more than any two lawyers.

Q. And they were opposed to this proceedings. A. Yes, sir.

Q. At the time you went to get this order signed, you found Judge Sachs in the faro room. You are not prepared to say he was playing there. A. I have stated all I know.

Q. You don't know whether he was playing or not. A. He was sitting in front of the table, and the man behind the table was shuffling the cards.

Q. But whether he was there as a player or spectator, you do not know. A. I am not an expert on faro, and could not say.

Q. You are not an expert on faro. A. No, sir.

Q. And how long did you say you had lived in Port Townsend? A. About fourteen months.

Q. Then you have not lived there long enough to become thoroughly familiar with the game. A. Well, I have lived in countries where they probably play a great deal more faro than they do in Port Townsend; I have lived in mining countries and have seen the game played, where you had to see it played, whether you wanted to or not.

Q. You know nothing about what he was doing there? A. No, except that he was sitting at the table which was in front of him, and the man was shuffling the cards.

Q. You did not see him make any bets, pull in any chips, or anything of that kind? A. I did not.

Q. You say that when you told the judge you wanted to see him on business, he said he would go to the court house, and would be there in a few minutes. A. Yes, sir.

Q. This was not at a time when the court was in session with a jury, was it? A. It was very soon after adjournment for noon. I recollect that distinctly, because I wrote the order in a hurry and carried it to the court house, hoping to find him there, but he had gone and I went down town to try and find him before he went home. The noon recess had just been taken, I know; and somebody told me he had been seen just going into that room.

Q. It was not at a time when he would be expected to be at the court house, was it? A. No, it was at the noon recess.

Q. How long a recess was generally taken at noon? A. Generally from 12 to 2 o'clock.

Q. And this happened before 2 o'clock and after 12? A. This was between 12 and 1 o'clock, according to my best recollection.

Q. Your order was duly signed there at the court house, was it not? A. It was.

Q. You spoke of this happening during a term of court. Do you mean a time when a jury was in attendance, or a term when the judge was sitting trying cases that could be disposed of without a jury—equity cases and cases of that character? A. I am not able to say now, whether a jury was in attendance or not; I don't think it was a term when a jury was there; I think a jury had been discharged; that is my recollection.

Q. Do you not remember that Judge Sachs was going away to Port Angeles that afternoon on business, and that the jury had been discharged? A. I remember the reason I went in there. The gentleman who told me he was in there, or someone else had told me, that he was expecting to go away that afternoon to Port Angeles, and I wanted that order signed before he went.

Q. Then, are you not mistaken in your statement, that court was to convene again that afternoon? A. I did not say that it was.

Q. As a matter of fact court had adjourned for the day and the judge was going away that afternoon. A. I was so informed, and that is the reason I hurried up so with my order.

Q. Then it was not in the intermission between the forenoon and afternoon sessions of the court that this occurred, but it was after the court had adjourned for the day. A. I do not know as to that.

Q. Is not that your best recollection now, that you have had time to consider it, your best impression? A. I am not able to say that I have any impression about that matter.

Q. This was in November of 1890? A. According to my best recollection, it was.

Q. Judge Sachs has usually been present there in court during the proper times for holding court, has he not, discharging his duties as a judge? A. At times when I had business there he was there; I am not often in the court room except when I have business there.

Q. Whenever you have had business in the court room he was always there during business hours. A. Yes, sir; when I had business there.

COL HAINES: That is all.

(Re-direct Examination.)

By JUDGE PARSONS: Q. My brother Haines asked you if there was a division of sentiment over there between the members of the bar and the bar association of Port Townsend on the subject of the removal of Judge Sachs from his office. State whether or not there is any division of sentiment over there as to fitness of a man who is a common gambler to fill a high judicial office. A. I do not believe I have ever heard that question discussed, except indirectly.

Q. You have never heard anybody say whether they thought that was the kind of man for judge or not. A. Oh, yes; I presume I have heard that discussed; I have heard many people talk about that, and I could not remember distinctly whether they were members of the bar or not, or, in fact, any specific one man who has said that.

Q. State whether it has been said there all the time that Judge Sachs was an habitual frequenter of the public gambling houses of that place. A. I do not remember that I ever heard anything about Judge Sachs being an habitual frequenter of gambling houses in that place until about the time or after the time that he signed that order for me.

Q. Then you did hear about it. A. I suppose it was because I didn't frequent such places myself, and I have no acquaintance with people who do, as a general rule.

JUDGE PARSONS: That is all.

(Re-direct Examination.)

By COLONEL HAINES: Q. You have heard discussions in regard to these proceedings for the removal of Judge Sachs. A. Oh, certainly.

Q. There is quite a division of the opinion of the people as well as the lawyers on that subject, is there not? A. Yes, sir.

COLONEL HAINES: That is all.

SENATOR THOMPSON (G. T.): Mr. President, I desire to ask a question. (Cries of "Object, object.")

THE PRESIDENT: The house will maintain order. If the senator wishes to speak, a motion will be entertained by the chair allowing him to do so providing a majority of the house consents.

SENATOR THOMPSON (G. T.): Mr. President, I desire the permission of the house to ask the witness a question or two.

THE PRESIDENT: If the chair hears no objection the gentleman will have permission. The chair hears none; the gentleman may proceed.

SENATOR THOMPSON (G. T.): I want to ask you if you were not a candidate last winter against a lady from Walla Walla county for enrolling clerk?

(Cries of "Object, object.")

SENATOR THOMPSON (G. T.): I will not ask you that question then. Where did you reside before you came to the State of Washington?

WITNESS: San Francisco.

SENATOR THOMPSON (G. T.): And did you not reside in Virginia City, Nevada? A. For a year, I did.

SENATOR THOMPSON (G. T.): And still you are not familiar with the game of faro? A. Well, I am not familiar as an expert. I am not an expert—not familiar with the playing of the game. I have seen tens of thousands of games of it played, I presume. A man living in that country in the mining regions for a quarter of a century must have seen it, whether he wanted to or not.

SENATOR THOMPSON (G. T.): That is all, Mr. President.

MR. HUNSAKER: Mr. President, I move you, sir, that this joint convention do now adjourn until half past seven o'clock to-morrow evening.

SENATOR CLAYPOOL: Mr. President, if any one has been expert enough to keep the cases on these motions to reduce the time for examining witnesses and motions to adjourn and debates and so on, I think it might possibly be discovered that we waste time enough in those ways to examine two or three witnesses. So far as my personal observation goes, Mr. President, I think that among the younger members of this legislature, a great many of them are willing to occupy their time up to midnight in playing whist; and I have to say to the older members of this convention that it would be better for them, to say to them, to be grand old men and sit up all night if the interests of the state demanded; and to the young men I have to say, that they might better be here than playing whist. Mr. President, I hope the motion will not prevail.

SENATOR THOMPSON (G. T.): Mr. President, I heartily second the sentiment of the gentleman from Pierce county. I believe we ought to proceed and finish this matter now.

MR. TYLER: I rise to a point of order, Mr. President.

THE PRESIDENT: The gentleman from Pierce (Mr. Tyler) will state his point of order.

MR. TYLER: The point of order is, that the question raised is not debatable.

THE PRESIDENT: The chair will rule that the motion is debatable to a certain extent; so far as relates to the time, it is debatable. The senator will confine his remarks to the time.

Motion put, and declared lost without division.

TESTIMONY OF ANDREW WEYMOUTH.

Mr. ANDREW WEYMOUTH, a witness called on behalf of the prosecution, after being duly sworn by the president, testifies as follows:

Questions by MR. PARSONS: Q. Mr. Weymouth, will you please give the reporter your full name? A. Andrew Weymouth.

Q. Where do you reside? A. Port Townsend.

Q. How long have you lived there? A. About two years in the city.

Q. What has been your business? A. Blacksmith.

Q. Do you at this time fill any public position, and if so, what? A. I am one of the county commissioners.

Q. Chairman of the board. A. I am.

Q. Have you heard of these different gambling houses that have been spoken of by the witnesses, and do you know their location? A. I know them.

Q. What knowledge, if any, have you of Judge Sachs visiting any of these places since his election to the office of judge? A. I have seen him in one, I believe.

Q. Which one? A. Reception.

Q. How long ago? A. I think, two or three or four months ago.

Q. What was he doing there? A. He was sitting at the table there.

Q. What was going on at the table? A. I think there was gambling.

Q. What kind? A. Faro.

Q. What was upon the table in the way of money or checks? A. Mostly chips, I think.

Q. Did you stay long enough to see what the Judge was doing? A. I stayed there about five or ten minutes.

Q. What was he doing? A. I think he had some checks, betting them.

(*Cross-examination.*)

Questions by MR. HAINES: Q. Mr. Weymouth, you are chairman of the board of the county commissioners of that county. A. Yes, sir.

Q. How long have you occupied that position? A. About two years; this is the second term.

Q. How long have you resided in that county? A. I have been there two or three years, I think.

Q. How long have you known Judge Sachs? A. Ever since he has been in the country—in Port Townsend.

Q. When was it you say you saw him in a gambling house? A. I do not recollect; I think it was three or four months ago.

Q. That is the only time. A. I think that is the only time I ever seen him in there.

Q. You say some other people were there, and you did not pay much attention to what was going on. A. Yes, sir.

Q. The fact of his having been there in a gambling house has not interfered, so far as you know, with a proper and efficient discharge of his duties as Judge. A. I think not; not as far as I know.

Q. Since these proceedings have been commenced, there has been some little discussion down there in regard to Judge Sachs. A. Yes, sir.

Q. Now, is it not a fact, Mr. Weymouth, that a majority of the business men and the solid citizens of that county are in favor of his retention in office? A. Well, I don't know really, I could not tell; there is quite a number, I know.

Q. The sentiment is very strong in favor of his retention in office, among the oldest, best and most substantial citizens of Port Townsend, is it not? A. Well, there is quite a number; I could not tell whether a majority.

Q. It is very strong among that class? A. I think it is.

(*Re-direct Examination.*)

Questions by MR. PARSONS: Q. Do you know what use they were to make of him upon the bench? A. I do not know.

Q. Do you know how many of the cases before him have been decided in their favor? A. No, sir.

Q. Do you know how many of them have had cases before him in which it has been objected that he ought not to obtain jurisdiction because of relationship? A. I don't know anything about the causes.

Q. Do you know a number of persons there spoken of as the big five?

A. Well, I have heard them spoken of; I do not know who they are, all of them.

Q. Wont you name some of them? A. I have heard the big five mentioned, but I do not know who they are.

Q. Are they spoken of as a syndicate? A. I do not know that I ever heard the big five mentioned; I do not know who they mean or what they mean.

Q. Do you know that these are the solid men that my brother Haines spoke of that are in favor of keeping Judge Sachs upon the bench? A. I do not know them.

Q. Do you know who are spoken of as the Eisenbies syndicate? A. I know there is Eisenbies, I don't know all.

Q. Name those you know. A. I think there is Robert Hill, Jackman and Eisenbies.

Q. How many of them are in the First National Bank over there? A. I guess Robert Hill is the only one.

Q. Is there any body else that belongs to that syndicate or who is spoken of in connection with the national bank? A. I do not know whether Mr. Landes belongs to that or not.

Q. Are these the persons you had in your mind in answering Judge Haines as to the strong sentiment that the solid men had? A. No, I didn't mean those men especially.

(Re-cross Examination.)

Questions by MR. HAINES: Q. The gentlemen whom you have mentioned are among the oldest residents in that county, are they not? A. Some—most of them, I think.

Q. You named four or five gentlemen. A. Yes, sir.

Q. How long has Robert Hill lived in that county? A. I think he has been there seven or eight years—maybe ten.

Q. How long has he lived in Island county, the adjoining county? A. I think he must have lived there ten or fifteen years.

Q. He is one of the most prominent men in the county, is he not? A. He is one of the very prominent men.

Q. And all these gentlemen are among the leading men in that county? A. I think they are.

Q. And their reputation is of the very best, is it not, in that county? A. I think so.

Q. Both for honesty and everything that goes to make a good citizen. A. We consider them so.

Q. And they have the respect of their neighbors. A. Yes, sir.

Q. Now, a question was asked you in regard to a number of people having cases before Judge Sachs, and whether or not objections were made on account of his being related to them. Do you know how many relatives Judge Sachs has in the county of Jefferson? A. There is only one that I know of.

Q. Who is that? A. Henry Landes.

Q. That is the only one you know of. A. Yes, sir; except his wife.

Questions by MR. PARSONS: Q. What relation is Henry Landes to the First National Bank?

MR. WINSTON: What relation is he to what?

Q. What position does he occupy in the First National Bank over there? A. President.

Q. What position has Mr. Hill in that bank? A. I don't know; he may be vice president; I don't know whether he is or not.

Q. What position has Mr. Eisenbies with respect to that bank? A. He may be a director for all I know; I don't know whether he is or not.

Q. And Mr. Kuhn. A. I think Mr. Kuhn is a director.

Q. And Mr. Jackman. A. I don't know whether he is or not.

Q. Now, you have heard, have you not, that Judge Sachs has been requested to decline to entertain jurisdiction in cases in which that bank was a party? A. I have heard so.

Q. You have heard that he refused to do it, have you not? A. I do not recollect.

Q. You recollect you have heard that he declined to do it. Now, putting these two things together, does it seem very strange to you that they should desire to retain him on the bench? A. I do not know.

Questions by MR. HAINES: Q. You were asked about Mr. Eisenbies being connected with the First National Bank. Is it not a fact that Eisenbies is President of the Merchants' Bank at Port Townsend? Q. I think he is president of that bank.

Q. And is not Mr. Kuhn President of the Commercial Bank at Port Townsend? A. I think he is.

Testimony of witness closed.

TESTIMONY OF WARREN I. HASTINGS.

WARREN I. HASTINGS, a witness called on behalf of the prosecution, after being duly sworn by the president, testifies as follows:

Questions by MR. PARSONS: Q. Where do you live? A. Port Townsend.

Q. How long have you lived there? A. With the exception of six years at college, I have lived there for the last twenty-eight years.

Q. What business, if any, are you in? A. I am an attorney by profession, although I am not in actual practice.

Q. How long have you known Judge Sachs? A. I think for the last four years.

Q. Have you heard the different gambling houses spoken of here by the witnesses? A. I have.

Q. State whether you have seen him in any of these places. A. To the best of my knowledge, but probably twice or three times to the outside.

Q. And in which one or ones of them? A. I have seen him in the Reception.

Q. What was he doing? A. One of the times at least he was playing faro.

Q. When was that? A. Some time last summer.

Q. How was he betting—money or checks? A. At this time he was betting money.

Q. Do you remember the amount of his bets? A. I saw upon the card a \$100 bill. By hearsay—

MR. HAINES: We object, Mr. President, to hearsay. If there is anybody that knows anything about this we want the witness on the witness stand.

WITNESS: I saw upon the card a hundred-dollar bill.

Q. Where was Judge Sachs? A. He was standing at the table.

Q. Now, when you speak of hearsay, do you mean what was said then and there, or at some other time? A. Right then and there.

Q. What did you hear said right then and there? A. I asked how much was being played—a hundred dollar bill created some surprise in my mind on a single card—and the answer was “two dollars and a half.”

Q. Do you know anything about who put that bill there? A. The judge put it there.

Q. How long did you stay there at that time? A. I presume about five minutes.

Q. State whether you found him there when you came there, and left him there when you left there. A. Yes, he was there when I came in and when I went out.

Q. How many persons were there? A. It would be hard to say. I should imagine there were between six and a dozen.

(Cross-examination.)

Questions by MR. HAINES: Q. How long have you been an attorney, Warren? A. Since June, 1887.

Q. How many cases have you ever tried in that time? A. Several.

Q. How many? A. I don't know. Probably you are aware that I have not practiced for two years. I was only in active practice one year.

Q. How many cases did you try that year? A. Impossible to say.

Q. Did you ever try a contested case in the district or superior courts? A. I believe I have.

Q. How many contested cases have you tried? A. I have had my hand in two or three of them, sir.

Q. When did you become a member of the Port Townsend bar? A. Shortly after returning from California. I think some time the first term of court after June—probably in the September or October term, 1887, I was admitted to practice.

Q. Was there any bar association at that time? A. Not that I know of, although I think they tried to form one shortly afterwards.

Q. When did you become a member of the bar association? A. Which is in existence at present?

Q. That is the only one I ever heard of. A. I suppose a month or six weeks ago.

Q. Since the legislature convened? A. I think it is.

Q. When was it you saw Judge Sachs in the Reception saloon? A. I think some time last summer. I cannot remember the date.

Q. What was your business in there at that time? A. My business in there was simply curiosity.

Q. You had never been there before? A. Oh, yes, I have been there before.

Testimony of witness closed.

TESTIMONY OF JOHN A. VAN BOCKLIN.

JOHN A. VAN BOCKLIN, being called and sworn, testified:

(Direct Examination).

By JUDGE PARSONS: Q. Mr. Van Bocklin, give the reporters your full name, if you please. A. John A. Van Bocklin.

Q. Where do you reside? A. At Port Townsend.

Q. How long have you lived there? A. Twenty-six years.

Q. You are among the oldest settlers there, are you not? A. Yes; I was born there.

Q. How long have you known Judge Sachs? A. Ever since he has been there.

Q. Do you know the places spoken of as the Silver Safe, Reception and Townsend? A. Yes, sir.

Q. State whether you have any knowledge of Judge Sachs visiting these places at any time since he was elected judge, and if so, what knowledge have you of his visiting, the first one, the Silver Safe? A. I have seen him in the Silver Safe.

Q. About when? A. Well, I should judge about—oh, I have seen him there so many times, I do not know exactly.

Q. Well, sum up and get at it, and tell us about the first time you saw him there, that you can recollect. A. Oh, I seen him there about—well, the first time I seen him there was when the place opened, I guess.

Q. He started in at the beginning. A. Yes, sir.

Q. And how about his visiting the place until it closed, or moved, if this was the place that did move; I believe it is not. A. Well, I don't believe this one moved.

Q. State how frequently, as near as you can recollect, from the time it first opened and since he has been judge, you have seen him there. A. Since he has been judge, I can swear I have seen him there not less than six times.

Q. What was he doing? A. Playing faro.

Q. About how many persons were present upon these different occasions, at the different places? A. Oh, there was the usual gang that hangs around the games.

Q. About how many, do you think? A. Two to three, to fifteen or twenty, about.

Q. All taking part? A. Some looking on; some playing.

Q. What class of persons were those at the Silver Safe? I am talking about that resort now. A. Well, they were men.

Q. Well, I will ask you what kind of folks were there? A. Well, I have seen Chinamen in there, and I have seen white men in there.

Q. State what kind of men were in there when Judge Sachs was in there playing. A. White men.

Q. What about the others? A. I would not swear that I have seen any Chinamen in there when he was in there.

Q. About how heavy was he betting? A. I could not say as to that; he was betting chips there.

Q. And how long did you usually see him stay there? A. Stayed as long as I was there; sometimes I would go in there two minutes or five minutes.

Q. State whether you found him there when you went in and left him there. A. Yes, sir.

Q. Now, you may go to the Reception and tell us what you know about that since he has been judge. A. I have seen him in there.

Q. How many times? A. I have seen him in there certainly not less than ten times.

Q. During what period of time? A. Since he has been judge.

Q. What was he doing there? A. Playing faro and looking on.

Q. Do you know anything how heavy he was playing there? A. No, sir.

Q. About when was the last time you saw him there, at the Reception? A. I think it was in July or August.

Q. Do you know Mr. Malloy? A. Yes, sir.

Q. Do you now remember when he left, if at all, the Reception and went over to the Townsend? A. I do not. I left Port Townsend and was east for about two months, and when I came back he was running the Townsend.

Q. What do you say about Judge Sachs being there? A. I have seen him there.

Q. About how many times? A. Well, I have seen him there not less than a dozen times.

Q. What was he doing upon each of these occasions when you saw him there? A. Well, I have seen him there playing faro and keeping cases.

Q. Now, do you know whether when he was keeping cases he was also betting, or if he was only keeping cases for other folks? A. Well, I believe the casekeeper keeps the cases for everybody that plays at the game.

Q. Well, what is the special business of a man who is called the casekeeper at the game of faro? A. Well, I do not know; I have never played faro in my life.

Q. How many times did you see him keeping cases there? A. I can only swear to once; that is all that I can swear positively to.

Q. You saw him betting on these occasions. A. Yes, sir.

Q. As many as a dozen at that place. A. Yes, sir; at the Townsend, as many as a dozen times.

JUDGE PARSONS: That is all.

(Cross-examination.)

By COL. HAINES: Q. Mr. Van Bocklin, how long have you been in Olympia? A. I think I came up here on last Monday, on the boat.

Q. Were you here during the senatorial election? A. Yes, sir.

Q. Were you in this room at the time that the nominations were made in the House? A. Yes, sir.

Q. Are you the gentleman who, when Representative Anderson nominated Hon. Thos. Carroll, stood in the lobby and called out "rats"? A. Yes, sir, I am.

Q. You have lived in Port Townsend for some time, have you not? A. Yes, sir; I have lived there, off and on, for twenty-six years.

Q. How many of these years have you been in the habit of going into gambling houses? A. Well, I could not say; I have went in and out of them a good many years.

Q. Of course you went in and you must have come out, because you are here; but I want to know how long you have been in the habit of going in and out—how many years have you kept that up? A. Oh, about three years, I guess, I have kept that up.

Q. How old are you now? A. Twenty-six years old.

Q. You have been going in and out for twenty-three years in Port Townsend and never played faro? A. I did not say I have been going in and out for twenty-three years.

Q. I beg your pardon; I meant to say since you were twenty-three years old and you never yet have played faro? A. No, sir.

Q. Or any other game? A. No, sir.

Q. What did you go in and out of these houses so frequently for if you didn't play? A. Just to pass away the time. I don't suppose that I stayed in there more than a couple minutes at a time.

Q. What is your business? A. Machinist by trade.

Q. How long since you worked at your trade? A. Two years last January.

Q. When was the last time you saw Judge Sachs at the Silver Safe?

A. Well, it was in the fore part of last year, 1890, some time.

Q. Have you seen him there since the latter part of December, 1890? A. No, sir.

Q. You said the fore part of last year? A. Yes, sir.

Q. And the usual gang were there at that time? A. Yes, sir; there were prize fighters, and the judge and Chinamen—

Q. And yourself? A. And waiters and machinists.

Q. And you were there? A. Yes, sir.

Q. And you was one of the gang? A. Yes, sir.

Q. Now, when was the last time that you ever saw him at the Reception? A. About last July or August, some time there, I think.

Q. Will you swear you have ever seen Judge Sachs in the Silver Safe since he became judge? A. Yes, sir, I will.

Q. You are positive about that. A. Yes, sir, I am positive.

Q. What time did you say the last time was that you saw him at the Reception? A. About last July or August.

Q. Has the Silver Safe been running since Judge Sachs went on the bench. A. Yes, sir, it is running now.

Q. You are positive of that fact. A. Yes, sir.

Q. Now, in regard to the Townsend; when was the last time you saw him in the Townsend? A. I think I saw him there last Saturday night.

Q. You swear to that, do you? A. (no answer.)

Q. I mean in the gaming house. A. The last time I can swear to seeing him in the gambling house was November.

Q. Of last year? A. Yes, sir.

Q. When you say you saw him in the Townsend last Saturday night, you mean the saloon? A. Yes, sir, in the saloon.

Q. Now, Mr. Van Bocklin, do you feel friendly towards Judge Sachs? A. Well, I don't think I do.

Q. And you have not for some considerable period of time, have you?

A. Well, about three months, I should judge, about that.

Q. And you have been taking quite an active interest in this prosecution. A. No, sir.

Q. None at all? A. No, sir.

Q. Have you been doing any talking about it? A. Oh, I have done talking.

Q. And not in a friendly way about Judge Sachs. A. No, I don't believe it was in a friendly way to him.

JUDGE PARSONS: That is all.

COL. HAINES: That is all.

MR. WINSTON: Mr. President, I call your attention to the fact that it is now about 11 o'clock.

MR. PLUMMER: Mr. President, I would like to inquire if it is not possible for counsel on both sides to agree upon what witnesses may be excused of those who have already testified.

JUDGE PARSONS: Mr. President, I beg to say that this closes our evidence upon this branch of the case. And so far as we are concerned, Mr. President, any witnesses that have been sworn can be excused.

SENATOR THOMPSON (G. T.): On behalf of a long-suffering community I rise to thank the gentleman from Tacoma for closing his case.

JUDGE PARSONS: Mr. President, when I say this branch of the case, I mean the gambling branch of it, of course.

COL. HAINES: Mr. President, if I may be permitted to reply to the gentleman from Jefferson county (Mr. Plummer), I will say that so far as we are concerned, we will consent to excuse all and any of the witnesses who have already been sworn and have testified.

THE PRESIDENT: Those witnesses who have testified are excused from further attendance by consent of the counsel on both sides.

SENATOR CLAYPOOL: I move you, Mr. President, that this joint convention do now arise until 7:30 o'clock to-morrow evening.

Motion seconded; stated by the chair, and unanimously carried by the votes of the members of the joint convention.

OLYMPIA, WASHINGTON, February 27, 1891.

The Senate entered the bar of the House in a body at the hour of 7:45 P. M.

The president took the chair and called the joint convention to order.

THE PRESIDENT: The secretary will call the roll of the Senate.

The secretary called the roll and twenty-six senators answered to their names.

THE PRESIDENT: The chief clerk will call the roll of the House.

The chief clerk called the roll of the House and seventy-two members answered to their names.

THE PRESIDENT: The clerk will read the journal.

The chief clerk commenced the reading of the journal.

MR. CLAYPOOL: I move that the rules be suspended, the reading of the journal dispensed with, and the same stand approved.

Motion seconded. Motion stated by the chair and carried.

THE PRESIDENT: The chair has been informed that a witness subpoenaed on the part of the defense, one W. A. Malloy, has been reported by the sergeant-at-arms as lost, killed or missing, and has been excused by the attorneys of the defense from attendance. Is the prosecution ready to proceed?

MR. PARSONS: Yes, sir, Mr. President. I offer in evidence a certified copy of section one —

MR. WINSTON: Will you wait one moment, if you please? In order to facilitate the trial I desire to proffer a request that the stenographers, in order to facilitate the trial and the preparation of the case for argument by the respective counsel, be instructed to furnish us with a copy of their daily report of the testimony, so that we will not delay the proceeding on the ground that we have not had time to read over the evidence.

MR. THOMPSON (G. T.): I move that the suggestion of the gentleman in behalf of the defense and prosecution be complied with.

MR. PARSONS: May I ask whether that request includes the prosecution?

THE PRESIDENT: If there is no objection it will be so understood and stated in the motion.

Motion stated by the chair.

MR. DE STEIGUER: I would like to ask if this question was not voted on last night? I think the sentiment of last night was against it. I doubt if it will be possible, day by day, to have all of this evidence transcribed. It is a right which I believe I have never seen granted in any court, and I do not see why that rule should be varied here.

Motion stated by the chair. Vote had; division called for.

On the divisional vote forty-one members voted aye and thirty-six no, and the motion was announced as carried.

MR. PARSONS: I offer in evidence a certified copy of section one of "An act to prevent and punish gambling," approved November 14, 1879.

Mr. WINSTON: While we do not see any necessity of proving what is the law of the land and contained in the statutes, we have no objection.

Paper received and filed by the clerk. The following is a copy of said paper:

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

I, Allen Weir, Secretary of the State of Washington, and custodian of the seal of said state, do hereby certify that I have carefully compared the attached instrument of writing, *i. e.*, section 1 of "An act to prevent and punish gambling," approved November 14, 1879, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original section.

In testimony whereof, I have hereunto set my hand and affixed the seal of said state, at Olympia, this 4th day of February, A. D. 1891.

[Seal.]

(Signed)

ALLEN WEIR, Secretary of State.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That each and every person who shall deal, play or carry on, open or cause to be opened, or who shall conduct, either as owner, proprietor, employe, whether for hire or not, any game of faro, monte, roulette, rouge et noir, lansquenet, rondo, vingt-un (or twenty-one), poker, draw-poker, brag, bluff, thaw, tan, or any banking, or any other game played with cards, dice or any other device, whether the same be played for money, checks, credits or any other representative of value, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500) and shall be imprisoned in the county jail until such fine and costs are paid: *Provided*, That such persons so convicted shall be imprisoned one day for every two dollars of such fine and costs: *And provided further*, That such imprisonment shall not exceed one year: *And still further provided*, That any one who shall carry on any chuck-a-luck, bunko, strap, sling, panel house, or any other swindling games, shall be guilty of a felony, and upon conviction shall be imprisoned in the penitentiary not exceeding five years for such offense.

Mr. PARSONS: I offer in evidence a certified copy of the record and pleadings in a cause in the superior court of Jefferson county, State of Washington, in which the First National Bank of Port Townsend was plaintiff and M. L. Nathanson defendant, it being No. 222 upon the docket of that court.

Papers handed to counsel for defendant.

Mr. WINSTON: If this is the judgment referred to in the charge as Max L. Nathanson, we have no objection.

Mr. PARSONS: That is the same.

Papers filed by the clerk.

The following is a copy of said papers:

IN THE SUPERIOR COURT, JEFFERSON COUNTY, STATE OF WASHINGTON.

FIRST NATIONAL BANK OF PORT TOWNSEND, Plaintiff,
vs.
M. L. NATHANSON, Defendant.

I, M. L. Nathanson, defendant in the above entitled action, do hereby confess judgment therein in favor of the First National Bank of Port Townsend, the plaintiff in said action, for the sum of thirteen hundred and thirteen dollars, and authorize judgment to be rendered therefor against me with legal interest thereon from date. This confession is for a debt justly due and owing the said plaintiff arising upon the following facts, to wit: One promissory note made, executed and delivered by me on the 10th day of December, 1889, for the sum of three hundred and fifty (350) dollars, payable on demand of the said plaintiff or order with interest at one per cent. per month; one promissory note made, exe-

cutted and delivered by me whereby I promised to pay for value received the sum of one hundred dollars, on demand, with interest at one per cent. per month; one promissory note made, executed and delivered by me on the 19th day of December, 1889, whereby I promised to pay to the plaintiff on demand, for value received, the sum of one hundred dollars with interest at one per cent. per month; another promissory note made, executed and delivered by me on the 18th day of January, 1890, whereby I promised to pay to the plaintiff or order the sum of five hundred dollars (\$500) on demand, for value received, with interest at one per cent. per month; and another promissory note made, executed and delivered on the 25th day of July, 1890, whereby I promised to pay to the said plaintiff or order the sum of two hundred and fifty (250) dollars, on demand, with interest at one per cent. per month, amounting in all to the said sum of thirteen hundred and thirteen dollars.

M. L. NATHANSON.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

M. L. Nathanson, being by me first duly sworn, deposes and says, I am the person who signed the above statement and I am indebted to the said First National Bank in the sum of thirteen hundred and thirteen dollars in said statement mentioned, and that the facts stated in the above confession and statement are true.

M. L. NATHANSON.

Subscribed and sworn to before me this 11th day of August, 1890.

W. F. FENNIMORE, Clerk.

By ROB. BILES, Deputy.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

I, W. F. Fennimore, clerk of the superior court in and for the county of Jefferson, State of Washington, holding terms at Port Townsend, do hereby certify that the above is a true copy of the original confession of judgment in: the above entitled action, as the same appears on file in my office.

Witness my hand and the seal of said court this 11th day of February, 1891.

W. F. FENNIMORE, Clerk.

Endorsed on back:

222.

IN THE SUPERIOR COURT, JEFFERSON COUNTY, STATE OF WASHINGTON.

FIRST NATIONAL BANK OF PORT TOWNSEND }
 VS. } Confession of Judgment.
 M. L. NATHANSON. }

Filed August 11, 1890.

W. F. FENNIMORE, Clerk.

By ROB. BILES, Deputy.

Upon reading and filing the within confession of judgment it is hereby ordered that judgment be entered for the amount confessed and costs.

Dated this 11th day of August, 1890.

MORRIS B. SACHS, Judge.

IN THE SUPERIOR COURT OF JEFFERSON COUNTY, STATE OF WASHINGTON.

FIRST NATIONAL BANK OF PORT TOWNSEND, Plaintiff, }
 VS. }
 M. L. NATHANSON, Defendant. }

In this cause the defendant, M. L. Nathanson, having come into court this 11th day of August, 1890, and having duly filed his confession of judgment, whereby he confesses that he is indebted to the plaintiff herein in the sum of thirteen hundred and thirteen dollars upon certain promissory notes herewith filed in court with said confession, wherefore, by reason of the law and the confession aforesaid, it is ordered, adjudged and decreed that the said First National Bank of Port Townsend, plaintiff, do have and recover of and from M. L. Nathanson, defendant, the sum of thirteen hundred and thirteen dollars, and interest at one per cent. per month from this date, and the further sum of ten per cent. of said sum of thirteen hundred and thirteen dollars as attorneys' fees, as provided in said notes, and the costs to be taxed.

MORRIS B. SACHS,

Judge of the Superior Court of Jefferson County, Washington.

Enter: Dated August 11, 1891.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

I, W. F. Fennimore, clerk of the superior court in and for the county of Jefferson, State of Washington, holding terms at Port Townsend, do hereby certify that the above is a true

copy of the original judgment entry in the above entitled action, as the same appears on file in my office.

Witness my hand and seal of said court this 11th day of February, 1891.

W. F. FENNIMORE, Clerk.

Judgment entry:

IN THE SUPERIOR COURT OF JEFFERSON COUNTY, STATE OF WASHINGTON.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

THE FIRST NATIONAL BANK OF PORT TOWNSEND, Plaintiff, }
 vs. } No. 222.—Execution.
 M. L. NATHANSON, Defendant.

The State of Washington, to the Sheriff of Jefferson County, greeting:

Whereas, The First National Bank of Port Townsend, has recovered judgment against M. L. Nathanson, in the Superior Court of Jefferson County, State of Washington, on the 11th day of August, A. D. 1890, for the sum of fourteen hundred and forty-four and 30-100 dollars, with interest at the rate of 10 per cent. per annum until paid, and costs of suit, amounting to five and 85-100 dollars.

Therefore, In the name of the State of Washington, you are hereby commanded forthwith to levy upon, seize and take into execution the personal property of the said M. L. Nathanson in your county, sufficient subject to execution to satisfy said judgment, interest and increased interest, costs and increased costs, and make sale thereof according to law; and if sufficient personal property cannot be found, then you are further commanded to make the amount of said judgment, interest and increased interest, costs and increased costs, out of said defendant's real property not exempt by law, and make return of this writ within sixty days from the date hereof. Herein fail not and have you then and there this writ.

Witness the Hon. Morris B. Sachs, Judge of the said superior court, the seal of said court, this 11th day of August, A. D. 1890.

[Seal.]

W. F. FENNIMORE, Clerk.

By ROB. BILES, Deputy Clerk.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

I, W. F. Fennimore, clerk of the superior court, in and for the county of Jefferson, State of Washington, holding terms at Port Townsend, do hereby certify that the above is a true copy of the original execution and sheriffs return in the above entitled cause as the same appears on file in my office.

Witness my hand and the seal of said court, this 11th day of February, 1890.

W. F. FENNIMORE, Clerk.

Endorsed on back:

No. 222.

IN THE SUPERIOR COURT OF JEFFERSON COUNTY.

FIRST NATIONAL BANK OF PORT TOWNSEND, }
 vs. } Execution.
 M. L. NATHANSON.

Judgment for.....	\$1,444 30
Interest at — per cent.....	_____
Increased interest.....	_____
Costs.....	5 85
Clerk's increased costs.....	_____
Sheriffs.....	_____

Returned and filed this 6th day of September, 1890.

W. F. FENNIMORE, Clerk.

By ROB. BILES, Deputy.

R. DELANTY, Sheriff.

By WM. J. JONES, DEPUTY.

Received August 11, 1890, 4:45 P. M.

Under the virtue of the execution hereunto attached and made part thereof, on the 11th day of August, 1890, I attached a sufficient amount of property belonging to the defendant therein, and on August 25th, 1890, sold the same at public auction after due notice as required by law, and which realized a sufficient amount to satisfy the judgment, costs and increased costs in said execution hereunto attached. Herewith I deliver

into the hands of the clerk of the superior court, the sum of fourteen hundred and fifty-two 65-100 dollars (\$1,452.65.)

September 6th, 1890.

RICHARD DELANTY, Sheriff of Jefferson County.
By WM. J. JONES, Deputy.

SHERIFF'S COSTS.

Cash paid taking inventory of stock, proportion.....	\$98 75
To keeper 15 days, \$4.....	60 00
Auctioneer's commission, proportion.....	48 08
Posting six notices.....	3 00
Copies.....	18 00
Sheriff's attendance on sale, 3 days.....	15 00
Keeping horse at stable.....	11 00
Locks for store room.....	5 50
Incidentals.....	5 00
Service this execution.....	1 00
Sheriff's 1 per cent.....	14 52

\$289 85

MR. PARSONS: I suppose Mr. President, it would be necessary to read these papers.

THE PRESIDENT: The clerk will read the papers as they are filed.
The papers read by the clerk.

MR. PARSONS: I offer in evidence a certified copy of the records in the case of William Nathanson against M. L. Nathanson in the superior court of Jefferson county, State of Washington, being cause No. 223 on that docket.

Papers handed to counsel for defendant.

MR. HAINES: The case mentioned in the charge is Max Nathanson and this is M. L. Nathanson. If this is the same judgment referred to in the charges, we have no objection.

MR. PARSONS: I believe it to be the same, Mr. President. Now, I think I can shorten this very much if I may be permitted to call attention to each paper and state their dates and what they are. The first is a confession of judgment, on the 11th day of August, 1890, in the usual form of confession.

MR. HAINES: I think we would like to have that paper read. I do not think we will need to have the other papers read.

MR. PARSONS: I will have that read, then, with the endorsement of the clerk on the back.

Paper read by the clerk.

MR. PARSONS: The execution issued in this case August 11, 1890. The Honorable Morris B. Sachs discharged the return of execution by Richard DeLanty, sheriff of Jefferson county, by William J. Jones, deputy, dated September 8, 1890. I do not care to read that unless you desire it done, either the execution or the return.

MR. HAINES: You do not claim that Judge Sachs signed the execution do you?

MR. PARSONS: Oh, no. I offer to read a judgment in the same case, dated on the 1st day of September, 1890, with the return of the sheriff. I will read none of these papers unless you desire it.

Papers received and filed.

The following is a copy of said papers:

IN THE SUPERIOR COURT, JEFFERSON COUNTY, STATE OF WASHINGTON.

WILLIAM NATHANSON, Plff., }
 vs. }
 M. L. NATHANSON, Deft. }

I, M. L. Nathanson, defendant in the above entitled action, do hereby confess judgment therein in favor of the said William Nathanson, plaintiff in said action, for the sum of twenty-nine hundred and sixteen dollars and sixty-six cents, and authorizes judgment to be rendered therefor against me with legal interest thereon from date. This confession of judgment is for a debt justly due and owing the said plaintiff arising upon the following facts, to wit: One promissory note, made and executed and delivered by me on the 10th day of December, 1888, whereby I promised to pay to the order of said plaintiff in one year from date, the sum of twenty-five hundred dollars for value received, that is, work and services performed by the said plaintiff, with interest at the rate of ten per cent. per annum until paid, amounting in all to the said sum of twenty-nine hundred and sixteen dollars and sixty-six cents.

M. L. NATHANSON.

STATE OF WASHINGTON, COUNTY OF JEFFERSON.

M. L. Nathanson, being by me first duly sworn, deposes and says: I am the person who signed the above statement, and I am indebted to the said William Nathanson in the sum of twenty-nine hundred and sixteen dollars and sixty-six cents in said statement mentioned, and that the facts in the above confession and statement are true.

M. L. NATHANSON.

Subscribed and sworn to before me this 11th day of August, 1890.

W. F. FENNIMORE, Clerk.
 By ROB. BILES, Deputy.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

I, W. F. Fennimore, clerk of the superior court in and for the county of Jefferson, State of Washington, holding terms at Port Townsend, do hereby certify that the above is a true copy of the original confession of judgment and judgment entry in the above cause, as the same appears on file in my office.

Witness my hand and the seal of said court this 11th day of February, 1891.

[Seal.]

(Signed) W. F. FENNIMORE.

The following is endorsed on the back:

223.

IN THE SUPERIOR COURT, JEFFERSON COUNTY, STATE OF WASHINGTON.

WILLIAM NATHANSON }
 vs. } Confession of judgment.
 M. L. NATHANSON. }

Filed August 11, 1890.

W. F. FENNIMORE, Clerk.
 By ROB. BILES, Deputy.

Upon reading and filing the within confession, it is hereby ordered that judgment be entered for the amount confessed.

MORRIS B. SACHS, Judge.

Dated August 11, 1890.

Under and by virtue of a certain execution, bearing date August 11, 1890, issued out of the superior court of Jefferson county, Washington, wherein William Nathanson was plaintiff and M. L. Nathanson defendant, a copy of which I hereunto attach and make a part thereof, marked exhibit "A," I levied upon certain goods and wares the property of the said M. L. Nathanson, subject, however, to a certain execution, No. 6832, issued out of the superior court of King county, Washington, wherein John L. Murphy was plaintiff and Max L. Nathanson was defendant, dated August 4, 1890, which judgment there, of costs and increased costs, aggregated \$215.13, and subject to the levy of the First National Bank of Port Townsend vs. M. L. Nathanson, dated August 11, 1890, issued out of the superior court of Jefferson county, Washington, which amount of judgment thereof and costs and increased costs aggregated \$1,742.50, after due notice I offered the said goods and

wares for sale at public auction, to the highest bidder for cash, on August 25, 1890, and from said sale I realized the sum of \$3,844.02; after deducting the aforesaid sums due the said judgments named herein as being levied on the said stock, I have now on hand the sum of \$1,886.39, which amount, less the increased costs, is in my hands to be applied on the said execution wherein William Nathanson is plaintiff and M. L. Nathanson is defendant. On the 6th day of September, 1890, I was served with a notice of garnishee by the coroner of Jefferson county, Washington; and a copy of a writ of attachment, both copies of which I hereunto attach and make a part hereof, and mark the same as exhibits "B" and "C" respectively, in the cause entitled "George H. Wheaton, plaintiff, versus Max L. Nathanson and William Nathanson, partners, defendants." I retain the possession of said sum of \$1,886.39, less the increased costs, subject to the direction of the said superior court of Jefferson county, and would respectfully ask that said court issue an order relative to the proper disposition of the said sum of \$1,886.39, less the increased costs.

September 8, 1890.

RICHARD DELANTY, Sheriff of Jefferson County.

By WM. J. JONES, Deputy.

IN THE SUPERIOR COURT OF JEFFERSON COUNTY, STATE OF WASHINGTON.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

WILLIAM NATHANSON, Plaintiff, }
 vs. } No. 223—Execution.
 M. L. NATHANSON, Defendant. }

The State of Washington, to the Sheriff of Jefferson County:

Whereas, William Nathanson recovered judgment against M. L. Nathanson in the superior court of Jefferson county, State of Washington, on the 11th day of August, A. D. 1890, for the sum of thirty-one hundred and sixty-six and 60-100 dollars, with interest at the rate of ten per cent. per annum until paid, and costs of suit, amounting to five dollars.

Therefore, in the name of the State of Washington, you are hereby commanded forthwith to levy upon, seize and take into execution the personal property of the said M. L. Nathanson, in your county, sufficient, subject to execution, to satisfy said judgment, interest and increased interest, costs and increased costs, and make sale thereof according to law; and if sufficient personal property cannot be found, then you are commanded to make the amount of said judgment, interests and increased interests, costs and increased costs, of the said defendant's real property, not exempt by law, and make return of this writ within sixty days of the date hereof. Herein fail not, and have you then and there this writ.

Witness Hon. Morris B. Sachs, judge of the said superior court, the seal of said court, this 11th day of August, A. D. 1890.

(Signed)

W. F. FENNIMORE, Clerk.

By ROB. BILES, Deputy Clerk.

[Seal.]

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

I, W. F. Fennimore, clerk of the superior court in and for the county of Jefferson, State of Washington, holding terms at Port Townsend, do hereby certify that the above is a true copy of the original execution and sheriff's return in above action, as the same appears on file in my office.

Witness my hand and the seal of said court, this 11th day of February, 1891.

[Seal.]

W. F. FENNIMORE, Clerk.

Endorsed on back:

No. 223.

IN THE SUPERIOR COURT OF JEFFERSON COUNTY.

WILLIAM NATHANSON, }
 vs. } Execution.
 M. L. NATHANSON. }

Judgment, \$3,166; costs, \$5. Returned and filed this 15th day of September, A. D. 1890.

W. F. FENNIMORE, Clerk.

By ROB. BILES, Deputy.

Received August 11, 1890, 5 P. M.

(Signed)

R. DELANTY, Sheriff.

By WM. J. JONES.

Return on execution:

The execution hereunto attached and made a part hereof, came into my hands on August 11, 1890. In pursuance thereof I personally levied upon the goods and chattels of M. L. Nathanson, the defendant, and after due and legal notice I sold the said goods and chattels at public auction, to the highest bidder, for cash: subject, however, to the execution number 6,832, issued out of the superior court of Jefferson county, wherein John H. Murphy vs. M. L. Nathanson, judgment, costs and increased costs; and the cause wherein the First National Bank of Port Townsend was plaintiff, and M. L. Nathanson was defendant, issued out of the superior court of Jefferson county, judgment, costs and increased costs, and after deducting the same from the amount realized from the said sale, herewith I deliver into the hands of the clerk of the superior court of Jefferson the sum of \$1,749.49.

Witness my hand this 15th day of September, 1890.

(Signed) RICHARD DELANTY, Sheriff of Jefferson county.

By WM. J. JONES, Deputy.

COSTS.

Service.....	\$1 00
Six notices.....	6 00
Posting same.....	3 00
Keeper.....	15 00
Sheriff's per cent.....	18 86
Incidentals.....	4 50
Taking inventory.....	27 00
Auctioneer's per cent.....	34 50
Clerk of sale.....	15 00

\$136 86

Received \$1,749 from Richard Delanty, sheriff of said county.

(Signed) JOHN TRUMBULL, Attorney for Defendants.

MR. PARSONS: I offer in evidence the roll in the case of George H. Wheaton, plaintiff, against Max L. Nathanson and William Nathanson in the superior court of Jefferson county, and desire to read only the attachment levied upon the funds in the hands of the sheriff in the other case.

MR. HAINES: I object to the introduction in evidence of this paper. This seems to be a case which is not mentioned in the charges. It is the first time we have heard of the case, and we think it is immaterial. I do not know for what purpose it is offered, but certainly it is a matter of which we have had no notice, so far as the charges are concerned.

THE PRESIDENT: Do I understand counsel for defense object to the introduction of the paper?

MR. HAINES: We do object.

THE PRESIDENT: Under the rules, this is a question for the house to decide.

MR. PARSONS: May I be permitted to state for what purpose we offer those papers? It is not one of the cases mentioned in the articles. It is an action in which an attachment was issued and levied upon the funds by garnishment in the hands of the sheriff in one of the cases mentioned in the articles. We offer it for the purpose of showing that the defendant, as we claim, wrongfully dissolved the attachment that the money might be paid over into the hands of the bank.

MR. HAINES: May I be allowed to state our position in regard to this matter? It seems from the statement that this matter which is offered has nothing to do with the charges which have been formulated against the defendant. The respondent, in addition to being charged with gam-

bling, is charged with two other offenses, or rather what is claimed by the prosecution to constitute an offense—one being the rendering of a judgment in favor of the First National Bank, in which a relative of his was a stockholder, and the other the purchase at an execution sale of a certain amount of property, and giving his note for it, and importuning the attorney for the plaintiff not to press payment of the note. Now, there is nothing whatever in these charges in regard to this matter or in regard to the dissolution of the attachment, and we certainly insist that these cases cover ground enough, with the charges that are made here, without forcing the respondent to trial upon charges of which he has had no notice whatever. If this matter is gone into we certainly would be entitled to a specific charge and an opportunity to produce whatever witnesses that might be necessary to meet these new allegations. Now they claim that he should have dissolved the attachment or that he should not have dissolved it, I don't remember which.

MR. PARSONS: He dissolved when he should not have done so.

MR. HAINES: This is not an appeal court or a court of error for a review of the action of the judge of the court below. If Judge Sachs improperly dissolved that attachment the constitution and the laws of this state give the party aggrieved a remedy by appeal to the supreme court of the state, and it is certainly a matter of which this body has no jurisdiction. I imagine that if this joint convention were to sit here and review the erroneous acts of the judges of the superior courts throughout the state that they would have considerable business on hand which could not probably be transacted in a sixty days' session of the legislature, but apart from that we insist this is an injustice to the defendant, that this new charge should not be injected into this case when he has no opportunity to meet it and has no opportunity to prepare for it.

Motion stated by the chair; vote taken. The chair announced that the papers would be excluded.

MR. PARSONS: I offer in evidence a certified copy of the record in a case in the superior court of Jefferson county, Washington, entitled "The First National Bank of Port Townsend, plaintiff, against F. E. Jago and G. B. Niblock," being case No. 337 upon the docket of that court.

MR. HAINES: I would like to inquire of counsel if this is the same judgment referred to in the eighth charge.

MR. PARSONS: Yes, sir.

MR. HAINES: We have no objection to its introduction. I understand it is a confession of judgment. We would like to have that read, but do not care to have any of the other papers read.

The clerk read the papers, which were as follows:

IN THE SUPERIOR COURT OF JEFFERSON COUNTY, STATE OF WASHINGTON.

THE FIRST NATIONAL BANK OF PORT TOWNSEND, Plaintiff,	}
vs.	
F. E. JAGO and G. B. NIBLOCK, co-partners, doing business	}
under the firm name and style of Jago & Niblock, def't's.	

We, F. E. Jago and G. B. Niblock, co-partners under the firm name and style of Jago & Niblock, doing business in the city of Port Townsend, State of Washington, defendants in

the above entitled proceeding, do hereby confess judgment therein in favor of the First National Bank of the city of Port Townsend, the plaintiffs in this proceeding, for the sum of six thousand six hundred and twenty dollars, and authorize judgment to be rendered therefor against us with legal interest thereon from this date.

This confession of judgment is for a debt justly due and owing to the said plaintiff arising upon the following facts to wit: A certain promissory note in the words and figures following, to wit:

No. 2237.

PORT TOWNSEND, WASH., Jan. 3d, 1890.

On demand after date without grace, at 12 o'clock M., we jointly and severally promise to pay to the order of Henry Landes, at the First National Bank of Port Townsend, at its banking house in the city of Port Townsend, thirty-five hundred dollars, United States gold coin, value received with interest from date until paid at the rate of ten per cent. per annum, interest payable monthly, and if not so paid to become a part of the principal and bear like interest until paid, and further agreeing that if the same is not paid when due, and suit be brought to collect the same, to pay 10 per cent. on the sum due as attorneys fees.

\$3500.00.

JAGO & NIBLOCK.

Said note being executed and delivered by us to the said Henry Landes on the said 3d day of January, 1890, in consideration of the sum of thirty-five hundred dollars, then and there paid to us by the said Henry Landes as a loan, and that no part of said principal or interest has been paid by us save and except the interest up to the 3d day of November, 1890, and that there is now justly due upon said note the sum of thirty-five hundred and sixteen dollars, and ten per cent. on the same as attorney's fees for collection. That afterwards and before the making of this confession of judgment the said Henry Landes transferred this note by endorsement and delivery thereof to the First National Bank of Port Townsend, and the same is now the owner and holder thereof.

That by another certain promissory note, in the words and figures following, to wit:

No. 2098.

PORT TOWNSEND, WASHINGTON, April 21, 1890.

On demand after date without grace, at 12 o'clock M., we jointly and severally promise to pay to the order of the First National Bank of Port Townsend, at its banking house in the city of Port Townsend, five hundred dollars United States gold coin value received, with interest from date until paid at the rate of one per cent. per month, interest payable monthly, and if not so paid to become a part of the principal and bear like interest until paid, and further agreeing that if the same is not paid when due, and suit be brought to collect the same to pay 10 per cent. on the sum due as attorney's fees for collection.

\$500.

G. B. NIBLOCK,
JAGO & NIBLOCK.

Said note being executed and delivered by us to the said First National Bank of Port Townsend on the 21st day of April, 1890, in consideration of the sum of five hundred dollars in gold coin of the United States, to us paid, advanced and loaned by the said First National Bank on the said 21st day of April, 1890, and that the same nor any part thereof of the principal or interest has not been paid save and except the interest thereon up to the 21st day of November, 1890, and that there is now justly due on said note the sum of five hundred dollars and ten per cent. attorney's fees.

That by another certain promissory note, in the words and figures following, to wit:

No. 2126.

PORT TOWNSEND, WASHINGTON, May 12, 1890.

On demand after date without grace, at 12 o'clock M., we jointly and severally promise to pay to the order of the First National Bank of Port Townsend, at its banking house in the city of Port Townsend, two thousand dollars United States gold coin, value received, with interest from date until paid, at the rate of ten per cent. per annum, interest payable monthly, and if not so paid to become a part of the principal, and bear like interest until paid. And further agreeing that if the same is not paid when due, and suit be brought to collect the same, to pay ten per cent. on the sum due as attorney's fees for collection.

\$2,000.

JAGO & NIBLOCK.

Said note being executed and delivered by us to the said First National Bank of Port Townsend in consideration of the sum of two thousand dollars gold coin of the United States to us paid, advanced and loaned by the said First National Bank on the said 12th

day of May, 1890, and that the same nor any part thereof of the principal or interest has not been paid save and except the interest thereon up to the 12th day of November, 1890, and that there is now justly due on said note the sum of two thousand and four dollars and ten per cent. attorney's fee.

FRANK E. JAGO.
GEO. B. NIBLOCK.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

F. E. Jago and G. B. Niblock, being each for himself first duly sworn, deposes and says: We are the persons who compose the firm of Jago & Niblock, and who signed the above statement, and that we are indebted to the said First National Bank of Port Townsend in the sum of six thousand six hundred and twenty dollars in said statement mentioned, and that we believe the facts stated in the above confession and statement are true.

FRANK E. JAGO.
GEO. B. NIBLOCK.

Subscribed and sworn before me this 20th day of November, 1890.

W. F. FENNIMORE, Clerk.
By ROBT. BILES, Deputy.

On this 20th day of November, 1890, the foregoing statement and confession of judgment being presented in open court by John Trumbull, Esq., attorney for the plaintiff therein, and it appearing to the court that the same is sufficient, that it appears therefrom that the defendants are justly indebted to the plaintiff in the sum of six thousand and twenty dollars and the further sum of ten per cent. on said amount as attorney's fees.

It is hereby ordered that the clerk of this court will enter judgment in favor of the plaintiff and against the defendants, jointly and severally, for the sum of (6,020.00) six thousand and twenty dollars and ten per cent. on said amount as attorney's fees, as by statute in such cases made and provided.]

November 20th, 1890.

MORRIS B. SACHS,

Judge of the superior court of Jefferson county, Washington.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

I, W. F. Fennimore, clerk of the superior court in and for the county of Jefferson, state of Washington, holding terms at Port Townsend, do hereby certify that the above is a true copy of the original confession of judgment and order of the court in above cause as the same appears on file in my office.

Witness my hand and the seal of said court this 11th day of February, 1891.

[Seal.]

W. F. FENNIMORE, Clerk.

IN THE SUPERIOR COURT, JEFFERSON COUNTY, STATE OF WASHINGTON.

THE FIRST NATIONAL BANK OF PORT TOWNSEND, Plaintiff, }
vs. }
F. E. JAGO and G. B. NIBLOCK, co-partners doing business }
under the firm name and style of Jago & Niblock, Def't's. }

In this proceeding the statement and confession of judgment by the defendants F. E. Jago and G. B. Niblock, co-partners, having been duly presented in open court by Jno. Trumbull, Esq., attorney for the plaintiff herein, on the 20th day of November, 1890, and the court being advised in the premises finds the same to be sufficient and orders judgment to be entered herein as by statute in such cases made and provided.

Wherefore, by reason of the law and confession, and order aforesaid, it is ordered adjudged and decreed that the plaintiff, the First National Bank of Port Townsend, do have and recover of and from F. E. Jago and G. B. Niblock, co-partners, and from each of them the sum of six thousand six hundred and twenty dollars, with interest thereon at ten per cent. per annum until paid, and the further sum of ten per cent. on said amount as attorneys fees for collection and for the costs of these proceedings to be taxed by the clerk.

Enter. Morris B. Sachs, judge of the superior court of Jefferson county, Washington.

Dated November 20th, 1890.

STATE OF WASHINGTON, COUNTY OF JEFFERSON, SS.

I, W. F. Fennimore, clerk of the superior court in and for the county of Jefferson, State of Washington, holding terms at Port Townsend, do hereby certify that the above is a true copy of the original judgment entry in above cause as the same appears on file in my office.

Witness my hand and the seal of said court, this 11th day of February, 1891.

[Seal.]

W. F. FENNIMORE, Clerk.

The following is endorsed on the back:

337.

IN THE SUPERIOR COURT, JEFFERSON COUNTY, STATE OF WASHINGTON.

THE FIRST NATIONAL BANK OF PORT TOWNSEND }
 vs. } Confession of Judgment and Order of
 JAGO & NIBLOCK. } Court.

Filed November 20, 1890.

W. F. FENNIMORE, Clerk.
 By ROB. BILES, Deputy.

TESTIMONY OF WILLIAM J. JONES.

WM. J. JONES, a witness called on behalf of the prosecution after being duly sworn by the President, testified as follows:

Question by MR. PARSONS: Q. Where do you live? A. Port Townsend.

Q. How long have you lived there? A. About five years.

Q. State whether you have been at any time deputy sheriff of Jefferson county, and if so, when. A. I have been deputy sheriff for the last two years.

Q. Under who? A. Richard Delanty.

Q. I show you an execution attached to a case No. 223 of Nathanson against Nathanson, and ask you whether you ever saw the original, of which this is a certified copy. A. Yes, sir, I have; from the return I made with it at the time.

Q. You may state what you did under that execution. A. Well, sir, that execution came into the sheriff's office in August and sometime previous to that time, an execution was sent down from Seattle; an execution for about two hundred dollars which I went to Mr. Nathanson with, and told him of the execution and notified him I would make a levy there, but not take possession of the goods in order to give him an opportunity to pay off the judgment and costs. In a few days Trumbull gave me an execution entitled The First National Bank of Port Townsend against Max Nathanson. This was in the early part of August, and immediately thereafter at the same time handed to me an execution entitled William Nathanson against Max Nathanson. He notified me to levy execution in the case of the First National Bank against Nathanson first, and Nathanson versus Nathanson subject to that of the First National Bank, and I informed him they were both levied subject to the one received from Seattle. The executions were duly levied and after the goods were duly advertised, ten days I think, they were put up and sold at public auction to the highest bidders with the understanding that cash should be paid for the same.

Q. I show you a certified copy of an execution in a case in the superior court of Jefferson county entitled the First National Bank of Port Townsend against M. L. Nathanson, being No. 222 on the docket of that court, and ask if that is the execution referred to by you, as being the case of the First National Bank with your return. A. Yes, sir, that is a copy of the execution, I think.

Q. You may now proceed. A. Yes, sir, that is the execution. Well, sir, by virtue of these three executions, I have named each one subject to

the other except the last one, the goods were sold some time in the latter part of August or the first of September.

Q. You may now state what, if anything, this respondent Judge Sachs had to do at that sale, and what he did. A. Judge Sachs came there the same as other merchants and bidders did, and bid the goods in.

Q. To what amount? A. To the amount of five hundred and sixty odd dollars.

Q. State whether he paid the amount of his bid or not, and if he did not, what followed. A. No, sir, he did not pay the amount of his bid. It was customary, or is customary down there at execution sales of goods, for the sheriff to auction the goods off, and if any responsible person bids for them, to take his name down and when the sale is through, to present the bill and then collect the amount that is due for the goods, which was done in the case of Judge Sachs. He bought goods to the amount of five hundred and sixty dollars. The bill was presented next day, and he said that he did not have the money just then, but that he would give a note, and he gave his note for the amount payable to the order of the sheriff of Jefferson county.

Q. What was done with that note? A. He told me that the First National Bank of Port Townsend would receive it as collateral. I made up the return, went over and asked the First National Bank if they were satisfied to receive that note as cash, and if so I was ready to make the return, and to turn over to them the amount of the execution, provided they went to the clerk's office to receive it. I think Mr. Landes or Hill told me they would not receive it as cash. I came back to look for Judge Sachs, but could not find him. I went to Coleman, the deputy prosecuting attorney at that time, and asked him for his advice in regard to the matter, and he told me that the sheriff made a mistake in taking this note as cash, as the sheriff would be held directly responsible for the amount, and told me the best thing I could do was to get it turned into cash as soon as possible, or else the sheriff might get into some trouble about it; so I went back and saw Judge Sachs and told him about it. He said "that would be all right, it would be attended to that evening or immediately." I saw Trumbull and he told me—

MR. WINSTON: Who is Trumbull? A. He is the attorney for Max Nathanson and for Wm. Nathanson and the First National Bank.

Q. Well, what was finally done with the note and money? A. He told me that he would accept the note as cash in behalf of Wm. Nathanson, and instructed me to turn it over to the clerk, that he would receive it. In the meantime the sheriff had been garnisheed in a case entitled George H. Wheaton and others, I think, against Nathanson Bros., the party serving a garnishee on the sheriff.

MR. HAINES: We object to this testimony because it evidently refers to the same matter which this body decided a short time ago was irrelevant and immaterial in the case. This refers to a levy of an attachment in another case—the dissolution of the attachment referred to. We object to it because this is going over the same ground that this body has already decided to not go into that matter.

MR. PARSONS: I offer it for the purpose of showing what was done with the money or note received in the Nathanson case, and not for the purpose of going into any other case.

Question stated by the chair. The chair announced that the house decided by its vote that the question should be answered.

Q. State what was done with the money. A. As I said before, the Sheriff had been garnisheed and directed to make a return as to what money, notes or personal property he had in his possession at that time belonging to either one of the Nathansons—Max Nathanson or Wm. Nathanson. The sheriff had made his return to the coroner, as directed, stating that he had \$1,800—

MR. HAINES: If you have this return here I would like to have it read.

MR. PARSONS: Before the witness leaves the stand I will have it read.

A. That the sheriff had made return that he had eighteen hundred and eighty-six dollars in his possession at that time. The reason that I made the return as deputy sheriff, the reason I did that was under instructions from Sachs at that time. He told that it would be all right, so when I made the return I did not say anything about the note. I considered the 560-dollar note cash, and made the return accordingly.

Q. What finally became of the note and money? A. The case was set—I forget—for, I think, Monday morning at 11 o'clock, and it was decided at that time that the attachment should be dissolved. The sheriff, in the meantime, was to hold that money in abeyance until that order.

Q. Go right on. A. And at the time it was set for, I was in the sheriff's office and was instructed to appear in the court room; and I went in there and Judge Sachs gave a verbal order from the bench directing the sheriff to turn the money over to the plaintiff, Nathanson; and Mr. Trumbull was there, and I think Mr. Hays, also, was there; and Mr. Trumbull told me that he would accept the note as cash. I turned it in as cash to the clerk and he receipted for eighteen hundred and odd dollars, which included this note as cash, and Mr. Trumbull receipted for it to the deputy clerk.

MR. PARSONS: Who were there at the time this order was given to you by Judge Sachs to turn this money over to Trumbull or Nathanson? A. Judge Sachs, John Trumbull, Deputy Clerk Biles.

Q. State whether the attorneys claimed the money under the attachment. A. No, sir; the attorneys claimed the money as I understand it. Mr. Ballinger, Mr. Scott and Mr. Coleman; they were not there.

Q. How soon did you turn the money over? A. I turned it over within, I guess, five minutes after receiving the verbal order.

Q. Do you know how long that was after the attorneys who were engaged on the other side had left the court room before you received these orders to pay the money over to the other side? A. Well, I saw Ballinger there in the court room when I came around there in the morning, probably half an hour before that matter was reached.

Q. What direction did Mr. Trumbull give you as to this note or money; or what did he say about it? A. Mr. Trumbull?

Q. As attorney for one of the parties. A. He said to turn it in to the clerk of the court and he would accept it from the clerk of the court as cash.

Q. Did you ever have any conversation after that as to what became of the note?

MR. HAINES: We object to any conversation between the witness and Trumbull. Mr. Trumbull is a competent witness and can tell about it, but this is certainly hearsay evidence and should not be admitted to bind the defendant in this case unless he is present.

MR. PARSONS: The witness says he was attorney for one of the parties in that case; I do not wish to know any further than that.

The question on the objection was stated by the chair.

A division was called for and upon the divisional vote sixty-three members voted in the affirmative and twenty-three in the negative, and the question was permitted to be answered.

A. Yes, sir, I do.

Q. State what it was. A. Some time after that I spoke to Trumbull about some money matters a month or so after that, and Trumbull incidentally referred to the fact that he was somewhat embarrassed, and then the conversation touched upon the fact that the plaintiff made a pretty good fee out of these goods; that he did not make so much out of it. He said he did not get much out of it, so he told me about the note; he said the note was never paid. I asked how that was, and he said he could not collect it. I wanted to know why, and he said that the reason he could not collect it, was, he didn't like to have a row with Judge Sachs about it; he told me that the note had been destroyed.

(Cross-examination.)

By COLONEL HAINES: Q. Mr. Jones, how long have you resided in Port Townsend? A. About five years.

Q. How long have you been deputy sheriff? A. Two years.

Q. With whom had you this understanding that you say you had, that cash was to be paid for these goods? A. With Judge Sachs.

Q. At the time of the sale. A. No, sir, at the time that I took the bill there for him to settle for the goods, he said he was a little short of cash, but would have the cash in a day or so.

Q. It was customary with officers, and has been so since you have been deputy sheriff, to not insist upon cash at the time the goods are paid for; that is where the parties are well known, and known to be responsible. A. It is just as customary down there to have the goods paid for when taken out of the store.

Q. But the money need not be deposited that was paid. A. Not necessarily so when there are quite a number of bidders.

Q. What was the aggregate amount that the goods brought at that sale? A. About \$3800.

Q. Was Judge Sachs there at the beginning of the sale? A. He was there in the forenoon of the day it was begun, I think.

Q. How long did the sale continue? A. For about three days.

Q. Were the goods purchased by him the first day? A. I think they were purchased part on each of the three days, I would not be positive about that.

Q. How was bidding on the goods before Judge Sachs got there; was it slack, or lively? A. Well, I do not know that there was very much difference, that is, that there was very much material difference.

Q. It was a public sale. A. Yes, sir.

Q. It was regularly advertised. A. Yes, sir.

Q. And attended by quite a large number. A. Yes, sir.

Q. And was a fair sale. A. Well, in my estimation it was a fair sale, or else the goods would not have been sold.

Q. You were conducting it, were you? A. In the name of the sheriff, yes, sir.

Q. Who was selling the goods? A. Mr. Learned.

Q. He was a regular auctioneer, was he? A. He was at that time.

Q. Now, in whose name was these goods bought for Judge Sachs; in his own name or the name of some one else? A. Well, his own name was the only name I ever heard mentioned.

Q. Did you ever hear of the Port Angeles Mill and Lumber Co. mentioned in that transaction? A. I never heard of it until the other day in Port Townsend when I was called before the committee appointed by the legislature to go up there in that transaction.

Q. Did you take this note that Judge Sachs gave? A. Yes, sir.

Q. Did you examine it when you took it? A. Yes, sir.

Q. It was only signed by him? A. Yes, sir.

Q. You read that note? A. Yes, sir.

Q. And you have never heard of the Port Angeles Mill and Lumber Co. mentioned in that transaction, until the investigating committee were at Port Townsend? A. That is what I said.

Q. Look at the paper I now show you, and see if you ever saw it before. A. Yes, sir, I think I saw it before.

Q. Where did you see it? A. At Port Townsend.

Q. That is the note, is it not? A. Well, I do not think it is.

Q. Do you recognize any of the signatures that appear on that note? A. Yes, sir.

Q. What signatures do you recognize? A. That of M. B. Sachs.

Q. Is there any other?—look at the back. A. Yes, sir.

Q. Whose signature is that? A. The sheriff's.

Q. What is the sheriff's name? A. Richard Delanty.

Q. That is his signature, is it not? A. Yes, sir.

Q. And the note is payable to him? (No answer.)

Q. Can you tell by looking at that note whether it is payable to the sheriff or not? A. I will answer that question in just a minute.

Q. All right. A. Now what was your question?

Q. I asked whether that note was not payable to the sheriff— A. Yes, sir. Now I want to tell you where I saw that note first. I saw that note before the investigating committee in Port Townsend the other day.

Q. You never saw it before that time? A. Not to my knowledge. The

note that he gave me first, my impression is—and I have given it considerable study of late, since my attention was called to it by the committee—was given on a piece of legal cap.

Q. Now, sir, I would like to have you tell this body whether the note—that is the note Judge Sachs gave you. A. I told you I did not think it was.

Q. Will you swear that it is not? A. I do not think it is.

Q. I want you to put this on record here in regard to that matter, as to whether this is the note or not. A. If I thought it was the note, I would have told you so.

Q. If you thought it was the note, you would have told me so. A. Yes, sir; and if I thought it was not, I would tell you that, too.

Q. You think it is not the note. A. I do not think it is the note.

COL. HAINES: I would like to have the clerk read this paper, including the printed heading.

The note referred to was read by the clerk, and is in letters, words and figures, following, viz.:

RICHARD DELANTY, Sheriff.

WILLIAM J. JONES, Deputy.

JEFFERSON COUNTY. OFFICE OF THE SHERIFF. WASHINGTON TER.

PORT TOWNSEND, W. T. September 1, 1890.

On demand I promise to pay to the order of Richard Delanty, five hundred and sixty and fourteen one-hundredth dollars for value received.

THE PORT ANGELES MILL AND LUMBER CO.

Per M. B. SACHS, Secretary.

M. B. SACHS.

COLONEL HAINES: We would like to have that note considered in this case and before this body as a part of the testimony.

JUDGE PARSONS: We have no objections, whatever.

Note filed by the clerk.

COL. HAINES: Q. That is the letter head of the sheriff of Jefferson county, is it not? A. Yes, sir.

Q. And the name "William J. Jones, deputy," whose name appears on that head, is yourself. A. Yes, sir.

Q. That amount is given for \$560.14; is that the amount that Judge Sachs bid? A. Yes, I think that it is; it was five hundred and sixty odd dollars.

Q. Now, the note that you received was written on legal cap and not on the sheriff's letterhead? A. Well, as I told you before, I think it was written on legal cap; to the best of my recollections it was.

Q. You are positive it was not written on the sheriff's letterhead. A. I told you that I thought it was written on legal cap paper.

Q. Well, legal cap paper might have the sheriff's letter head on it. A. No, sir; there is no such paper.

Q. There is such an institution as this corporation whose name is signed there, is there not? A. I don't know that there is.

Q. You never heard of it before, did you? A. I heard of it at the time of the investigation.

Q. Don't you know that the corporation is doing business at Port Angeles? A. I do not know that it is.

Q. What became of those goods after they were delivered? A. I cannot tell you. Captain Horn of the steamer told me about a month ago—

Q. I am not asking you what Captain Horn told you; I am asking you what you know about it. A. I know the goods were taken out and brought to the steamer.

Q. What steamer? A. I don't remember the name of the steamer.

Q. Don't you know that these goods were boxed up, and did you not box them up or have them boxed up and sent to this Port Angeles Mill & Lumber Co. yourself? A. I know that I did not.

Q. And you do not know that they were sent up to Port Angeles—not all of them, but the bulk of them—about \$400 worth of them—to this mill company? A. I know that I did not.

Q. Does not the steamer that they sent them on run to Port Angeles? A. Yes, sir; a couple times a week or three times.

Q. And the goods were put aboard of the steamer. A. Well, they were taken out to the steamer and were being put aboard.

Q. Did you see the goods when they were going aboard? A. No, sir; I saw them when they were being hauled out there.

Q. Did you not see that they were marked to the Port Angeles Mill Co.? A. No, I did not see how they were marked.

Q. You testified that Mr. Trumbull told you that this note was destroyed. A. Yes, sir; he told me that the note was destroyed.

Q. Are you positive about that? A. I would not testify to it if I did not know it.

Q. I am very glad to hear that. Now, was anybody present when he told you that? A. No, sir; I think we were standing out in the courthouse door alone?

Q. Mr. Trumbull was acting as attorney for the First National Bank in this case. A. He told me he was acting for all the parties.

Q. These confessions of judgment was an amicable arrangement? A. I do not know anything about it.

Q. And both sides were represented by the same attorney? A. That is what Mr. Trumbull told me.

Q. And Mr. Trumbull told you that he would receive this note as cash on behalf of one of his clients? A. After it had been declined by the First National Bank; yes, sir.

Q. I did not ask you that, sir; I asked you if Mr. Trumbull did not accept that note as cash for one of his clients. Q. Yes, sir; he accepted it from the clerk as cash.

Q. And the clerk accepted it from the sheriff as cash? A. Yes, sir.

Q. And so far as the sheriff was concerned, and so far as Mr. Trumbull was concerned, and so far as the clerk was concerned, the note was accepted and treated as cash? A. Yes, sir; until that garnishment was made, and then I made a statement to Mr. Ballinger and Judge Scott that there was a note in their hands and then they had a new garnishee issued.

Q. But when you came to settle the matter up, that note went in as cash, did it not? A. Yes, sir.

Q. And the sheriff was relieved of all responsibility on that note and got a receipt for it as cash? A. He was receipted to as cash; yes, sir.

Q. Did you you not understand that that relieved him of all responsibility when he got the clerk's receipt and the attorney's receipt for the note as cash? A. I certainly thought so or I would never have turned it in.

Q. And you have never had any trouble about it since, you or the sheriff, have you? A. No, sir.

Q. When the goods were delivered you said that Judge Sachs said he did not have the money at that time. A. He said that when the bill was presented.

Q. The goods were not delivered at that time, were they? A. Yes, sir; most of them had been taken out of the store at that time.

Q. And this note was given on demand, and when you spoke to him about it and told him that the First National Bank would not take it as cash, he said he would pay it that afternoon, or settle it up that afternoon, did he not? A. Who said the First National Bank would not take it?

Q. Did you not tell me that? A. Yes; he said let it stand for a while.

Q. And then you accepted it as cash and it was treated as money as far as the note was concerned. A. Yes, sir; it was accepted as cash in that way.

Q. The sheriff did not give up any money on that note, did he? A. He held it as money, but there never was any trouble about it.

Q. Never has been since, to the sheriff's and your knowledge? A. No.

COL. HAINES: That is all.

(*Re-direct Examination.*)

By JUDGE PARSONS: I ask you to look at the note that Col. Haines gave you, and ask you if you know in whose handwriting it is? A. Yes, sir; I do.

Q. Whose handwriting is it? A. Judge Sachs'.

Q. Col. Haines asked you about the garnishee which I said would be forthcoming, and that I would read. I ask you if the paper I hand you is the garnishment, a certified copy of it, I mean? A. Yes, sir; I think it is.

Q. I will ask the clerk to read it, together with the return.

Paper which is in the letters, words and figures following, read by the clerk:

NOTICE TO GARNISHEE.—ATTACHMENT TO CIVIL ACTION.

GEORGE H. WHEATON, Plaintiff,
 vs.
 MAX L. NATHANSON and
 WILLIAM NATHANSON, Partners,
 Defendants. }

To Richard Delanty, Sheriff of Jefferson County, State of Washington, garnishee:

You are hereby notified that in pursuance of a writ of attachment, a copy of which writ of attachment is herewith delivered to you, together with a copy of this notice, I hereby attach in your hands all moneys of the defendant herein, William Nathanson, which are now in your hands and all moneys which may hereafter come into your hands

by virtue of a certain execution issued out of the superior court of Jefferson county, Washington, dated the 11th day of August, 1890, upon a certain judgment obtained in said court, wherein William Nathanson was plaintiff and M. L. Nathanson was defendant; and you are hereby requested to give a memorandum, in writing, stating the amount of said moneys now in your hands, or due to you as above.

Witness my hand this 6th day of September, 1890.

(Signed) J. S. WYCKOFF,
Coroner of Jefferson county, Washington.

In pursuance of the writ of attachment herewith attached and made a part hereof, I delivered a copy hereof, together with a notice of garnishee, to Richard Delanty, sheriff of Jefferson county, on August 6, 1890, and requested that he furnish to me a memorandum of all moneys, credits and accounts then in his hands belonging to the within-named defendant, M. L. Nathanson, and herewith I attach his answer and make it a part of this return.

(Signed) J. S. WYCKOFF,
Coroner of Jefferson county.

COSTS.

Service writ.....	\$1 00
Service garnishee.....	1 00
Copy writ.....	1 00
Copy garnishee.....	80
Mileage.....	20
Certificate.....	50
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	\$4 50

JEFFERSON COUNTY, OFFICE OF THE SHERIFF.—WASHINGTON TERRITORY.

PORT TOWNSEND, W. T., September 8, 1890.

To J. S. Wyckoff, Coroner of Jefferson County:

SIR—In reply to the notice of garnishee which you served on me on September 6, 1890, together with a copy of the writ of attachment in the case entitled "George H. Wheaton vs. Max L. Nathanson and Wm. Nathanson, partners, defendants," I would say that by virtue of a certain execution issued out of the superior court of Jefferson county, Washington, wherein Wm. Nathanson was plaintiff and Max L. Nathanson was defendant, dated August 11, 1890, I levied on the goods, wares and chattels of the defendant, Max L. Nathanson, and after due and legal notice I sold the same at public auction, and therefrom realized the sum of \$1,886.39, less the increased costs accruing therefrom since the issuance of the said execution.

(Signed)

RICHARD DELANTY, Sheriff of Jefferson County.

By Wm. J. Jones, Deputy.

MR. WINSTON: Mr. President, I desire to ask that Mr. John Trumbull, attorney at law at Port Townsend, Washington, be summoned to appear at once by telegraph as a witness in this case.

THE PRESIDENT: The attorneys for the defense wish to have Mr. John Trumbull summoned from Port Townsend by wire. The chair does not remember whether the motion last evening covered all witnesses they desired to have summoned or not.

MR. SMYTH: Mr. President, the gentleman referred to has been subpoenaed here as a witness.

MR. WINSTON: He was excused, I think, Mr. President.

MR. SMYTH: He was not excused, Mr. President, that I know anything about.

MR. COLEMAN: Mr. President, permit me to say that he was summoned here by the prosecution, and if excused by them, he has not been excused on our part; he was not summoned by our side, and our side has never consented to his being excused.

JUDGE PARSONS: I do not know if he was ever summoned here. If he was, he has not been excused by us.

MR. COLEMAN: I desire now, Mr. President, whether he has been summoned or not, to have him brought here.

MR. DE STEIGUER: Mr. President, I move you that the request be granted.

Motion stated by the chair.

MR. PLUMMER: Mr. President, Mr. Trumbull was here yesterday in answer to a subpoena, and if he has not been excused, and has left, we ought to know why he has gone away.

MR. COLEMAN: Mr. President, I am informed by Judge Sachs that Mr. Trumbull was called home by a dispatch, stating that his wife was sick.

Motion put and carried.

TESTIMONY OF RICHARD A. BALLINGER.

RICHARD A. BALLINGER, Esq., called as a witness for the prosecution, after having been first duly sworn, testified as follows:

(Examination-in-chief.)

By JUDGE PARSONS: Q. Please give the reporters your full name. A. Richard A. Ballinger.

Q. Where do you reside? A. Port Townsend.

Q. How long have you resided there? A. A little over one year.

Q. What is your profession? A. I am an attorney at law.

Q. State what knowledge, if any, you have of the attachment note and moneys spoken of by the last witness. A. The firm of which I was a member, Scott and Ballinger, were employed by the plaintiff, George H. Wheaton of San Francisco, representing the creditors of Max L. Nathanson, and his brother, brought a suit for the creditors and took out an attachment; under that attachment a garnishment was run and placed in the hands of the coroner to garnishee the moneys in the hands of the sheriff accruing from the sale, or the proceeds of the sale, in the case of the First National Bank against Max L. Nathanson, and in the case of Wm. Nathanson vs. Max. L. Nathanson, both confessions of judgment paid, the first judgment taken out, I discovered afterward—

COL. HAINES: Mr. President, we object to any testimony concerning the details of this garnishment. As I understand it, upon this branch of the case, what we desire to get at is, what became of this note; and that is all that is material in this investigation. This testimony and this branch of the case has already been passed upon by this body and excluded. We do not particularly object to going into it, we are not afraid of it at all, but if it is gone into it will necessitate the calling of many witnesses to get at the facts; it will consume time unnecessarily. There is nothing whatever in this charge, and for that reason that I have just stated, and for that alone, we do not care to go into it.

JUDGE PARSONS: Mr. President, when I attempted to question the witness who was last on the stand, a call was made by my brother Haines for

the garnishment, and in response to that call I said it would be ready and forthcoming at the proper time. Now, Mr. President, all I ask is, that we be allowed to show all the facts in reference to it; all the circumstances concerning this note, so far as this has any knowledge concerning the matter.

THE PRESIDENT: The question is, shall the witness be allowed to proceed with the testimony upon that point.

Question put, and the objection declared overruled without division.

Q. Now you may proceed, Mr. Ballinger. A. The money, as I supposed, was subsequently garnisheed in the hands of the sheriff, not knowing until the last garnishment that there was a note involved in the action at all. The matter came up for hearing on the 13th of September, on a motion to dissolve the attachment; at that time the matter was argued and the court took the matter under advisement until the following Monday; on the following Monday, at ten o'clock, the action of the court was had, or rather the session of the court was held late Saturday afternoon, and on the following Monday I went into court at ten o'clock, and asked the court if he would suspend the matter of his decision until a time that I could go to my office and obtain some further authorities in regard to a question raised in the dissolution of the attachment.

Q. State what that question was, if you please. A. The only question involved of any importance at that time was whether or not we could amend the attachment affidavit by inserting the word "or" instead of the word "and." The affidavit read, by some clerical error or otherwise, that the attachment was not sued out for the purpose of hindering and delaying creditors, instead of hindering or delaying; and at the time of the argument we tendered an amended affidavit. As I stated, on the Monday succeeding the Saturday on which the matter was argued, I had gone to my office for the authorities, understanding from the court that he would withhold his opinion in the matter for an hour or such a matter; and Mr. Coleman, who was associated with me in that case and had been all along, and had argued the case of the dissolution of the attachment on the Saturday before, gave me to understand that the court had given him to understand that the matter would not be decided for some time, as Mr. Coleman was called home by the sickness of his wife. In about three quarters of an hour after the court convened—I think it was about half past ten or a quarter of eleven—I came back from my office with an armful of books, started down the street from my office to the court house, and met my partner, Judge Scott, who stated to me that the court had discharged the attachment in that case. I immediately returned to the office, left my books, and immediately came back on the street and met Judge Sachs, and asked him why he had not given time for us to appear in the case and cite those authorities, and why he had dissolved the matter or the attachment while we were not in court; and he told me that he thought he had given us sufficient time, or words to that effect, as near as I can recollect; and as a matter of fact neither I nor Mr. Coleman, nor my partner, Judge Scott, were in the court room when the

attachment was dissolved, and we had no means of giving notice of an appeal or saving the fruits of our action.

Q. What do you know about the money being paid over? A. I was not present in the court house at that time. I only know that we never got anything out of it.

Q. Can you explain a little more about the difference between "or" and "and" in the affidavit to which you have referred what the claim which was made was in respect to it? A. The claim was made by the defendant, or the plaintiff in the motion to dissolve the attachment, that the court had no jurisdiction of the matter, by reason of the fact that it read "hinder, delay and defraud creditors," instead of "hinder, delay or defraud creditors."

COL. HAINES: Mr. President, we certainly object to going into the legal phases of this controversy. That is a matter which cannot concern this body in the slightest degree. If an error was committed by Judge Sachs in his ruling in that case (and we all know that errors are frequently committed by Judges), the party had his remedy by writ of error or by appeal to the supreme court; and while there is nothing in that charge, and while we are ready to leave it if called upon to do so, yet if we go into this matter it will take up a great deal of time that will be spent unnecessarily and uselessly.

JUDGE PARSONS: Mr. President, I think it would have taken less time to hear the testimony of the witness than it has taken in the argument of the counsel in arguing his objection to the testimony. What I wish to show is, that under the circumstances in refusing the party leave to amend his affidavit or attachment, by correcting the clerical error and in deciding the case and ordering the property turned over while the counsel against whom the decision was made were absent, it was nothing less than gross misconduct on the part of respondent in that case, while he was acting as judge on that bench.

MR. COLEMAN: Mr. President, if I may be permitted to reply, I would say that the statement of Judge Parsons discloses the very reason why we object to this evidence. There is not in these charges against Judge Sachs one word upon this subject; there is not in these charges a single letter or syllable with reference to this attachment, or any misconduct on the part of Judge Sachs in connection with it whatever. Now, Mr. President, we submit to you and to this house, to the members of this joint convention, if it is fair to us to allow the prosecution to bring in evidence here to prejudice this man's case that has no relation whatever to the charges made against him, evidence concerning matters which has never been mentioned in these resolutions at all. We object to this evidence, Mr. President, on this ground; and this house has once to-night excluded this attachment, when it was offered here on behalf of the prosecution, the attachment on which these proceedings were had, by vote of 40 some odd to 30 some odd, and we object to going into this evidence now. We think this house understands that there is no such charge against Judge Sachs, and that it will exclude evidence of this kind, offered solely for the pur-

pose of prejudicing this respondent and his case. There is nothing in this matter; it has no foundation, in fact, at all. Judge Parsons has said that he offers it for the purpose of showing that there was some misconduct, some misfeasance or malfeasance in office. There is not one word in these charges concerning any such matter.

JUDGE PARSONS: Mr. President, we say it was one of the steps in the Nathanson case in which the Judge on the bench acted improperly; it is a part of the proceedings in that case, and I think highly proper.

MR. COLEMAN: Mr. President, I want to say this further; that the only charge made in the Nathanson case is that he gave in a bid at the sale, that he gave a note, and importuned the sheriff to take that note. There is no charge of corruption, no charge of wrong doing, misconduct or anything else in the case of Wheaton vs. Nathanson. The name of Wheaton is not mentioned in these charges anywhere from beginning to end.

Question stated by the chair, and by vote of the joint convention the objection is declared overruled, without division.

Q. You may proceed, Mr. Ballinger. A. If you will state the question again, I will do so.

Question read by the reporter: Can you explain a little more about the difference between "or" and "and" in the affidavit to which you have referred; what the claim which was made was in respect to it? A. The claim made by Mr. Trumbull, acting for the defendant in that attachment, was, that the word "and" being injected into the affidavit deprived the court of jurisdiction in the attachment proceedings. We had tendered an amendment at that time, at the time of the argument, an affidavit with the word "or" properly inserted, which the court refused to entertain.

Q. Have you any knowledge what became of the money which you had attempted to attach, including the note which you then had learned was in the hands of the sheriff, as you supposed? A. Only from the records of the court, which show that it was paid over to the clerk and by him paid over to the defendant in the attachment proceedings.

Q. You may state when the bar association that has been referred to a number of times in this investigation was organized. A. There was a preliminary meeting sometime about the first of January, is my recollection, and its permanent organization was in the neighborhood of a week later.

Q. When did the subject of the removal, or, of steps being taken for that purpose by the bar association, of Judge Sachs from his office first become known and become generally talked about at Port Townsend? A. There was considerable talk about it among one person and another on the street and in general conversation, before the attempt to organize the bar association; but whether or not that had anything to do with the organization of the bar association, I do not know; at any rate, the organization followed in about—the permanent organization about the first week in the year is my recollection.

Q. When can you say that the subject of the removal of Judge Sachs from his office first begun to be talked about generally by the members of

the bar at Port Townsend? A. During the fall of last year, and probably a month or two before this legislature convened.

Q. What, if anything, do you know of Judge Sachs refusing to excuse himself in the case of the First National Bank referred to? A. What case have you reference to, please?

Q. Any of the cases of the National Bank that have been referred to by him. A. I heard him make the remark in the court room (I don't think the court was in session), he stated in general terms that he had given a judge *pro tempore* in one case where the First National Bank was interested, and he did not propose to do it any more.

Q. Who was president at that time, and had been for some time before, of that bank? A. Henry Landes is, I have understood.

Q. Do you know the relationship between Henry Landes and Judge Sachs? A. He is reputed to be his father-in-law and his uncle.

Q. State whether objections were made to your knowledge to Judge Sachs sitting in that case upon that ground.

COL. HAINES: Mr. President, I would like to inquire of counsel for the prosecution if that is the case referred to in the eighth charge?

MR. PARSONS: Yes, sir.

A. I know of no objection in any particular case.

Q. Was there a general one embracing all of the cases in which the bank was a party, so far as you know?

COL. HAINES: We object to that. The only allegation in these charges in regard to such a matter is, that Judge Sachs rendered a judgment in a case where the First National Bank was plaintiff and Jago and Niblock were defendants; and it will not be denied that that was a judgment by confession, made by agreement between the parties before Judge Sachs. Now, that is the only charge of that character that has ever been presented to the defendant; he is not charged with sitting in other cases where parties have objected—he is not put upon trial here for anything of that kind, and it is unfair and unjust to him to seek to introduce evidence here which he will not be able to meet, in regard to objections made in other cases of which he has had no notice whatever.

MR. SNIVELY: Mr. President, I would like to have the question read.

Question read by the reporter: Was there a general one (that is, objection) embracing all of the cases in which the bank was a party, so far as you know?

Question put by the chair, and the objection sustained by the joint convention without division.

JUDGE PARSONS: That is all.

(*Cross-examination.*)

MR. HAINES: Q. Mr. Ballinger, how long have you resided in Port Townsend? A. A little over a year; I think last January a year ago, I came to the state.

Q. Were you admitted to practice in this state? A. I am a practicing attorney in this state.

Q. Were you admitted into this state or prior to coming? A. Admitted prior to coming.

Q. How long have you been engaged practicing law? A. Six or seven years; I do not recollect exactly what year I was admitted.

Q. You have stated you were the attorney in the case that has been referred to, in which one Wheaton was plaintiff. A. Yes, sir; I was one of the attorneys.

Q. Who were the other attorneys in the case? A. Judge Scott was my partner at that time, but was in Washington City. Mr. Coleman was associated in that case.

Q. Mr. Coleman, who appears here as counsel for Judge Sachs? A. Yes, sir.

Q. A motion was made, you say, to dissolve the attachment in that case. A. Yes, sir.

Q. And made upon the ground that the affidavit did not comply with the requirements of the statute. A. It stated that, and stated several other grounds.

Q. That was a ground. A. That was one of them.

Q. Judge Sachs held in that case, did he not, that an affidavit, in order to vest the jurisdiction of the court to issue a writ of attachment, must conform with the statute? A. His decision—

Q. Did not he hold that? A. I was not in court when he held—

Q. Didn't you understand that to be the case? A. I understood it from Mr. Coleman; I was not there.

Q. Mr. Coleman was one of the attorneys. A. Yes, sir.

Q. This matter was argued on Saturday. A. Argued on Saturday, the 12th, to the best of my recollection.

Q. And it was decided when? A. Decided the following Monday.

Q. And it was decided the following Monday. A. So I understood.

Q. On the opening of court? A. No; not at the opening of court.

Q. What time during the session of the court? A. Sometime during the forenoon; it was during my absence.

Q. Now, was court in session that day? A. There was no jury term at that time.

Q. I didn't ask that; I asked if court was in session. A. I will answer if you will give me an opportunity.

Q. I will be glad to do so. A. The jury term was not in session, but court was sitting in chambers every morning.

Q. How do you mean; what is the distinction between the court being in session and sitting in chambers? A. We have what is known as a jury term in our district, and we also have motion day on Saturday, and we generally suppose that the court will be in chambers at most any time we desire to find them in business hours.

Q. Do you understand when the court is sitting in the court house for the trial of, for instance, for equity cases, or cases without a jury, that the court is sitting in chambers? A. No, sir; I do not.

Q. The court is held in the court room, always, is it not? A. Yes, sir.

Q. And do you understand that the judge has power to render judg-

ments in chambers except by consent? A. No, sir; I think this was a term of the court that had not been adjourned, but the jury had been discharged; that is my recollection.

Q. Then it was during the term of court, and court was in session that day. A. Yes, sir; that is my recollection of it.

Q. Now, do you know that it is a rule generally prevalent in this state that attorneys are supposed to be present at the sessions of court in matters where they are interested, unless they are excused by court? A. I think that is a rule universal all over the United States, as far as I have practiced.

Q. And you were not in attendance this morning. A. I was; yes.

Q. Were you excused by the court? A. No, sir; I was not excused by the court, excepting this way: he gave me to understand he would hold the judgment until I could get to my office and get some authorities.

Q. Did he say so? A. That is the impression he gave me.

Q. Did he say so in the court so that people could hear him make that statement? A. No, sir, for I was standing at his desk, within a few feet from his desk, and his remarks were addressed to me alone, and I do not think that anyone was close enough to hear.

Q. What did he say? A. He stated to me in substance, as I recollect it now, that he would grant me a reasonable time to gather up these authorities and come back, and he would not decide the matter until eleven or twelve o'clock; that was my understanding; about eleven o'clock I understood that he was to decide it.

Q. Now, Mr. Ballinger, you do not seem to be very certain in your recollection. Are you at all certain that statement was made to you? A. I am certain of this much, that he made the statement to me which lead me to believe that it would be an hour or so before he rendered his decision in that case.

Q. Still nothing definite was said on that point. A. No, sir.

Q. How long were you gone? A. I do not think I was gone over half an hour, possibly three-quarters of an hour.

Q. Did you return to the court room? A. I started to return.

Q. And you were informed by Mr. Coleman. A. By Mr. Scott, who was on the street.

Q. Was he in court at that time? A. No, sir; he had just come back from a trip east, I think, and had passed by the court that morning.

Q. Now, this matter was fully argued on Saturday, was it not? A. Yes, sir.

Q. The authorities were submitted to the court. A. A portion of them.

Q. Well, the case was submitted on argument. A. It was submitted.

Q. You understand that when an argument is closed and the cause submitted that the judge is at liberty to then decide the case. A. Certainly.

Q. And he is under no obligation to attorneys after they have closed their argument and submitted the case to hold it open further. A. Unless he has promised.

Q. I know; but ordinarily there would not be. He would be at liberty to decide it. He took it under advisement until the following Monday. Now, do you mean to say that there was no argument made in favor of or supporting the position taken in his decision? A. I do not think I said that.

Q. Argued it and presented it to the authorities. A. Yes, sir.

Q. And you took the opposite view? A. We took the opposite view, and tried to maintain it.

Q. And Judge Sachs decided on one theory of the case, which was opposed to your theory of it? A. Yes, sir.

Q. And in support of which there were authorities and arguments? A. Yes, sir; on both sides.

Q. And some very respectable courts have held in accordance with Judge Sachs' decision? A. In only one case, I believe.

Q. That was a very respectable court that held that, was it not? A. Well, we all believe it to be; yes, sir.

Q. Now, you have stated that you had no means of taking an appeal. Are you not aware of the fact that you have six months in this state in which to appeal from a judgment? A. I am very glad you asked that question, from the fact that the money was turned over into the hands of the defendant, so that all we were after was gone. We had nothing to appeal from, but certainly the records and papers in the office. The creditors were left out entirely.

Q. Turned over into the hands of the defendant? A. The defendant.

Q. You do not mean that, do you? A. The defendant in attachment.

Q. The money was money which was due to him as plaintiff in another case. A. Yes, sir.

Q. You had attached that money in the hands of the sheriff. A. I mean to say, if you will allow me to explain, that the way in which the money was paid over to the attorney for Mr. Nathanson we were prevented stopping it getting into his hands.

Q. You do not mean to say you were prevented taking an appeal? A. No, we could have all the appeals we wanted, I presume.

Q. Now, when this attachment was dissolved, was it not the duty of the sheriff to turn that money over to the party for whom he held it? A. It his duty to obey the court.

Q. Is it not his duty without an order from the court, if the court dissolved the attachment, to turn the money over to the party for whom he held it? A. I understand his order would embrace the order to turn it over.

Q. Then if the court made no order, but simply dissolved the attachment, it would be his duty as sheriff to turn it over to the party to whom he held it for? A. If you are after my opinion in the matter—

Q. That's just what I am after. A. My opinion is that he must follow the orders of the court, and if it is an inference from his dissolving the attachment, that it is an order by the court to turn it in.

Q. Well, if the court simply enters any order dissolving the attachments, don't you understand that it is the sheriff's duty to turn the money

over to the person for whom he held it? A. It must follow the dissolution.

Q. It is not necessary to make an order to turn it over. The court did not make such an order in this case. A. I think there is such an order among the papers in this case.

Q. To turn it over? A. No, I am mistaken.

Q. Simply an order dissolving the attachment? A. I know nothing of the order in this matter, for I was not there.

Q. Now, you have stated there has been considerable talk in Port Townsend in regard to the removal of Judge Sachs? A. Yes, sir.

Q. That talk was limited to members of the bar. A. No, sir; I have heard it from members of the bar, and especially from the—

Q. There is a very strong sentiment in Port Townsend in favor of retaining Judge Sachs upon the bench, is there not? A. In a certain coterie of people there is.

Q. But these people are some of the taxpayers in the county, are they not, and some of the oldest citizens and most prominent? A. I am not conversant with their tax records, but I think that some of them pay some taxes, yes.

Q. Some taxes? A. Yes, sir; I don't know how much; I don't know anything about it, for I don't place citizenship on the basis of taxation.

Q. I simply inquire whether these gentlemen are not persons who are largely interested in the prosperity of that county, and particularly of that town. A. Yes, sir; so long as the court is in their favor.

Q. Now, for instance, you are acquainted with Judge Kuhn, are you not? A. I am not very intimately acquainted with him.

Q. Do you know whether such a man resides in the city of Port Townsend? A. I know him when I see him, and have shaken hands with him, and I know that there is such a man there.

Q. You know there is such a man. A. Yes, sir.

Q. In the course of one year's residence in Port Townsend that there was such a man residing there. A. Yes, sir; I have heard of him.

Q. Do you know him when you see him? A. I know him when I see him.

Q. Now, he is a gentleman of pretty good standing down there, is he not? A. Well, I am not acquainted with his record.

Q. And he is a gentleman who has some pretty large property interests there. A. He has considerable property.

Q. And he has been an earnest opponent of this movement, has he not? A. Well, I know only this; that although he is not a practicing attorney in my judgment, he came into the bar association at the meeting, when we passed the resolution, and offered his vote against the resolutions, with some five or six other men.

Q. Judge Kuhn has been a practicing attorney for a great many years there, has he not? A. I have been told that he used to practice law there, but I don't know about that.

Q. He has been judge of the probate court. A. That I don't know.

Q. You are not familiar with the history of the bar there enough to

know that. A. I have not studied up the early history of Port Townsend; I only know its present history.

Q. Your knowledge dates only from the time you went there. A. From the time I came there.

Q. Do you know Frank Bartlett? A. Yes, I am well acquainted with him; I am better acquainted with him than I am with Mr. Kuhn.

Q. He has been one of the gentlemen who has been opposed to this movement. A. Not to my knowledge.

Q. How many members compose that bar association? A. I think at the first meeting, or the meeting when the constitution was adopted, there was some eighteen or twenty present; possibly two or three more; I do not remember the number.

Q. Most of the members of that bar association are gentlemen who have come there within a comparatively recent period. A. I think there are one or two attorneys that have been there over two years, practicing attorneys.

Q. Only one or two? A. Yes, sir.

Q. Who are they? A. I think Mr. Coleman has been there —

Q. Mr. Coleman is the gentleman sitting here. A. I do not know how long he has been there — probably four or five.

Q. Who is the other? A. I do not know. Johnston has been there — the president of the bar association. I do not know that he has been there over a year and a half.

Q. Who is the other gentleman that you know has been there over two years? A. Mr. Calhoun, who is a partner of Mr. Coleman's; he has not been there for some time on account of illness; I think he is a native of Port Townsend; and Mr. Jones — I think George H. Jones — he has been there several years.

Q. There is quite a number of these gentlemen who are members of the bar association who are not practicing attorneys. A. They are what we call in the constitution honorary members; they had no vote in the deliberations but had the privilege of debate.

Q. What proportion are honorary members and what are not? A. Well, I don't know of any of these members having signed the constitution or coming in in any formal way.

Q. That was a portion of the eighteen you mentioned, was it not? A. There were some of these there; only a very few of them; Judge Sachs was among them and Mr. Bradshaw.

Q. Mr. Kuhn is a member of the association. A. He signed the constitution at our last meeting.

Q. Is he called an honorary or an active member? A. He is called an active member; I have not known him, however, to have a case in court since I have been there.

Q. But you have been there less than two years. A. About two years.

Q. You said you thought that the occasion of these gentlemen who favored Judge Sachs' retention was occasioned by the court being with them; do you include Judge Kuhn with them? A. Yes, sir; I thought I would include him in it as far as I have heard.

Q. You say he has not had a case for two years; Judge Sachs has been judge for less than two years? A. I have only referred to pecuniary interests in the community.

Q. Do you know any pecuniary interests served of his since Judge Sachs has been on the bench? A. The idea I have of this matter is of only hearsay.

(Re-direct Examination.)

MR. PARSONS: Q. Colonel Haines asked you about the order the court made, if any, as to paying over the money. I show you a certified copy of an order and ask you if that is the order that the court made? A. Well, that's all I know about this matter that it purports to be a certified copy of the record, and I know nothing excepting comparing it.

Q. State whether that purports to having been made to dissolve that attachment. A. This is a certified copy of the order to dissolve the attachment.

MR. PARSONS: I ask to have the secretary to read the order.

MR. THOMPSON (G. T.): I desire to ask a question in this matter for the benefit of the laymen upon this floor.

Q. Was that attachment drawn under the attachment law in the State of Washington of 1885 and 1886? A. It was drawn under the laws of 1885 and 1886.

Q. The question of defect was in the affidavit, was it not? A. It is in the affidavit.

Q. There is no provision in that statute that provides for curing of a defective affidavit. A. To the contrary, there is a provision that says in substance, that any defect in the complaint, bond or affidavit may be amended, provided there was a cause for attachment existing at the time the attachment was sued out.

Q. My recollection was that it only related to the bond. A. I will refer you to the acts of 1885 and 1886; I do not know the sections.

MR. HAINES: Q. I want to ask one question, Mr. Ballinger. Now, in the statute that you have referred to, is not the form of affidavit prescribed by the statute itself? A. I think that the second section declares upon what ground you can issue an attachment.

Q. The allegation is, that it shall be set up in the words of the statute. A. There is a statement in there that says that the attachment is not sued out for the purpose of hindering or delaying the creditors.

Q. Or delaying the creditors? A. Yes, sir.

Q. You said it was not stated "for the purpose of hindering and delaying the creditors." A. That was so.

Q. Is it not a well known principle of law, when the allegations are coupled that way, that it is considered to be an admission as for instance in this case, that the affidavit was sued out for the purpose of hindering or delaying creditors? A. I do not know that there is a set rule upon the subject.

Q. Do you not know that this is a well recognized principle of pleadings which is laid down by every writer upon code pleading? A. It is so regarded by some.

Q. Can you mention a text writer who has ever written a work on code pleading that did not lay that down as the law? A. I want to say right here, I am not quoting authorities to the gentlemen on legal propositions. I have not them in mind, and I have not time to go to my office as I went in this case.

Q. You undertook to quote the statute to Senator Thompson. A. He asked me for it.

Q. I ask for some more of the same statute. A. I have given all I know of it.

Q. I ask you if you can name a single text writer on code pleading that sustains the proposition that that was a good affidavit? A. I do not know; I think Drake on Attachment and Wade on Attachment lay down the doctrine on both sides of that proposition.

Q. You cite these as authorities on that point? A. I did not cite them at all.

Q. Could you cite anything in support of the proposition that you make? A. I simply say that I am not on the stand for the purpose of citing legal authorities to you.

MR. PARSONS: Q. You asked the liberty to amend? A. Yes, sir; and tendered an amendment.

Q. Is it or is it not a well recognized rule in every state that you know anything about, that has a system of code practice, that amendment should be liberally allowed? A. Especially so in the State of Washington.

MR. HAINES: I would like to ask the witness one more question. Q. Do you mean to say that you know of a single authority that holds an attachment affidavit as amendable unless the statute expressly authorizes? A. I think that our statute is broad enough.

Q. I ask you if you know a single case anywhere that holds that an attachment affidavit is amendable unless there is a statute expressly authorizing it? A. I cannot cite you any authority at this time.

Q. Did you ever hear of one? A. Yes, sir; I have.

Q. Where? A. I told you I could not cite any authorities, and I propose to stand on that answer, sir.

TESTIMONY OF JOHN L. SCOTT.

JUDGE JOHN L. SCOTT, called as a witness for the prosecution, and having been first duly sworn, testified as follows:

(Examination-in-chief.)

By JUDGE PARSONS: Q. Will you have the goodness, Judge, to give the reporters your full name? A. John L. Scott.

Q. Where do you reside? A. Port Townsend, State of Washington.

Q. How long have you resided there? A. Since the 30th of May, 1889.

Q. Where did you reside before that time? A. Indianapolis, Indiana.

Q. What is your profession, Judge? A. Lawyer.

Q. How long have you been engaged in the practice of law? A. Ever since the close of the war, with a brief interval when I was on the bench.

Q. You may state what knowledge you have, if any, of the matters

spoken of by Mr. Ballinger, your former partner, touching the dissolution of the attachment in question. A. The only knowledge I have of it, I would say, that I was absent when the proceeding was commenced; and I think I had, just perhaps a day or so before the dissolution of the attachment, come home. At the court house door I think I had learned of the dissolution of the attachment; I immediately started back to our office, and met Mr. Ballinger somewhere between the court house and our office, and informed him of its dissolution.

Q. What do you know as to how the note of Judge Sachs in question was disposed of? A. I know nothing of my own personal knowledge.

Q. Did you inform yourself by the records of the proceedings in the case? A. No, sir; Mr. Ballinger had charge of it and I made no examination myself.

Q. There has been something said about the organization of an association over there known as the bar association. Will you tell us what you know about that? A. I know that the bar association was organized sometime in the fore part of January; my recollection is, that the preliminary meeting was held on the third day of January, and that a committee was appointed to prepare a constitution, which was prepared and adopted perhaps a week afterwards.

Q. You may state whether the subject of the removal of Judge Sachs had been discussed by members of the bar and in that community before that time. A. Yes, sir, more or less; there had been talk of it.

Q. For what causes? A. For malfeasance in office and for the cause of gaming in a public gaming house.

Q. And what do you know about that, if anything? A. Some time in the fore part of December I was informed that an acquaintance of mine had seen Judge Sachs lose fifty dollars in the Townsend gaming house; I expressed my disbelief that any judge would place himself in that position. Along about, I may say the tenth—I can't say the exact date—somewhere along about the tenth of December, I was going to my office, and at the Townsend saloon a friend of mine came out and told me if I wanted now to see a judge gaming in a public gaming house that I could go in there and see one; and—

MR. WINSTON: Mr. President, for the information of the body I object to this as hearsay. What he could see, might be proper; but we do not want 'o have him tell anything about what he could not see and give his private opinions as to this matter.

JUDGE PARSONS: I will follow that up by having him tell what he did see.

MR. WINSTON: I do not object to that, but I do object to his telling what he didn't see.

Q. Tell us what you did see, Judge. A. I went in and passed through the liquor saloon and went into the gaming room; Judge Sachs was sitting at the table manipulating some buttons on a wire on the side of the table. He had some chips as they call them before him, and a dealer was dealing on the opposite side of the table, and several men sat at the table

and a number was standing around, and I saw them placing these chips on different cards. I stood there but a moment or so and walked out.

Q. Have you sufficient acquaintance with that kind of pastime to know what game it was? A. Only from the description I heard here night before last.

Q. You may tell us about what proportion of the practicing members of the bar belong to the bar association over there. A. My recollection is that all but one or two; Mr. Buddress, I believe, does not belong; that is the only one now that I do not recollect.

Q. Do you know anything about how long the large majority of the members of the bar of that county have lived in the county? A. My understanding is that Mr. Coleman is the oldest member of the bar there.

Q. By residence, you mean. A. By residence, I mean. I think he must have been there several years; I know he must. Mr. Jones has been there several years; with these two exceptions all the practicing members of the bar have come there recently. I don't think any of us have been there more than two years.

Q. You may state how general to your knowledge the subject of Judge Sachs' conduct upon the bench, especially of his gambling, was talked of in the community before the commencement of these proceedings. A. It was very generally talked of; I heard it from almost—well, I won't say from every source, but I heard it from a number of sources.

Q. There has been some talk here about there being a division of sentiment, and some allusions have been made to old residents and newcomers. State what you know upon that subject. A. I know of no division until these proceedings were commenced.

Q. How was the sentiment, if you know, prior to the commencement of these proceedings? A. I think it was universal.

Q. What do you say as to its existence since the subject became generally talked of, of proceeding for his removal? A. There has no doubt been a division. I have never heard any one express any doubt as to his conduct, as to his acts, but only as to the culpability of his acts.

Q. What is generally said as to his acts, and as to their being consistent with the character of a judge?

COL. HAINES: Mr. President, we have no objection to going into this matter to a reasonable extent, and have had no objection to it at any time; but now I see that they are going to investigate the entire field of Port Townsend in regard to his acts; that is certainly irrelevant and immaterial. It would be very proper of course to find out what class of persons favor and do not favor his removal from office. We do not object to that; we have no objection to the question, but we wish to give notice at this time that if they go into that, we shall be obliged to go into the matter quite fully.

JUDGE PARSONS: Mr. President, I desire to say with some degree of emphasis, that it was not in our purpose to go into this subject at all; but it has been very often brought out, and with such expressions of confidence, by the gentlemen on the other side, that I feel compelled to make these inquiries myself.

COL. HAINES: I wish to say, Mr. President, that we do not shrink at all from this investigation. I simply wish to give notice to this body that we may appear to act in absolute good faith when the time comes to go into that subject; we have never claimed the right to go into it, but we shall follow Judge Parsons on this branch of the case, and go into it thoroughly, and we wish to give notice of that fact now.

JUDGE PARSONS: Mr. President, I had no desire to go into this, but I see fit to do it now, because my brother Haines has compelled me to do it.

SENATOR THOMPSON (G. T.): Mr. President—

THE PRESIDENT: The question is upon the admission of the evidence; our rule is, Senator Thompson to decide these questions without debate.

SENATOR THOMPSON (G. T.): To decide these questions without debate, except the attorneys, who are allowed five minutes.

Question put, and upon division 47 members voted in favor of admitting the testimony, and 36 against the admission of the evidence.

Question read by reporter: "What is generally said as to his acts and as to their being consistent with the character of a Judge?" A. So far as I know, they are universally condemnatory.

Q. What part of his acts, or to what particular line of conduct have you heard reference to that you now have in mind? A. With reference to his gaming.

JUDGE PARSONS: That is all.

(*Cross-examination.*)

By COL. HAINES: Q. You stated, I believe, Judge, that you have resided here since '89. A. Since May 30th, '89.

Q. What has your business been since you have been residing there? A. Practicing law; and in addition to that, I have been superintendent of construction of public buildings there.

JUDGE PARSONS: You will have to speak louder, Judge, or we cannot hear you. A. I will try to speak as loud as I can. What was your question, Colonel?

Q. I asked you what you had been engaged in doing here since 1889? A. Practicing law; and in addition, I am superintendent of construction of the public building in Port Townsend.

Q. When did you commence your duties as superintendent of construction upon this building? A. Immediately upon my arrival.

Q. What building is that? A. Custom house and post office.

Q. Is it built yet? A. No, sir.

Q. How far has it progressed since you came here? A. They have under construction the masonry of the first floor—the first story I should say.

Q. Is the first story up? A. No, sir; only partly; but a small portion of it.

Q. Are you an architect or a lawyer, Judge? A. I am not an architect.

Q. Well, were you superintending this building in your capacity as a lawyer or as an architect. A. No, sir; not in the capacity of a lawyer.

Q. But you are superintendent of the construction, and have been for a year, of the custom house at Port Townsend. A. Yes, sir.

Q. And you have been practicing law during that entire period. A. No, sir; I believe I opened my office about the 1st of February, a year ago.

Q. You came here—that is, you originally came—with the appointment of that building? A. I got the appointment when I came here.

Q. Had you been here very long when you got it? A. No, I had come here just recently.

Q. Came here for that purpose, didn't you, Judge? A. No, sir, I did not.

Q. But you got the appointment soon after you came here. A. I intended to come here before that.

Q. What part of 1889 was it that you came here? A. May 30th—I got here May 30th; that I know by reason of its being Decoration Day.

Q. How long after that was you appointed superintendent of construction? A. I was appointed immediately afterwards—that is, the appointment was here at Port Townsend.

Q. You found it here when you got here. A. Yes, sir.

Q. The appointment met you here when you got here. A. (No answer.)

Q. Have they been at work continuously on that building since you got here? A. No, sir; there has been an interval from the first of January, a year ago, up to about six weeks ago that nothing was done.

Q. With the exception of that short interval, they have been working on it continuously, have they not? A. Yes, sir.

Q. You speak of your having been on the bench, Judge. Where were you on it? A. At Indianapolis, Indiana.

Q. What court were you judge of, and how long were you on the bench? A. Two years, and withdrew upon my own motion.

Q. I beg pardon; I didn't catch the last part of your answer. A. Never mind.

JUDGE PARSONS: Repeat that if you please, Judge. A. Well, I withdrew upon my own solicitation, I would say.

Q. And did you come out here immediately upon doing that? A. No, sir; that was away back in '67 and '69, just after the war.

Q. Now you were not in court during the proceedings in regard to the dissolution of attachment, as I understand you. A. No, sir.

Q. And you knew nothing about the case, personally. A. No, sir; I did not.

Q. And Mr. Ballinger was the member of your firm who had charge of that case, was he not? A. He had charge of it.

Q. You understood that Mr. Coleman was also in the case. A. He was assisting Mr. Ballinger in the case.

Q. You have stated that the subject of the removal of Judge Sachs has

been discussed very generally in Port Townsend, and the universal sentiment is that he should be removed. A. I did not say that.

Q. Did you not so testify? A. No, sir.

Q. What did you say? A. I said the universal sentiment was condemnatory of his acts.

Q. You say no division of sentiment was noticed until these proceedings were begun? A. I heard of none.

Q. Who did you hear speak condemnatory of Judge Sachs' acts? A. That I could not say, I have heard so many.

Q. Well, could you mention a few? A. I have heard all, I suppose, or nearly all of the lawyers who have appeared on the witness stand here. I have heard many other people—there are so many I could not say; if there had been but a few, I could tell.

Q. You can't mention one outside of the lawyers who have appeared here on the witness stand, can you? A. Yes, sir, I think I can.

Q. Give the body the benefit of one. A. Mr. Knowlton.

Q. Who is Mr. Knowlton? A. He is a hardware merchant.

Q. How long has he resided there? Q. He—I don't know; he was there when I got there.

Q. Who else have you heard speak about that in that manner? A. I have heard Mr. Seal.

Q. Who is Mr. Seal? A. He is cashier of the Merchants National Bank.

Q. What did Mr. Seal say about it? A. I could not give you his words, except that he condemned the matter.

Q. And who else? A. If I had time to recall, I suppose—I have heard a number of others—well, Mr. Holburg.

Q. Who is Mr. Holburg? A. The furniture dealer.

Q. Do you know what he said? A. No, I could not give you exactly what he said.

Q. Do you know of any others? A. I do not know that I could name others just now, but I have heard many more.

Q. Those are all you could name? A. All I think of just now.

Q. Now, you are aware, are you not, that there is actually a division of sentiment in that city regarding these proceedings and the propriety of them? A. Oh, I am aware of that from the papers that have been filed in the house here.

Q. You have been living there since the time these proceedings commenced? A. Yes, sir.

Q. And during the four years you have been there— A. No, I have not been there four years.

Q. I mean two years. A. No, not two years—about twenty-one months, Judge.

Q. Well, you got acquainted with the people there? A. With many of them, I think, generally.

Q. Now, is it not a fact that the people who are opposing the removal of Judge Sachs embrace a larger proportion of the business and tax paying element of that city than does the element who are opposing him? A. I don't believe that is so.

Q. You don't think so? A. No, sir.

COL. HAINES: Mr. President, a remonstrance was filed here containing some names, and if I could obtain it, I would like to exhibit to this witness. If the clerk will look it up I will proceed with the examination of the witness.

Q. Can you mention a prominent taxpayer, a person largely interested in that town, who has expressed himself since these proceedings commenced in favor of the removal of Judge Sachs? A. I do not know that I have heard any expression as to the removal of Judge Sachs. All the talking I have heard has been as to his conduct.

Q. They do not think it was a proper thing for him to do? A. Yes, something of that kind.

Q. But when it came to the question of removing him and appointing some one of the numerous candidates for the position, the larger proportion of the taxpaying element objected to it, did they not? A. I don't know of it sir; no one has expressed himself to me that way.

Q. Do you know the name of a person who has objected to it? A. Only from these papers; I don't know as I know of any only as I have seen it in the newspapers.

Q. How do you know that a division of sentiment has existed up there then, since these proceedings were commenced? A. From the newspapers.

COL. HAINES: I will state, Mr. President, that if I had that remonstrance, I could very much shorten my examination of this witness; and if it cannot be found just now, I would suggest that the witness step down and that I be allowed to examine him when the paper is found.

WITNESS: I would like it if you could get through with me; I am not in a condition to be out now.

The chief clerk produces the paper referred to, and it is handed to the witness, after having been read by the clerk of the joint convention.

The paper referred to is in the letters, words and figures following, to wit:

PORT TOWNSEND, Feb'y 2nd, 1891.

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

The undersigned, resident citizens of the city of Port Townsend, being informed that certain parties have taken steps and made representations before your honorable body for the purpose of inducing you to institute impeachment proceedings against the Honorable Morris B. Sachs, Judge of the Superior Court of this District, do most respectfully represent that in our opinion said movement for the impeachment of Judge Sachs is disapproved by and is contrary to the wishes of a large majority of the business public in this city, and that the same was originated by Judge Sachs' personal enemies, with the sole object of injuring him; wherefore, we do most earnestly protest against this scheme for the gratification of personal malice. Respectfully,

THOS. JACKMAN, Capitalist.

WHITTLESEY & FENNIMORE, Customs and Insurance.

T. H. WILLIAMS, Insurance Manager.

GEO. W. DOWNS, Prop. Port Townsend Sawmill.

P. F. EMMERSON, Livery Stable.

C. M. GENISH, Commission Merchant.

JOHN A. PLUM, Sec'y and Treas. Chamber of Commerce.

FRANK A. BARTLETT, President Chamber of Commerce.

R. C. HILL, Banker.
 W. H. H. LEARNED, Prop. Opera House.
 J. M. LAMBACH, Cashier Mill Co.
 F. W. PETTYGROVE, Mgr. Pt. Grocery Co.
 RICHARD DELANTY, Sheriff Jefferson Co.
 WM. DELANTY.
 WILLIAM BISHOP, Capitalist.
 CLEIN WARD, Attorney at Law.
 JOSEPH STEINER, Cigar Manufacturer.
 CHARLES EISENBEIS, President Merchants Bank.
 JONAS GISE, Contractor and Builder.
 B. S. MILLER, Real Estate Broker.
 WM. PAYNE, President State Bank.
 W. G. STRONG, Manager L. E. Hastings & Co., Hardware.
 MAX. GERSON, Merchant.
 GEO. KRAMER, Merchant.
 N. H. GLERMAN, U. S. Marine Surgeon.
 S. W. CONOVER, M. D.
 OLIVER JOHNSON, Belmont Restaurant.
 L. T. SEAVEY, M. D.
 C. C. BARTLETT, Merchant.
 TH. BORNSTEIN, Merchant.
 JOHN FITZPATRICK, Merchant.
 BARTLETT & STEEB, Shipping and Commission.
 M. PYSER & BROS., Merchants.
 SIMON FLOKAM, Merchant.
 WATERMAN & KATZ, Merchants.
 C. W. FLINT, President Quimque Manufacturing Co.
 C. W. PUCK.
 JAMES SEAVEY, County Auditor.
 C. S. M. PECOFF, Coroner Jefferson County.
 CHAS. BUTLER, Butcher.
 C. F. CLAPP, Banker.
 I. F. BETTS, Manager Puget Sound Stev. Co.
 JACOB BEHRMAN, Merchant.
 D. M. SLOCUM, Ass't Cashier First National Bank.
 ALBERT SERL, Journalist.
 J. H. HANDLEY, Merchant.
 H. KEELCOR, Capitalist.

Q. Now, Judge, those names which have just been read are the names of gentlemen who are the most prominent taxpayers and business men of Port Townsend, are they not? A. Many of them.

Q. Do you know of any prominent business men or taxpayers whose name is not on that list? A. Well, I will have to tax my memory much; yes, I know of—well, now, I don't know about their taxpaying ability; I never have found that out.

Q. I am speaking from your general knowledge of the standing of the people in that community. A. I know of several, because they have told me that they had been solicited to sign that paper, and refused to do so.

Q. Who are they? A. L. B. Hastings is one.

Q. A relative of Warren I. Hastings, who testified here? A. A brother.

Q. Who else? A. Henry Balch.

Q. Is he a prominent taxpayer and business man there? A. I understand so.

Q. Who else? A. A Mr. Knowlton, whom I spoke of before.

Q. Any one else? A. Those are all that I remember now who have told me they refused to sign that paper.

Q. But this paper really represents quite a large majority of the prominent taxpayers and business men of Port Townsend, does it not? A. I could not say that; I am not prepared to say that.

Q. Are you prepared to say that it does not? A. No, sir.

Q. Certainly some of the men who signed that paper are among the most prominent business men and taxpayers of Port Townsend, are they not? A. Yes, sir.

Q. You are acquainted with Judge Joseph L. Kuhn. A. Yes, sir; but I think there is no L. in his name.

Q. Joseph A., is it? A. No, plain Joe, I think.

Q. You understood that he was opposed to the removal of Judge Sachs. A. Yes, sir; I understood that because he was opposed to the resolution.

Q. Some of the members of the bar association were opposed to it. A. Yes, sir; I think six votes were cast against it.

Q. Do not the members who were opposed to that resolution, and will not the records of the court show, do a large majority of the legal business transacted in that county? A. I can't say so. Mr. Coleman, of the firm of Calhoun & Coleman, is the oldest practicing lawyer there, and I think he has the largest practice there; I know that is so.

Q. Mr. Trumbull has quite an extensive practice, has he not? A. I do not know that he has a more extensive practice than some of the rest of them.

Q. I did not ask you that. A. Well, he has a practice there.

Q. They were both opposed to it. A. Yes, sir.

Q. Who else voted against it? A. Those present and voting against the resolution were Mr. Coleman, Mr. Trumbull, Mr. Plumley—that is three.

Q. Was Mr. Wood there? A. No, Col. Wood was not there; he was a justice of the peace at the time.

Q. Was Judge Kuhn there? A. Yes sir.

Q. He voted against it. A. Yes, sir.

Q. Was Judge Swan there? A. He was not there when the vote was taken, as I understand it.

Q. But he was opposed to it. A. I understood he was.

Q. Judge Swan has been a resident of this state and territory for a good many years, has he not? A. Since 1852, I think he told me.

Q. He has been a practicing lawyer ever since you have known anything about the state. A. I do not think so.

Q. You think that Judge Swan is not a practicing lawyer. A. He told me he was not.

Q. Did you ever examine the records of Jefferson county to see whether he was or not? A. No, sir; I understand he has some admiralty business, but he told me that he was not in the practice of law, and had no practice in Judge Sachs' court.

Q. But he is in practice in the United States courts. A. Yes, sir; in admiralty.

Q. Judge Sachs has no admiralty jurisdiction. A. No, sir.

Q. Judge Swan was opposed to his removal, was he not? A. Yes, sir, I think so; but he was not at the meeting when the resolutions were adopted; he was paired with Mr. Hastings, I think.

COL. HAINES: That is all.

(Re-direct Examination.)

JUDGE PARSONS: Q. My Brother Haines has asked you several questions about your appointment, and about its getting there before you did, and how it came around, and so on. Now, how did you get your appointment; how did it come around? A. That I could not say.

Q. Who made the appointment? A. The president; or rather the secretary of the treasury.

Q. How long have you known the President of the United States and the secretary of the treasury? A. I have known the secretary of the treasury a number of years, but I cannot say how long.

Q. How long have you known the president? A. I have known him ever since he was a boy.

Q. How well have you known him? A. I have known him reasonably well.

Q. State what opportunity you have had for knowing him? A. Well, I have lived in the same city with him ever since I have been a man, and well, I am his brother-in-law.

Q. Do you think you know him pretty well? A. Yes, sir.

Q. Did you ask him for this appointment? A. No, sir.

TESTIMONY OF R. W. JENNINGS.

Mr. R. W. JENNINGS, a witness called on behalf of the prosecution, after being duly sworn by the president, testifies as follows:

Questions by MR. PARSONS: Q. Give the reporters your full name. A. R. W. Jennings.

Q. Where do you live? A. Port Townsend.

Q. State about how new a comer you are there. A. I came there about a year ago.

Q. Will you tell us about what relation you sustain to the tax list? A. I am a taxpayer.

Q. What is your profession? A. Lawyer.

Q. You may state what knowledge you have of the organization of the bar association of that county. A. About Christmas, if I remember correctly, there appeared a call in the papers that the members of the bar would meet at the court house to take steps and form a bar association. There was none then at Port Townsend. On that occasion about eighteen or twenty, I think it was, met there and formed a bar association, elected Mr. Johnson president, and other officers, and appointed a committee to draft a constitution. That committee was composed of Mr. Coleman and two or three other attorneys. That is the bar association that is in existence there now.

Q. You may state, Mr. Jennings, whether before the organization of

the bar association the subject of Judge Sachs' conduct upon the bench and of his habits had been pretty generally discussed there. A. It had.

Q. In what regard? A. In regard to his gambling, and in regard to his prejudging cases; in regard to sitting on cases in which his relatives were interested, and in regard to sitting on cases in which he himself was interested.

Q. How general was that talk? A. Very generally talked among the members of the bar, and his gambling propensities were well known in the community, the other parts were well talked of among the members of the bar.

Q. How long after the organization of the bar association before steps were taken in regard to his removal? A. I think it was about two weeks.

Q. What do you know as to a number of persons being admitted to the bar at that time? A. I know that on the very day of the organization—

MR. HAINES: The history of the bar association is very interesting, but I object because it is immaterial; I object as to whether the members of the bar were admitted or not.

MR. PARSONS: In my judgment that objection would have been exceedingly well taken if it had not have been for the fact that almost from the beginning, when the gentleman on the other side first rose to face this jury, they brought this subject here. On the cross-examination of almost every witness they have again and again forced it upon us, and I take it to be important, and I am willing to meet them on their own ground, and upon their own terms.

MR. SNIVELY: I would like to ask the gentleman a question; I would like to know what charge this testimony bears upon.

MR. PARSONS: It is not offered with reference to the charge at all, but offered with reference to the idea that there has been a combination among the young and new comers.

Motion stated by the chair, and objection sustained.

MR. PARSONS: You may state what you know of the general sentiment there so often referred to upon this subject. A. I think the general sentiment of the citizens of Port Townsend, could it be obtained, leaving out the idea of fear and obligation to certain parties, it would almost be unanimous against the acts of Judge Sachs upon the bench.

Q. You heard the names of certain persons mentioned here, and a remonstrance read, what can you say as to that? A. If you will let me see the remonstrance and the names, I can say something as to the names there. (Remonstrance handed witness). The first name here is Thomas Jackman, capitalist. Mr. Jackman is a director of the First National Bank; is directly interested in the case of Jago and Niblock; is uncle of Jago; is assignee of that firm, and is the party that Judge Sachs refused to order to turn over the assets to the new assignee elected by the creditors.

Q. What bank is that of which he is director? A. The First National Bank.

Q. Is that Colonel Landes' bank? A. Yes, sir.

WITNESS: Whittlesey & Fennimore, customs and insurance. Mr. Whittlesey was a practicing attorney some time ago, I believe. He was a partner of Mr. Coleman's. He is now in the insurance business, and on the very day or the day before the meeting that was called, Mr. Whittlesey told me himself that he was opposed to Judge Sachs, but thought we could not do anything. Mr. Fennimore is the clerk of the court, and an officer of the court. Mr. J. H. Williams, insurance manager, is manager of Whittlesey & Fennimore's insurance business. Mr. B. F. Morrison, livery stable keeper, the man who I am told, told somebody else he signed that paper before he read it. Mr. R. C. Hill, banker, is cashier of Colonel Landes' bank. Mr. Wm. Bishop, capitalist, is director in Mr. Landes' bank. Mr. Oliver Wood, attorney-at-law, is justice of the peace, who was very recently admitted to the bar by Judge Sachs. Admitted after the organization of the bar association, and not long after his son, who was a clerk of Mr. Bradshaw's in the custom house, was admitted also, and not long after Garfield was admitted; not long after Bush, who was a clerk in the custom house, and not long after Mr. Rutz, who studied law in Mr. Hays' office, was admitted.

Q. Who is Hays with reference to Sachs & Bradshaw? A. Mr. Hays is the man that bought out the business of Bradshaw & Sachs and advertises himself as the successor of Bradshaw & Sachs. Mr. C. C. Bartlett, merchant, is the same firm as Frank A. Bartlett, president of the chamber of commerce, and Mr. C. F. Platt, banker, is a banker there at Port Townsend, or was a banker at Port Townsend, and is a gentleman personally, I am told requested Judge Sachs to resign. Mr. D. M. Slocum, assistant cashier of the First National Bank, which is Henry Landes' bank. That is all I have to say about that.

Q. Do you know about what the voting population of that city is? A. I understand it is between eight hundred and a thousand.

Q. Can you tell us about how many names there are there? A. Leaving out the repetitions I suppose there are about forty names.

Q. What do you know as to any such division as has so often been referred to between the old settlers and the new comers over there? A. I don't know that there is any especial division between all the old settlers and all the new comers, but I do think there is a certain class there that arrogate to themselves all the importance and all the honor and credit, and who form a ring among themselves.

(Cross-examination.)

Questions by MR. HAINES: Q. How long have you resided in the state? A. In this state two years.

Q. Have you resided all that time in Port Townsend? A. I have not.

Q. Have you resided a portion of that time in Seattle? A. I have.

Q. What business were you engaged in at Seattle? A. I was practicing law.

Q. Were you not in the real estate business? A. I was not.

Q. Has your business been practicing law, entirely, at Port Townsend?

A. It has been, sir, until my brother became sick, and I went into the Commercial Bank to take his place.

Q. How long have you been in the Commercial Bank? A. I was in the Commercial Bank about a month.

Q. You have testified that the general sentiments of the citizens of Port Townsend, if you could ascertain what it was, you think would be against the acts of Judge Sachs. A. I did, sir.

Q. You have now proceeded to review the names on this paper. A. Some of them.

Q. Have you criticised all the names? A. No, sir.

Q. You criticised only those that you thought were subject to criticism. A. Yes; those I knew of and could see the motive of it.

Q. So far as the others are concerned, you have nothing to say. A. Nothing at all. He never did me any personal injury in his life; I have never received anything but courtesy from Judge Sachs.

Q. You speak of a certain element that arrogated to themselves all of the importance in the town, or something of that kind. What element did you refer to that arrogated to themselves all of this importance? A. I also said they arrogated to themselves the importance or took on themselves the credit, and that they formed a ring.

Q. Now, will you name the people that arrogated themselves all of this importance? A. Yes, sir.

Q. Who? A. Mr. Henry Landes, Joseph Kuhn, R. C. Hill, Charles Eisenbeis and Mr. Thomas Jackman are the principal agitators.

Q. That constitutes the element you refer to. A. This constitutes the ring I refer to.

Q. You don't include all of the people that signed this remonstrance. A. I did not include them, except as I have stated.

Q. There are some pretty good people on here that don't belong to the ring that you refer to. A. Some pretty good people; yes.

Q. Now, is it not a fact these names that you have mentioned are all old residents of that county? A. Yes, sir.

Q. They are gentlemen of good standing. A. It depends on what you call good standing. Do you mean gentlemen of wealth? If so, they are. If you mean gentlemen of honesty and actual respectability, some of them I doubt very much.

Q. You spoke of Mr. Fennimore being in court, as being an officer of the court. A. I did.

Q. He is elected by the people, is he not? Not appointed by the judge. A. No, sir; he is not appointed.

Q. He is county clerk. A. Yes, sir.

Q. Mr. Bishop that you referred to as being a director in the bank—do you know that he is a director of that bank? A. I saw by the paper that he was elected.

Q. Do you know whether he is a director now, or was when he signed this petition? A. Not positive, but I know he was a director a short time before this.

Q. How long before? A. Well, I think it was 'long about Christmas time; a little off, perhaps.

Q. Do you know how many signed a petition against Judge Sachs?

A. I know how many signed a request that the legislature investigate the matter.

Q. How many? A. I think about twenty-two actually signed it, but a good many told us they would were they not afraid of the bank.

Q. Twenty-two signed it? A. There was about that.

Q. Who were they that told you they would sign it were it not for the bank? A. J. H. Livermore told me he was with us, heart and soul, but that he owed the bank some money, and that if he signed any paper that bank would press him on his paper.

Q. Who is he? A. He is a wholesale shoemaker. T. J. Knowlton told us he would do anything for us, only Sachs traded with him.

Q. Who else? A. Mr. Andrews told he was with us heart and soul, but he could not sign that because they did some business with him.

Q. Who did? A. Sachs, Bradshaw, Landes and that crowd.

Q. What is his business? A. He is a hat merchant, and gents' furnishing goods merchant.

Q. Name anyone that said he would sign it. A. That's about all.

Q. You stated twenty-two signed it, and as many more said that they would sign it. A. I said twenty-two signed it, and that a good many said that they would sign it, but were afraid to antagonize them.

Q. That is all you can think of, four? A. That is all I think of just now.

Q. You have been taking a very active part in this prosecution. A. Quite an active part.

Q. From the beginning? A. From the beginning.

Q. You have been sitting here as assistant prosecutor in this case? A. I have been prompting Judge Parsons on some questions.

Q. I notice that you have been using a book here. Was that book prepared by you? A. This book?

Q. The book that now stands upon the floor. A. No, sir; that book is Judge Parsons'.

Q. It was not prepared by you? A. No, sir.

Q. But you have been referring to places in his own book? A. I have.

Q. You had nothing to do with preparing whatever is in it? A. I wrote somethings in that book—some things that I knew the witnesses would testify to, and I prompted Judge Parsons in asking questions.

Q. You have been doing that throughout this examination. A. I have.

Q. Your feelings towards Judge Sachs are not particularly friendly. A. My personal feelings toward Judge Sachs are neither friendly nor inimical. I have nothing against Judge Sachs personally.

TESTIMONY OF E. C. JOHNSTON.

E. C. JOHNSTON, esq., called as witness, being duly sworn, testified as follows:

Q. Mr. Johnston, will you please give the reporters your full name? A. E. C. Johnston.

Q. Where do you reside? A. Port Townsend, Washington.

MR. DYSART: Mr. President, I move you that the joint assemblage do now dissolve until Monday evening at 7:30.

Motion put, and on division 36 members voted in favor of the motion and 51 against it, and the motion was declared lost.

Q. What has been, and is now your profession? A. I am attorney at law.

Q. State whether you have ever been in the practice of your profession at Port Townsend. A. I have been practicing at Port Townsend ever since I came there, sir.

Q. What is your relations with the bar association that has been mentioned here? A. I am president of the bar association.

Q. When was the subject of the removal of Judge Sachs first discussed over there? A. I think I heard something of his removal as far back as September or October last year.

Q. When did it become general in the community and among the members of the bar? A. Some time during the latter part of last year in December.

Q. Upon what grounds? A. Upon the grounds of unbecoming conduct, gambling, and decisions that were not considered fair upon their face.

Q. You may state how general the subject of his gambling was talked over. A. Well, I think it was generally understood that he was a gambler by every class of persons there.

Q. Were particular places mentioned that he was in the habit of frequenting? A. I think I have heard of the three places that have been particularly mentioned here that he frequented.

Q. So far as you know, has there been any such division as has been talked here, as taxpayers and non-taxpayers, and property holders and non-property holders? A. I think, sir, there have been both of some on either — on each side.

Q. What is your judgment as to the state of public sentiment there upon this subject? A. I think it is very largely against the conduct of Judge Sachs.

Q. Have you ever heard any one man defend his habit of frequenting gambling houses? A. Not one.

Q. Have you ever heard it questioned that the fact was that he was a habitual frequenter at such places? A. No, no denial of it that I ever heard.

Q. What was the talk among the members of the bar as to whether they were willing or exceedingly reluctant to take the move now in progress? A. I think there was a pretty general sentiment among the members of the bar that he was not a suitable person for a judge; I think I heard some reluctance expressed to taking this step.

Q. By whom and how generally? A. Well, I have in mind now but one attorney who expressed reluctance at taking the step for removing him.

Q. Proceed. A. That was Mr. Coleman.

Q. Upon what ground did he put his reluctance to proceed? A. Well,

he told me in presence of several other attorneys that it was a question whether we should proceed to remove him, and run the risk of decapitating ourselves or stand the disgrace of submitting to him as judge.

Q. How long was that before these proceedings were instituted? A. I suppose it was nearly that time, within a week before or after; I think a week or two before.

Q. Mr. Coleman was a member of your bar association? A. He became a member.

Q. And is he an active practitioner there? A. Yes, sir.

Q. State whether he raised any objection as to the habits of Judge Sachs. A. None whatever.

JUDGE PARSONS: That is all.

(Cross-examination.)

By COL. HAINES: Q. How long, Mr. Johnston, have you resided in this county? A. Something over a year and a half.

Q. Did you reside in this state at any other place prior to that time? A. No, sir, I did not.

Q. You have spoken about a conversation of Mr. Coleman. A. Yes, sir.

Q. Did not Mr. Coleman state to you prior to the proceedings that he thought there was no legal cause for which Judge Sachs could be removed? A. The only statement that I ever remember Mr. Coleman making to me in this connection —

Q. Well, I want to know if he did not state that? A. Not that I remember, sir.

Q. Is it not a fact that in this division of sentiment that you speak of in Port Townsend, that as a rule the persons having the largest interests there and most vitally interested in a property way there, are opposed to the removal of Judge Sachs? A. I don't think so.

Q. That is your judgment? A. Yes, sir.

Q. Now, you spoke here of the sentiments being largely against Judge Sachs. Do you mean that for his removal as judge, or simply a sentiment condemnatory of the practices that you say have been criticized? A. I think the sentiment is largely in favor of his removal.

Q. Now, you have said that you don't think that the bulk of the tax-paying community there in Port Townsend are in favor of his removal. Could you state the names of prominent taxpayers and citizens there, favoring his removal, that have so expressed themselves. A. Mr. Hastings, the Hastings estate.

Q. That is the gentleman that testified here as a witness, Mr. Warren I. Hastings. A. Yes, sir. They are the largest property holders there—among the largest.

Q. Are they the largest? A. Among the largest.

Q. Not the largest. A. No.

Q. Is not Mr. Eisenbeis property owner there? A. Probably he is.

Q. And he has been quite earnest in his opposition to his removal, has he not? A. I have seen Mr. Eisenbeis frequently and have never learned that he was opposed to it.

Q. But he is opposed to it, you understand. A. Yes.

Q. You spoke about Mr. Hastings being one of the largest property holders. The property you are speaking of, is the property of the Hastings' estate. A. Yes, sir.

Q. Belonging to several heirs. A. Yes, sir. Three brothers and a mother, I believe.

Q. And now standing in the name of Mrs. Lucinda Hastings, is it not? A. I believe so.

Q. Could you name any others? A. F. W. James is another large property owner there.

Q. What is his business? A. He has a good many business houses there, and large landed interests, and I believe he is managing them.

Q. What others? A. Five out of the six banks in the town.

Q. What banks? A. The Commercial, the Merchants, the Port Townsend National, I believe. I will state that the different officers of the banks have signed the paper.

Q. Now, who is president of the Merchants National Bank? A. Mr. Kuhn is president.

Q. He is quite earnest in his advocacy of these proceedings, is he not? A. I have so understood.

Q. You believe, do you, that he is in favor of Judge Sachs' removal? A. In favor of his removal.

Q. Yes. A. No, not that.

Q. Then when you say the Merchants Bank is in favor of his removal, you do not mean the president, do you? A. No, sir. Mr. Searle represents more than three-fifths of the banks' interest there, and he is —

Q. Mr. Serrill's name is signed to this paper, is it not? A. Mr. Searle, I mean.

Q. Now, is not Mr. Eisenbeis one of the directors you have mentioned? A. I believe he is.

Q. What is his position in this matter? A. I don't know.

Q. Is not Judge Kuhn also president of the Commercial Bank? A. I am not certain as to that.

Q. But is not that your best impression? A. I think he was; I am not certain if he is now.

Q. Then you do not mean that all the officers of these banks are opposed to Judge Sachs? A. I do not.

Q. Who is president of the State bank? A. I think Mr. Paine.

Q. Is Mr. Paine opposed to Judge Sachs and in favor of his removal? A. I don't know whether he is or not.

Q. Don't you know as a matter of fact that he is opposed to his removal? A. I am not.

Q. You are speaking then of the subordinate officers of the banks when you speak of the banks being in favor of his removal. A. The officers of the bank; yes, sir.

Q. And you don't mean all the officers. A. No, sir.

Q. What other property owners join in this desire to have Judge Sachs removed? A. Well, a good many others.

Q. I mean of the prominent ones. A. I don't know how many there are; I don't think that I could answer that.

Q. George W. Downs is quite a prominent man there, is he not? A. Yes, sir; he is.

Q. A man of high standing? A. Yes, sir.

Q. And he is opposed to Judge Sachs' removal? A. I so understand it from his having signed that petition.

Q. Frank Bartlett, president of the chamber of commerce, is a man that stands pretty well down there, does he not? A. He stands very well.

Q. And he is opposed to his removal? A. I understand so.

Q. And W. H. H. Learned, the proprietor of the opera house, is a man who has lived there a good many years and has been postmaster and held other offices there, has he not? A. I don't think he was postmaster, but he is a man of high standing in the community.

Q. And he is opposed to this removal? A. Yes, sir.

Q. Richard Delanty, the present sheriff there, a good man, a man of high standing? A. Yes, sir.

Q. And he is opposed to it? A. Yes, sir.

Q. And William Delanty; he is a man well known and respected there, is he not? A. I am not personally acquainted with him, but I understand he is a good citizen.

Q. Oliver Wood—Col. Wood is a man of some prominence there in the county, is he not? A. Yes, sir; of some prominence.

Q. He has held government positions and acquitted himself with them. A. So far as I know.

Q. You heard this list read, did you not? A. Yes, sir.

Q. Do you know William Paine? A. Yes, sir.

Q. He is president of the State Bank, is he not? A. Yes, sir.

Q. Is he opposed to Judge Sach's removal? A. I don't know so.

Q. If you found his name on this remonstrance you would think so. A. I would think so; I did not know it was there.

Q. He is a man of high standing in the community, is he not. A. Yes, sir.

Q. Did you hear this list read? (Counsel refers to list of names signed to the remonstrance.) A. I heard most of it.

Q. James Seavey is a man in good standing down there, who has been county treasurer there time immemorial. A. Yes, sir.

Q. He is a good citizen. A. Yes, sir.

Q. Well, prominent men, old citizens and men who stand well in the community signed this remonstrance, did they not? A. A good many; yes, sir.

COLONEL HAINES: That is all.

JUDGE PARSONS: That is all.

Examination of C. E. Johnston closed.

SENATOR VAN DE VENTER: Mr. President, I move you that this convention now arise to meet at half past seven, Monday night.

Question stated by the chair.

MR. PLUMMER: Mr. President, I move to amend by striking out the word "Monday" and inserting "Saturday."

Motion as amended stated by the chair, and, upon division, fifty-six voted in favor of the amendment and thirty-five against it.

MR. SNIVELY: Mr. President, I desire to make a statement. Mr. J. T. Ronald is a witness for the defense, and I understand that it would take but a few minutes to examine him, and there is sickness in his family and he cannot remain here. I would like to have the gentleman withdraw his motion so that the defense may take Mr. Ronald's testimony to-night.

SENATOR VAN DE VENTER: Mr. President, I will withdraw the motion on that account.

MR. SNIVELY: Mr. President, I understand now that they do not care to call Mr. Ronald at this time. They stated a minute ago that they would do so, but they have now withdrawn their consent.

Motion to adjourn to 7:30 P. M. Saturday, put by the president and carried.

OLYMPIA, FEB. 28, 1891.

The senate entered the bar of the house at the hour of 7:40 P. M. President Wilson took the chair.

THE PRESIDENT: The secretary of the senate will call the roll of the senate.

Secretary called the roll, and nineteen members of the senate answered to their names.

The chief clerk of the house called the roll of the house, and fifty-four members of the house answered to their names.

THE PRESIDENT: The secretary will read the journal of last session.

SENATOR THOMPSON: I move that the reading of the journal be dispensed with.

Motion seconded.

Question stated by the chair. Motion carried.

MR. GANDY: In view of the fact that there is a bare majority of either body here, I move that this joint convention do now adjourn to meet on Monday night, at half past seven o'clock.

Motion stated by the chair.

MR. HUNSAKER: It was the sentiment of the meeting of last night to meet to-night and continue this business.

MR. GANDY: It is for the fact that there is a bare majority here, as I stated before, that I make this motion. I do not consider it advisable—

MR. THOMPSON (G. T.): I rise to a point of order; I think the gentleman has a right to give the reasons for making this motion to adjourn.

THE PRESIDENT: The gentleman from Spokane is allowed to argue the motion.

MR. GANDY: We are sitting here as jurors, and I think that when almost half of the jury is absent and unable to listen to the testimony, it is absurd to say that those absentees can sit in judgment on questions that they did not hear, and that is why I make this motion.

MR. LONG: I hope the motion will not prevail to adjourn now; we have only six days more, and it was understood by every member of the senate and house that we would meet here to-night at half past seven, and that each and every member should be responsible for their absence and not interfere with the business. There are many of us here who are anxious to dispose of this matter and get at the business before this legislature, and I hope we will not adjourn.

MR. THOMPSON (G. T.): As it seems this motion to adjourn may be debatable, and whether it is or not, I hope the motion will not prevail. If any gentleman on this floor, any juror in this case, chooses to shirk the responsibility of deciding this issue, let us play this circus out, and I hope we will be here and be heard from.

THE PRESIDENT: There are fifty-five members of the house and twenty-one members of the senate present. Senator Austin, Dyer and Rutter have been excused on account of sickness.

MR. MILLER. I desire to say that I wish to see this case continued, but there is one point I want to understand; whether the gentlemen who have voluntarily absented themselves to-night will be entitled, or will be compelled to vote on the final question before it. If they are, or if they are not, we ought to know it.

MR. THOMPSON (G. T.): Excuse me, I ask the pardon of the house for appearing on my feet, but it strikes me, in answer to the question of my friend Miller, of Whatcom, that no man should pass judgment where he has not been a witness, and heard the case tried. No juror would ever be permitted in a court of justice to vote a verdict either guilty or not guilty, whatever it might be.

Motion stated by the chair, vote taken and the chair announced that the motion was lost.

THE PRESIDENT: The prosecution will proceed.

SENATOR SMITH: I would like to know how many members of the Senate are here. I think a good many have come in since roll call.

THE PRESIDENT: There are fifty-eight members of the House and twenty-four members of the Senate.

TESTIMONY OF F. C. ROBERTSON.

MR. F. C. ROBERTSON, a witness called on behalf of the prosecution, after being duly sworn by the president, testified as follows:

MR. PARSONS: Mr. Robertson, where do you live? A. Port Townsend.

Q. How long have you lived there? A. About a year and eight months.

Q. What is your profession? A. An attorney at law.

Q. Did you hear the papers in case of the First National Bank against

Jago & Niblock read here last evening, so far as they were read?—they were not read at large. A. I did, yes.

Q. State what knowledge you have of that case. A. About the first day of December I received a telegram from parties in San Francisco, stating that the firm of Jago & Niblock were indebted to the firm in the sum of \$1,500, evidenced by four notes, and asking me to bring an attachment proceeding against that firm. I then went to the court house and found that the firm had confessed judgment to the First National Bank of Port Townsend in the sum of \$6,620. I immediately prepared the papers and attached the goods, and levied on them under the confession of judgment, and immediately brought a bill in equity to restrain the sale.

MR. HAINES: Mr. President, there are so many papers coming into this case that we would like to see papers witness refers to. I presume Judge Parsons has them.

MR. PARSONS: I have not the papers here, but this case grew out of the Jago & Niblock judgment. I have the papers at my room.

MR. HAINES: Mr. President, that we may expedite this matter as much as possible, with your permission I would like to inquire of Judge Parsons what charge the testimony refers to.

MR. PARSONS: To the last charge, referring to the order of judgment upon the order of confession contained in the eighth charge.

MR. HAINES: I object, for the reason that it is not set out.

MR. PARSONS: We offer to show this as a part of the proceedings in the case.

MR. HAINES: We object to the testimony on the ground that it relates to a matter that is not set forth in the charge, and with the indulgence of the convention I will read the eighth charge: "That Morris B. Sachs, being a judge of the counties of Jefferson, Island, Kitsap, San Juan and Clallam, in the State of Washington, did, on the — day of September, A. D. 1890, in the case of the First National Bank of Port Townsend vs. Jago & Niblock, partners in trade, whose given names are unknown to this legislature, enter a judgment in said case in favor of the First National Bank of Port Townsend, upon a promissory note given by the said firm of Jago & Niblock, to one Henry Landes, assigned in —, the First National Bank of Port Townsend, for a large sum of money, to wit, the sum of — dollars; and he, the said Morris B. Sachs, then and there being related to said Henry Landes in the second degree of consanguinity, and he, the said Henry Landes, also being a president, director and stockholder of said First National Bank of Port Townsend." Now, Mr. President, that has already been proved in this case without any objection on our part, and this is the first intimation we have had that we would be called upon to meet testimony of this character, in regard to an alleged refusal, as I take it, of the judge to set aside a certain attachment. Now, we insist that we are here to meet these allegations, and none other. We have some of the large number of witnesses to meet them, but we are totally unprepared to meet an allegation of this

character. And in the proceedings that were had before the judiciary committee, in which Mr. Coleman and myself appeared, nothing was said on this subject and nothing has been alleged in these charges, and if new charges are to be constantly incorporated into the written charges, we shall certainly be obliged to ask for an opportunity to prepare to meet them, which we have not had up to this time.

MR. PARSONS: Mr. President, we cannot set out all the proceedings in every action. That would require us to begin with setting out the summons, and then the complaint, and then the answer, and then the motion, and finally the judgment. We charge that this defense or respondent improperly, in effect that he corruptly ordered a judgment in this case in favor of the First National Bank, in which his father-in-law and uncle was one of the stockholders and president. For the purpose of proving his motive in rendering that judgment or ordering it to be rendered by the clerk, we desire to follow it up by showing, when an application was made by a disinterested party—that is, not one of the parties to the confession of judgment, for, as this house knows, and as every lawyer knows, perhaps, in the majority of instances these confessions are made between parties, both desiring the accomplishment of the same end, namely, to defraud the creditors of one of the parties. For the purpose of showing the motive of this respondent in rendering that judgment, we offer to show that upon the application by creditors seeking to attack the judgment, he refused to set it aside, and the circumstances under which the refusal was made.

MR. HAINES: The constitution provides that in proceedings of this character the accused is to be served with a copy of the charges, and is to have an opportunity to be heard in his defense. This charge is simply a charge against the Judge for alleged misbehavior in office; in sitting as a judge in a case where a person who was related to him was interested, and that is all there is of it. Now, this is another proceeding; this motion to set aside this attachment was made in another action that is not even named in these charges, and certainly if the constitutional provision amounts to anything, it is that the defendant is to have an opportunity, from reading these charges, to know what they are. The proceedings under the rules of this convention are summary. The defendant is required to answer the moment he is brought before the bar of this house. He was served a little more than twenty-four hours before he was called upon to answer, and under these circumstances we have a right to insist that the charges when made shall be specific, that we can bring our witnesses and prepare to meet them upon the spot. Now, there has been a great deal of evidence introduced which has been immaterial and irrelevant, and we insist that it is too late now to drag in testimony to establish new charges, that we have had no notice of.

MR. THOMPSON (G. T.): As a juror in this case, as a member of the state Senate of the State of Washington, as a practicing lawyer in the State of Washington, I desire to say that the objections made by the attorney for the respondent are correct and true.

THE PRESIDENT: The chair rules that the question is not subject to debate by the members of the joint convention.

Question stated by the chair; upon the vote being taken, the chair announced that the witness would not be allowed to answer the question.

MR. PARSONS: That is all, Mr. Robertson.

MR. HAINES: That is all.

MR. PARSONS: The evidence on the part of the prosecution in this case is now closed.

MR. THOMPSON (G. T.): Now, on behalf of this accused in this case, with charity towards all, with the milk of human kindness flowing through my veins, I desire to move you, Mr. President, that there has been no legal cause shown by this prosecution why this respondent should be debarred or removed from his office. Whatever his habits may have been, or his faults, let us consider, gentlemen.

MR. BASS: Is the Senator trying the case?

THE PRESIDENT: The chair is unable to decide that point of order.

MR. THOMPSON (G. T.): Now, I move you, in consideration of human kindness, I ask of this convention, I ask of every member here, that although the gentleman's acts may not have been what they ought to have been, perhaps, yet I assert there are no legal grounds for sustaining these charges.

THE PRESIDENT: There is no question before this body subject to debate.

MR. THOMPSON (G. T.): I move that these charges be dismissed, and this circus be stopped.

MR. McCROSKEY: The houses have to separate to consider this proposition, therefore the gentleman's motion is not in order.

THE PRESIDENT: The gentleman is not in order; there was no question before the house.

MR. WINSTON: The respondent is now ready to proceed with his defense.

SENATOR THOMPSON (G. T.): Mr. President, I rise for information; I want to ask a question for information.

THE PRESIDENT: The senator from Walla Walla will ask his question.

SENATOR THOMPSON (G. T.): I will ask you, Mr. President, as a legal question, if I have not a legal right as a senator of this legislature, to move to dismiss these charges?

THE PRESIDENT: The senator from Walla Walla has such a legal right, but there was no second to the senator's motion and the chair could not entertain it.

TESTIMONY OF RICHARD DELANTY.

MR. RICHARD DELANTY, called as witness for the respondent, having been duly sworn, testifies as follows:

(Examination-in-chief.)

By MR. COLEMAN: Q. Give your full name. A. Richard Delanty.

Q. Where do you reside? A. Port Townsend, Jefferson county, Washington.

Q. How long have you resided in Jefferson county? A. A little over two years.

Q. In Jefferson county, I asked you, Mr. Delanty. A. Excuse me; I had reference to Port Townsend. About nine years in Jefferson county.

Q. What official position if any, sir, do you hold in Jefferson county? A. Sheriff.

Q. How long have you been sheriff of that county? A. A little over two years.

Q. Speak loud Mr. Delanty, so that all the members can hear you, please. You were then sheriff of that county last September, were you? A. Yes, sir.

Q. Are you acquainted with the respondent in this case, Judge Morris B. Sachs? A. I am.

Q. How long, sir, have you known him? A. Seven or eight years.

Q. Did you hear the testimony of Mr. W. J. Jones, the deputy sheriff of Jefferson county, given here last evening? A. I did.

Q. Did you hear what he said with reference to a note given by Judge Sachs for goods bought at a sale under execution, in Jefferson county, in the case of the First National Bank vs. Nathanson, and the case of Nathanson vs. Nathanson? A. I did.

Q. I now hand you the note that was filed here last evening. I ask you to look at that paper, Mr. Delanty, and say what it is—the paper you hold in your hand. A. Well, it is a promissory note of the Port Angles Mill and Lumber Company, by M. B. Sachs.

Q. Did you ever see the note that was referred to by Mr. Jones as having been given by Judge Sachs for those goods? A. Yes, sir.

Q. I will ask you to state what became of that note, if you know, that was given by Judge Sachs? A. Gave it to the deputy clerk of the court.

Q. I will ask you to state whether the paper you hold in your hand is that note. A. Well, as far as the body of the note or the paper is concerned, I can't say; but that looks very much like my signature on the back.

Q. I will ask you to state whether or not that is your signature on the back of it, Mr. Delanty. A. Well, it looks very much like it.

Q. Well, sir, do you know whether or not it is your signature? Give your opinion as to whether it is or not. A. It is as near like it as I could write it myself.

Q. Now, Mr. DeLanty, state whether or not you endorsed the note that was given to you by Judge Sachs for those goods. A. I did, on the back of it.

Q. You put your name on the back of it. A. Yes, sir.

Q. What time, with reference to the time he gave it to you, or with reference to the time when you turned it into the court. A. I don't remember the date; sometime in the first week in September, I think.

Q. My question is, with reference to the time you turned it into court. Did you endorse it at the time you turned it in as a part of the proceeds of that sale, or afterwards? A. Before I turned it in.

Q. Did you ever endorse more than one such note? A. I did not.

Q. Now, Mr. DeLanty, you say you had known Judge Sachs about seven or eight years, and that you are now at this time the sheriff of Jefferson county. Now, I will ask you to state whether you have heard this matter of the removal of Judge Sachs from his office of superior judge talked about much in Port Townsend. A. Well, I have frequently heard it spoken of.

Q. Are you pretty generally acquainted with the business men in Port Townsend? A. Yes, sir, I think I am.

Q. I will ask you to state whether or not, in your opinion, a majority of the business men of Port Townsend are in favor of, or opposed to the removal of Judge Sachs from his office on these charges.

JUDGE PARSONS: Mr. President, I desire to object to all testimony of that character. It cannot disprove the specific charges set out in the articles presented against the respondent. It is true, sir, that evidence has been called out upon that subject, but it was not at our instance; it was called out by the other side. At that time, I saw no means of excluding that evidence; but now that it is distinctly offered by the other side, I desire to object, upon the ground, that it is incompetent and immaterial; for the reason, that the evidence shall be confined to actual facts, and should not include general opinions that are in circulation in any community.

MR. COLEMAN: Mr. President, one of the charges against the respondent in this case is, that his conduct has brought his high office in disrepute and disgrace among the citizens in that district. The prosecution in this case have put witnesses upon that witness stand who have testified that in their opinion a majority of the people of Port Townsend were desirous of having this judge removed from his office. And now, sir, when we come to offer evidence of another class of the citizens of Port Townsend, a class of people more interested in Port Townsend, the testimony of the business men and officers of that city and county, to show that such opinions and statements by the witnesses of the prosecution were false and untrue, then, sir, the gentleman on the other side, elated, it appears, by the fact that this house has sustained him in most of the positions he has taken here, he arises here to object to such testimony, after having proven by his witnesses, time after time, that the people of the city of Port Townsend wish to have this judge removed from office; he comes here now, Mr. President, after all that and objects to our showing that the statements of his witnesses are not true in that regard. We come here now, sir, and demand that this evidence be received to refute the charges that have been made here, that this judge by his acts has brought his high office in disrepute among the people of that county. We objected to this evidence in the first place, and this house decided to admit it on behalf of the prosecution, and now when we come to answer

it, the gentleman comes and insists that our witnesses shall not be heard. We now insist, Mr. President, that we be allowed to put in this testimony.

JUDGE PARSONS: Mr. President, I desire to correct the gentleman in one thing, and in one thing only: That is as to his statement that all that class of evidence was drawn out by me. All that class of evidence was drawn out by them on cross-examination. I assert, Mr. President, that we were forced into a position, after they had drawn out such evidence on cross-examination, to go on with it and meet it, it having been drawn out by them, although I maintained at the time, and do yet, that it is improper. I think the evidence ought to be limited to what the respondent did as an individual and what he did as a judge. For that reason, Mr. President, we object to this evidence.

MR. COLEMAN: Mr. President, I submit that we objected to this line of testimony when it was offered by the prosecution, and that this house overruled our objection and admitted testimony tending to show that he was not in good favor among the people of Port Townsend, and that they desired to have him removed; and now when we want to show that that evidence is false and untrue, the gentleman desires this house to sustain his objection to shut it out.

The question stated by the chair, "Shall the witness be allowed to answer the question?" and the joint convention, by a majority vote, deciding in the affirmative, the objection was declared overruled.

Q. Mr. Delanty, please state now whether or not, in your opinion, a majority of the business men of Port Townsend desire the removal of Judge Sachs on these charges, or if they desire that he should be retained in his office. Please state your opinion on that subject. A. Well, they are considerably divided down there; really I don't know how to answer that question. A great portion of them are in favor of Judge Sachs, and, as a matter of course, a great many are against him.

Q. Well, sir; will you give us your opinion as to whether a majority are in favor of retaining him or in favor of his removal? A. Well, I think a majority favor him among the business men of Port Townsend; that is my judgment.

Q. In your official position as sheriff you have been about the superior court much of the time since the respondent has been judge of that court, have you not? A. Yes, sir.

Q. I wish you would state, if you know, what his reputation is among the people of Port Townsend as a judge of that court, as to whether his conduct as a judge has been satisfactory or otherwise. A. Well, as a rule I think it has been satisfactory.

Q. Mr. Delanty, it has been testified here, and I suppose you have heard it, that Judge Sachs has gambled and played at faro. I will ask you, sir, whether or not, from your knowledge of how the business of the court there was carried on, from being about there as a sheriff, whether or not he has neglected the duties of his office as judge on account of his gambling or anything else? A. Not that I know of.

Q. Do you know anything with regard to his attendance at the court

room at times between the jury terms as to whether he attends there daily. A. I think he has been very punctual.

MR. COLEMAN: That is all.

(Cross-examination.)

By JUDGE PARSONS: Q. Mr. Delanty, do you know or do you not know whether the paper presented to you as a note was the first note that was given by Judge Sachs to Mr. Jones upon the sale of that property? A. To the best of my knowledge and belief it is the note and the only note.

Q. Were you present at the time of the examination before the committee over at your city? A. I was, sir.

Q. You know nothing of any other note? A. I know nothing.

Q. If there was another note, which was torn up and this note taken in its place, don't you know it? A. No, sir.

Q. And whether that was so or not you can't say? A. I can't say.

Q. When you say a majority of business men are in favor of retaining Judge Sachs, won't you tell us some of the men you have in your mind?

Q. When you say a majority of the business men, won't you tell us some of the men that you have in your mind? A. Well, the firms of Waterman & Katz, C. C. Bartlett & Co. and Klinger & Co. There are a few that I have talked with; my information is just what I have said—general information.

Q. You never heard any of these parties say they were in favor of retaining Judge Sachs, did you? A. Well, they seemed to talk that way, but really I never asked them on that subject. I should judge they were in favor of it by the drift of their conversation.

Q. How long ago was that? A. Well, it is since this difficulty has arose.

Q. Did they say anything about his habits of gambling when they were expressing this opinion? A. Well, I have heard it talked of.

Q. And did these business men that you think are in favor of keeping him in his office say that they thought that was the best way of avoiding a scandal? A. Well, no; I don't remember of their putting it in that way.

Q. Did they say that they approved of his habits of gambling? A. No, sir, I never heard them say that.

Q. You heard that discussed, however? A. I heard it talked of, yes, sir.

Q. Did you hear any of these business men that you say were in favor of keeping him in his office, say that they thought that that was becoming conduct in a judge? A. I never heard them say that.

Q. You never asked them about that, did you? A. No, sir.

Q. Now, can you say the names of any more of those business men who said that they thought he ought to be kept in his office? A. Well, the firm of Eisenbies & Son. I think I have heard them talk in that way.

Q. What did they say about it? A. I don't remember any more than they were in favor of it.

Q. What did they say about it? A. I think they said that they thought he made a very good judge.

Q. Did they say anything about his gambling? A. Not that I remember of.

Q. Do you know whether they knew anything about his gambling? A. No, sir.

Q. You don't know that? A. No, sir.

Q. Do you know whether any of these parties who, you say, wanted to keep him in his office, knew anything about his gambling? A. I don't know anything about that.

Q. You don't know anything about that, you say. A. Yes, sir.

Q. You say that you think he performed his duties as a judge faithfully. A. To the best of my knowledge and belief, he did.

Q. Now, you have been sheriff there for some time. A. Yes, sir.

Q. You know that it is one of the duties of a judge, if he knows of public offenses being committed, to bring them to the knowledge of the grand jury. A. I suppose that is so.

Q. Did you ever hear him bring the fact to the knowledge of the grand jury that the Silver Safe, the Townsend and the Reception were open and public gambling places? A. No, sir.

Q. Now, would you think that an officer who was there frequently, was there so frequently as to be called an habitual frequenter of such places, would be doing his duty if he did not bring the matter to the knowledge of the grand jury? A. I should suppose that was a part of his duties.

Q. Did you ever know Judge Sachs to bring such a matter to the knowledge of the grand jury? A. No, sir.

Q. And; although he was a frequent visitor there, he did not bring it to the knowledge of the grand jury. A. I do not know that he was a frequenter there.

Q. But assuming that he was a frequenter of those places, would you think that he was doing his duty? A. Yes, he might be; I don't know.

Q. Section 1253 of the Code of Washington, or the act of November 13, 1879, as there printed, makes it an offense to gamble at the various games there mentioned; section 1259 declares it to be the duty of any public officer, naming them, who has knowledge of that fact, to inform upon it. What do you say to that?

MR. COLEMAN: Mr. President, I would like to ask the gentleman, for information, if he is asking this witness what the law is.

JUDGE PARSONS: No, sir; I am simply cross-examining him as to whether he thinks Judge Sachs has done his duty as a judge.

MR. COLEMAN: To that, we have no objection, Mr. President.

Q. That being the law, do you not say that you think he would be doing his duty if he did not inform upon those houses? A. Well, if he was aware of that gambling going on, I think it would be his duty to have them brought to justice.

Q. I call your attention next to section 1260 of the code, which says that any officer named in the foregoing section who does not inform, as therein provided, shall be punished in the way there stated, and shall be tried, and upon conviction, his office shall be declared vacant. Were you aware that that was law? A. No, I was not aware of it.

Q. And that the office held by such officer shall be declared vacant for the remainder of his term. Do you think that an officer who is doing acts that the statute declares shall make his office vacant for the remainder of his term is doing his duty? A. No, sir, I don't think he is.

Q. And if it was a fact that he was an habitual visitor at these gambling houses, and the law was that if he did not inform upon them his office shall for that reason be declared vacant, and he did not do so, you would say that he would not do his duty, would you not? A. Yes, sir.

Q. Do you believe these persons, who, you say, are a majority of the business men of Port Townsend, know these facts, or if they did know them would still declare that he ought to remain in his office? A. Of course I don't know what their idea is on those matters. I never have talked to them much about it; I try to mind my own business.

Q. Do you not know it to be a fact that he was a visitor at all these houses? A. Not to my knowledge; I never saw him there.

Q. But you do not know the fact, that to your knowledge he never brought the matter to the attention of the grand jury. A. No, sir; not to my knowledge.

Q. And you don't know for that reason—you don't know the fact that, under the law, if he was a gambler at these places and did not bring it to the attention of the grand jury that his office would become vacant under the statute. A. No, sir; I was not aware of it.

Q. That being the law, what would you say about keeping him in his place? (No answer.)

Q. Would you say he ought to go or ought to stay? A. Will the gentleman allow me to ask him a question?

Q. Certainly. A. Well, my opinion of the Judge is that he has done his duty.

Q. Well, you have expressed your opinion; but that being the law, he being a frequent visitor at these places and betting large sums of money and the law declaring that if he did not inform the grand jury, his office should be vacant, what would you say—that he should go or stay?

MR. COLEMAN: Mr. President, I submit that that is an unfair question to ask this witness. The witness has never expressed his opinion whether he should go or stay. The witness has testified that, in his opinion, a majority of the public—business public—of Port Townsend were desirous of having Judge Sachs stay in his office. He has not expressed an opinion of his own as to this matter. We never asked him for his opinion upon the matter, and we submit that the question is an improper one because the witness was not asked any such thing by us. That is the first objection, and the next one is that we do not know that the law is as Judge Parsons states it, and because we say that is not the law.

JUDGE PARSONS: Mr. President, I asked him if the law is as I have stated. That question must be argued hereafter, as to whether that is the law or not. As I understand it, this witness is one of the witnesses who signed the remonstrance presented here last evening. I think that is a proper question for that reason; and besides that, I think it is proper

cross-examination. Now, I desire to ask him, if the law is as I have stated, if he would testify now that the respondent ought still to remain in his office.

THE PRESIDENT: The reporter will please read the question.

Question read by the reporter: "Well, you have expressed your opinion, but that being the law, he being a frequent visitor at these places and betting large sums of money and the law declaring that if he did not inform the grand jury his office should be vacant, what would you say—that he should go or stay?"

THE PRESIDENT: The question is, shall the witness be allowed to answer the question? All in favor of the witness answering the question, say aye; opposed, no. The ayes appear to have it.

A division was called for. The clerk announced forty-six as voting in the affirmative and thirty-four as voting in the negative, and the objection will be declared overruled.

Q. Do you desire to have the question read? A. Yes, sir; if you please.

Question read by reporter: "Well you have expressed," &c. A. Well, I would believe in doing according to law. I am a law-abiding citizen myself.

Q. Well, should he go or stay? A. Well, if it was against the law for him to stay, I would say go.

Q. The facts being as I have assumed, and the law being as I have assumed, which would you say, giving a direct answer, should he go or stay?

MR. COLEMAN: Now, Mr. President, they have asked this witness that question; they have asked him as to his own private opinion, based on their own statement of the law and the fact. Every member of this body knows that we never asked him anything about his opinions, simply as to the general opinions. Now, to force this witness to say what this legislature is here to decide for themselves, that is, whether the respondent shall go or stay, when they have heard the facts, and the law, is unfair and improper; and the witness has already answered that question as to what his opinion was on the subject. Now the gentleman wants to go further than that, and vote for the prosecution in this case, and have him again under the misstatement of the law and the facts by the counsel for the prosecution, whether this judge should be removed or not. This is the very question that this joint convention is trying, and we object to the witness voting on the matter involved in this case, especially if he must assume in so voting that counsels misstatements of the law and the fact are correct.

Question put and the objection declared sustained without division.

Q. Mr. De Lanty, you signed a remonstrance in this case, did you not, which was read last evening? A. I did.

Q. When you signed that, did you know that Judge Sachs was an habitual frequenter of these gambling houses which have been named? A. Not to my knowledge.

Q. If you had known that fact, and known the further fact that he had not brought the matter to the attention of the grand jury, would you have

signed that remonstrance? A. Well, if I thought he was not carrying out the letter of the law strictly, I should not have signed the remonstrance.

Q. Do you think that a man who is a common frequenter of public gambling houses, and who was filling the office of judge of the court, and who did not bring that matter to the attention of the grand jury, would in your opinion, be carrying out the letter of the law?

MR. COLEMAN: Mr. President, the counsel has asked the witness a question of law, and a question which this house must decide, and we object to this line of questions as improper, and we object to this witness being compelled to testify to the law for the prosecution.

JUDGE PARSONS: I do not care to argue it, Mr. President.

Question put and declared lost by vote of the convention without division, and the objection sustained.

Q. You named a Mr. Bartlett as one of the persons, I think, that you said had expressed himself as being in favor of keeping Judge Sachs on the bench. A. Well, I understand it that way.

Q. Do you know whether or not he is a stockholder in the First National Bank? A. I do not.

Q. You don't know anything about that. A. No.

Q. Do you know whether, at the time he signed the remonstrance, he owed the bank \$10,000? A. No, sir.

Q. Or any other sum? A. No, sir.

Q. You don't know anything about that? A. No, sir.

JUDGE PARSONS: That is all.

(Re-direct Examination.)

By MR. COLEMAN: Q. You were asked with reference to this note? A. Yes, sir.

Q. As to whether this was the original note received by Mr. Jones from Judge Sachs. A. Yes, sir.

Q. How did you first receive the note that was turned into court by you after you had endorsed it? A. I think I got it from Mr. Jones; if my recollection serves right, that is the way of it.

Q. And you endorsed but the one note? A. One note.

Q. You say you think you got it from Mr. Jones. Do you mean Mr. W. J. Jones, who is your deputy? A. Yes, sir.

Q. And the note that has been shown you, you say, is the note that you endorsed and turned over? A. Yes, sir; to the best of my knowledge and belief.

Q. That is your endorsement on the back of it. A. Yes, sir.

Q. And you endorsed but one. A. But one; yes, sir.

Q. And who did you turn it over to? A. To the deputy clerk of the court, Robert Biles.

MR. COLEMAN: That is all.

JUDGE PARSONS: That is all.

SENATOR THOMPSON (G. T.): Mr. President, on behalf of the laymen of this House who are not lawyers, I want to ask the witness a question

or two. When you sold that property you took this note in lieu of so much currency or coin?

WITNESS: Yes, sir.

SENATOR THOMPSON (G. T.): The rule was to take coin.

WITNESS: Yes, sir.

SENATOR THOMPSON (G. T.): You took it for the reason that you believed it to be as good as cash.

WITNESS: Yes, sir. The attorney for the judgment creditor thought it was as good as cash, and I turned it in as cash.

SENATOR THOMPSON (G. T.): It was equivalent to you and to the execution creditors to so much money.

WITNESS: Yes, sir.

SENATOR THOMPSON (G. T.): And you took the note and became responsible for it.

WITNESS: Yes, sir.

Examination of Mr. Delanty closed.

TESTIMONY OF W. F. FENNIMORE.

MR. W. F. FENNIMORE, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

MR. COLEMAN: Q. How long have you resided in Jefferson county?
A. Between seven and eight years.

Q. What official position, if any, do you hold in that county? A. County clerk.

Q. How long have you been county clerk? A. Since the 18th of February, 1889.

Q. You were elected to that office at the time the constitution went into effect, and was the first county clerk. A. I was.

Q. I will ask you to look at that paper that is handed to you and state whether you have ever seen it before. [Note, heretofore introduced in evidence, payable to the order of Richard Delanty, signed by M. B. Sachs, handed witness.] A. I think I have, sir.

Q. Look at the back then of that note; when did you first see that paper? A. When it was handed to me by my deputy, Robert Biles.

Q. And when was that, Mr. Fennimore? A. I could not state the exact date, it was when the return of the sheriff was made, whatever date that was.

Q. On the return of the sheriff in what case? A. I think it was the case of Nathanson and others, I am not certain.

Q. Was it this case of the First National Bank against Nathanson, and Nathanson against Nathanson? A. Yes, it was the case in which they were interested.

Q. And at the time the sheriff had made the return of his doings in these cases, immediately after that, this note was handed to you by your deputy. A. Yes, sir.

Q. Do you know what became of that note after it was handed to you by your deputy? A. The note was delivered to the attorney for the First National Bank.

Q. Who was that? A. Mr. John Trumbull.

Q. How did you come to take that note from the sheriff, when he made his return on that execution? A. I took it as cash.

Q. Why did you take it as cash? A. Because, I was informed that it was accepted, or would be accepted by the attorney for the bank.

Q. And when you turned the note over to the bank, did he receipt for it as cash? A. Yes, sir.

Q. Mr. Fennimore, are you well acquainted in Port Townsend with the business men of that community? A. Reasonably so, yes, sir.

Q. Has the subject of the removal of Judge Sachs from office, under these proceedings, been discussed in Port Townsend in the last thirty or forty days to any extent? A. I think it has, yes, sir.

Q. Have you heard many express an opinion on that subject? A. I have heard a good many pro and con, yes.

Q. I will ask you to state from your knowledge of public opinion in that city, whether or not you believe that a majority of business men of the city of Port Townsend are in favor of, or opposed to the removal of Judge Sachs from his office of superior judge. A. That is a question I could not answer.

Q. Is there a considerable portion of the business public there so far as you are aware, in favor of his retention in office? A. I think some are.

Q. I will ask you if there is a considerable portion? A. Yes, I think so.

Q. And you say you are unable to say whether a majority is one way or the other? A. I could not say; no, sir, I do not know how that would be.

Q. As clerk of his court, do you know anything of his attendance upon the court? A. I do.

Q. Whether it was regular or irregular? A. He was always there when court was open.

Q. Do you know anything about whether his administration of that office has been satisfactory or otherwise to the majority of the public who had business through the court there? A. I have heard probably a few complaints— not many.

Q. Not many complaints? A. Not many.

Q. Has there been more complaints than is usually made by a judge who decided a number of cases, like he has there? A. I could not tell, because I have never had any experience before in court.

Q. Did you say you had only heard a few complaints? A. A few complaints, yes, sir.

(Cross-examination.)

MR. PARSONS: Q. Mr. Fennimore, when you speak of business men, when you tell us of business men, wont you tell us of the class of men you intend to include? A. In what respect, Mr. Parsons?

Q. When you speak of a division of sentiment among the business men, what class of men do you include in the term business men? A. Well, I take men of all classes of business, as far as that is concerned.

Q. Wont you tell us some of the business men you have heard speak favorably of the retention of Judge Sachs? A. I have heard such men as Mr. Bartlett, such men as Eisenbies, Mr. Hill, Judge Kuhn, and I might have heard others that I do not remember at the present time.

Q. Do you know whether these gentlemen are all here as witnesses? A. I do not.

Q. Do you know whether they knew anything as to his habits of frequenting public gambling houses? A. I could not say.

Q. Never heard them say? A. I never heard them express an opinion about it one way or the other.

Q. Why do you say you think they are in favor of retaining him if you never heard their opinion? A. You asked if I ever heard them express anything about frequenting gambling houses; that is something I never did.

Q. When did you ever hear any of these gentlemen say that he was in favor of keeping Judge Sachs in his place? A. It is simply general talk.

Q. When did you hear that general talk? A. Probably within the last six weeks.

Q. Now, had it begun to be talked about as early as last December that steps would be taken to remove Judge Sachs on account of his gambling? A. I could not say when it was commenced; I paid no attention to it.

Q. Do you know whether any one of these men to whom you have referred as being in favor of keeping Judge Sachs in his place had any knowledge of his gambling habits? A. Possibly one.

Q. Which one? A. I don't know that I am called on to answer that.

Q. Yes, sir; we would like to have you tell us which one. A. I would not rather answer that question unless I am compelled to.

Q. So that you are not willing to name any one person that ever said that he had any knowledge of his gambling habits. A. I would not be willing to name one person that had a knowledge of his playing cards, et cetera.

Q. One person who said he was in favor of keeping him there who had that knowledge? A. Yes, sir.

Q. You are not willing to name him. A. I prefer not.

Q. What did that person say of his gambling? A. The remarks I have heard him express were, that he considered that the gambling that he has done, he did it outside of his business and that he considered that it was his own private business when he did it, playing his own money, and that he did not consider that it interfered in any way at all with his business as judge.

Q. And for that reason he wanted to keep him there. A. I am expressing no opinion.

Q. This man thought it was all right. A. Yes, sir.

Q. Now, did this man tell you that he knew anything about the law and the obligation that it imposes upon the judge or any other public officer to inform of such offenses? A. The law was not spoken of at the time; it was not considered.

Q. I see that the names of Whitlessey and Fennimore are upon this remonstrance. A. I understand so, but I knew nothing about it myself until it was read here the other evening.

Q. It was not put there with your knowledge. A. I knew nothing about it.

SENATOR THOMPSON (G. T.): I desire to ask some questions. I will ask you, Mr. Fennimore, if it is not common practice for men in all classes of life in the city of Port Townsend to play faro? A. It is something I never did myself. I have known others play who are considered good business men.

Q. They do? A. I have known quite a number.

Q. In all classes of life? A. Yes, sir.

MR. PARSONS: You say all classes of life, did you? A. Yes, sir.

Q. You have some churches, haven't you? A. What I mean, generally.

Q. Well, all classes, I understood you. You say you have some churches there? A. I spoke of it generally; not particularly.

Q. Will you tell me whether there are any churches in Port Townsend? A. Yes, I think so.

Q. Do you know any man who is a regular attendant, or very infrequent attendant at church to play at a public gambling house there? A. I am not a very frequent attendant myself, so it is impossible for me to tell.

Q. When you say all classes would you include any one man who ever goes to church? A. I could not answer that question.

Q. You would not say that you did? A. I could not answer that question.

Q. There is a pretty large proportion of your population that do attend church. A. I understand so.

Q. You cannot say that there is one of that class, who attend church, who understand gambling or ever gambled? A. I would not say.

MR. SNIVELY: I desire to offer a resolution.

Resolution sent to the clerk.

MR. THOMPSON (G. T.): I wish to ask the witness a question.

Q. Did you ever hear of a superintendent of a Sunday school, who resides in Canada, with the money that belonged to the dupes that intrusted it to him? A. Not personally.

The clerk read the resolution offered by Mr. Snively, as follows:

Resolved, That all of the evidence heretofore admitted and received in the case bearing upon the question as to the opinion of the people of Port Townsend and elsewhere as to whether or not Judge Sachs should be removed from his office as judge, or impeached, and also all the testimony relating to the testimony of the proceedings of the Port Townsend bar association be stricken out in this case.

MR. SNIVELY: I move the adoption of this resolution.

Motion seconded; motion stated by the chair.

MR. HAINES: This is a question which affects very vitally the rights of the defendant in this case. While under the rules we have no right to discuss it, we would like, if the convention is willing, to say a few words upon that resolution.

MR. SNIVELY: I move that the counsel be heard.

THE PRESIDENT: If there is no objection, counsel may be heard.

MR. LONG: In behalf of the resolution, I desire to address a few words before the attorney speaks.

THE PRESIDENT: The resolution is subject to discussion by any member of the body before the question is put.

MR. LONG: Mr. President, I do think this resolution ought to be adopted. We are taking up the time here with witnesses, and have been ever since the beginning of this trial, as to whether the people in Port Townsend were in favor of the removal of Judge Sachs or not. Is it not a fact that only a few people—less than one-half—voted against Judge Sachs? Is it not a fact, Mr. President, that one-half or nearly all of us here barely received a majority of the votes in the county which we are sent from as members of this legislature? I would like to know what in the world this has to do with the question of Judge Sachs being qualified to sit as a judge or not. There are some of us here who only had a majority of four or five in the county that we represent here. In the county that I represent, where they cast twenty-one hundred and some odd votes, I only received a majority of two hundred and twelve. Does that signify that I cannot discharge my duties here as senator, and do it faithfully and honestly? I say no. And I think that it is about time that this joint convention should stop the questioning of these witnesses as to whether this man or that man is for or against Judge Sachs. We all know it is a fact and I am told that a majority of the people of Jefferson voted against Judge Sachs when he was elected, but he received a majority in the district. Now, I would like to know what information we are going to gain by asking the witnesses continually as to whether a majority of the people of Port Townsend or a majority of the people of Jefferson county are in favor of Judge Sachs holding this office or not. I say a majority of them said they did not want him at the election, but a majority in the district said they did. It is for us, Mr. President, to say whether the charge that is brought here is sufficient to remove him or not; whether he has been guilty of malfeasance in office and other crimes charged against him. We do not care anything about what the people of Jefferson county who want or do not want him retained in office.

MR. HAINES: I agree thoroughly with much that has been said by Senator Long, and in order to know what the temper of this body was on this subject, as soon as our friend here, Judge Parsons, started on this line of evidence we made an objection, and the objection is reported in the proceedings as follows:

Q. What is generally said as to his acts, and as to their being consistent with the character of a judge?

COL. HAINES: Mr. President, we have no objection to going into this matter to a reasonable extent, and have had no objection to it at any time; but now I see they are going to investigate the entire field of Port Townsend in regard to his acts; that is certainly irrelevant and immaterial. It would be very proper, of course, to find out what class of persons favor and do not favor his removal from office. We do not object to that; we have no objection to the question, but we wish to give notice at this time that if they go into that, we shall be obliged to go into the matter quite fully.

JUDGE PARSONS: Mr. President, I desire to say, with some degree of emphasis, that it was not in our purpose to go into this subject at all, but it has been very often brought out, and with such expression of confidence by the gentlemen on the other side, that I feel compelled to make these inquiries myself.

COL. HAINES: I wish to say, Mr. President, that we do not shrink from this investigation. I simply wish to give notice to this body that we may appear to act in absolute good faith when the time comes to go into that subject; we have never claimed the right to go into it, but we shall follow Judge Parsons on this branch of the case, and go into it thoroughly, and we wish to give notice of that fact now.

That objection was submitted to the house; the objection was overruled, and the testimony was taken, and we do not think that it would be proper now, after having received that testimony, to prevent us from introducing testimony to meet it. I desire to say that no member can sit on the floor of this house and not have his mind affected by that testimony. He might as well undertake to take a dose of arsenic and then say that he would not allow himself to be affected by it. The poison is in their minds, and unless we are allowed to meet it, and it would certainly be unfair to this defendant, and therefore we insist upon the right to meet this testimony by better testimony of the same kind.

MR. WINSTON: I desire to take up but a few moments of time of this body, but I desire to say that we objected to the admission of this evidence on the very threshold of the case, and when there had been but two witnesses on the stand. Now, this kind of testimony has been admitted here, and it will have made this impression upon the minds of these gentlemen, and I say, Mr. President, in all candor, would that be fair play? Our witnesses, although quite numerous in number, are very short in point of time; none of them, except probably one, will consume as much time as those who have already been on the stand. Now, there are a series of objections to the discussion in the shape of an examination as to what the law might be that are very properly subject to argument, and which have been injected here to bias our case and our client; but I have too much confidence in the fairness of this body to believe that such an order will obtain in this case that they will deliberately jeopardize all that is sacred and dear to this man, and all that he has on earth on one night, and then on the next night reverse their judgment at the behest of the prosecution.

MR. PARSONS: Mr. President, I wish to say now, as I have before said, that what there was of this evidence at the beginning was dragged into it from the other side, much against my will. As I said in the response quoted from the record by my brother Haines, it was not our purpose to go into this, but we were forced into it. In my judgment it was all improper, and ought not to have been received, but they forced us to a point where we could not avoid it. I thought that this line of evidence should not have been received, and I think now it should not have been received, and it ought to be stricken from the record and stopped right now and here.

MR. SNIVELEY: I have introduced this resolution, not at the solicitation of the prosecution in this case, nor even with their advice or knowledge, but I have done it in order that the issues of the case might be tried as

they should be tried. Now, gentlemen, it would simply take the time of this convention to investigate the question as to whether or not the people of Port Townsend are divided on this subject or not. Suppose we would be even able to find here, sir, that a majority of the people of Port Townsend were in favor of retaining Judge Sachs. Take for granted all that the gentleman could ask, would it enable us to arrive at the conclusion that he was not guilty of these charges, and that these charges were not sufficient to remove him from office. The charges that are made against him here are, first, whether or not he gambled, at a certain place in Port Townsend, four or five saloons mentioned there, and second, whether or not he purchased goods at execution sale, and the general charge against him in his own district. These are the facts we are inquiring into. It is not what the people of Port Townsend say or believe or think upon this subject, and testimony of that kind ought never to have been introduced in evidence. The object of this resolution is to strike out from the case certain testimony, and I have waited until the gentleman on the other side have been able to introduce some testimony upon that subject so they could quit with honors even; and I hope, Mr. President, in the interests of this investigation, that we be enabled to investigate it intelligently, and for that reason I hope that this resolution will be adopted.

MR. LONG: I support this resolution without one single thought of prejudice to the case of the defendant here; I haven't the least idea in the world, Mr. President, that it will; but it does seem to me that the attorneys in trying this case ought to have sufficient confidence in the intelligence of this legislature to see that the question as to whether the people of Jefferson county, of Port Townsend, are for or against Judge Sachs—ought not ask to take up the time here in examining these witnesses, nor of entering on this question, and if I did not believe that it would not change a single vote, I would not support this proposition, and I do not believe that it will influence the mind of a single member here as to whether the people of Jefferson county, or of Port Townsend, are for his removal or against it. The only question that this joint convention wants to ascertain is, are there facts sufficient to remove him from office, and not what the people of Port Townsend want or don't want.

MR. CLAYPOOL: It is with a great deal of reluctance that I differ from my distinguished friend from Lewis county, but I am opposed to him on this proposition. I am glad that this resolution was introduced, and think it has already served its purpose. I am opposed to it because it purposes to strike out a large part of this record. We are becoming—we are getting a tendency to take turns that last us through one session; upon one night we have a certain tendency, and another night another tendency; to-night we begin by wiping out a part of a record, and I suppose that will be the programme of the entire evening, and it may be possible that by the time that we get through to-night we will not have any record at all. Let us stop this foolishness. The introduction of the resolution, however, has given an opportunity for members of the joint convention to express themselves upon the advisability of admitting them upon this testimony. The convention has a very summary method of determining whether it

desires to hear the facts as the questions are asked. Let the record stay as it is.

MR. FORREST: Would it not be better, and an easier solution of this difficulty, to permit say half a dozen witnesses on this question?

MR. CLAYPOOL: Having allowed the matter to proceed thus far, I now desire to raise this point of order—that this resolution is out of order, for the reason that this is now a part of the record, and the record having already been approved.

MR. WINSTON: We are satisfied with that.

MR. SNIVELY: I understand that the attorneys for the defense wish to produce a half a dozen witnesses on this question. With that understanding I will withdraw my resolution, although I think it is perfectly in order.

MR. DRUM: As one of the members of the joint convention, I am willing to admit that everybody in Port Townsend favors his retention in office.

THE PRESIDENT: The point of order raised by Senator Claypool, so far as the resolution refers to the journal has been read and approved, is well taken. The journal cannot be corrected without a reconsideration of the vote that approved it. As far as it refers to evidence not taken, it is in order.

MR. SNIVELY: I will withdraw the resolution, with the understanding that they only introduce half a dozen witnesses from now on.

MR. HAINES: In order that it may be thoroughly understood, we will say that we will offer only six more witnesses on that point.

MR. KINNEAR: I move that the defense be allowed six additional witnesses on the question.

THE PRESIDENT: There is still a motion to adopt the resolution before the house.

MR. SNIVELY: I will withdraw the resolution.

THE PRESIDENT: I understand that the resolution was withdrawn under certain conditions. Those conditions have not yet been settled.

MR. KINNEAR: I understand the resolution was withdrawn.

THE PRESIDENT: Does the gentleman from Yakima withdraw the resolution?

MR. SNIVELY: I do.

MR. KINNEAR: I now move that the defense be allowed six more witnesses on this point.

MR. ANDERSON: I would like to ask counsel for the defense if six more witnesses will be satisfactory to them.

MR. HAINES: That is satisfactory to us on that point.

MR. SNIVELY: I do not think this resolution can be passed, for they have a right to introduce testimony on this point and we cannot limit the number of witnesses; and the object of my resolution was to strike out this immaterial evidence, so as to prevent them from having the right,

or any person having the right, to go into that question. If they have a right to go into that question we cannot say that they only shall introduce six witnesses, because they have a right to introduce as many witnesses as they can offer on that subject, and in my opinion it would be error for us to say by resolution that they should only introduce six witnesses.

MR. KINNEAR: My motion was based on the statement of counsel for defense that they would be satisfied with six additional witnesses.

MR. GODMAN: I think this convention has confidence sufficient in the attorneys for the defense to let it go at that.

MR. GARRETSON: I rise to a point of order. I think that there being nothing before the house, they should proceed with the examination of witnesses until they have examined that many witnesses.

THE PRESIDENT: The chair will decide the point of order not well taken.

MR. KINNEAR: With the consent of my second, I will withdraw my motion.

MR. THOMPSON (G. T.): I want to ask of the presiding officer of this joint convention why there should be a limit to the defendant's witnesses when there was no limit to the prosecution?

THE PRESIDENT: There is no question before this body.

TESTIMONY OF FRANK A. BARTLETT.

FRANK A. BARTLETT, called as a witness for the respondent, having been first duly sworn, testifies as follows:

(Examination-in-chief.)

By MR. COLEMAN: Q. Please state your name in full. A. Frank A. Bartlett.

Q. Where do you reside, and how long have you resided where you do? A. Port Townsend, Jefferson county, Washington.

Q. How long have you resided there? A. Twenty-six years.

Q. Have you ever held any official positions in that county, Mr. Bartlett? A. Yes, sir.

Q. State what positions. A. I have been county treasurer for four years, and city councilman, I think that is about the extent of it.

Q. What position, if any, have you held, or what connection have you with the chamber of commerce of Port Townsend? A. I have been its president for the past year.

Q. Are you acquainted with Judge Sachs? A. Yes, sir.

Q. How long have you known him? A. Six to eight years.

Q. What can you state, Mr. Bartlett, if anything, with regard to the satisfaction or dissatisfaction that Judge Sachs has given as a judge of the superior court in that county? A. As far as I know, he has given good satisfaction; in fact, has surprised his friends; they didn't expect as much of him.

Q. I believe I didn't ask you, Mr. Bartlett, what business you are engaged in. A. Merchant.

Q. I will ask you to state, sir, whether in your opinion a majority of the citizens of Port Townsend are in favor of Judge Sachs' removal on the charges that have been made against him. A. I think a majority of the business citizens and the heavy taxpaying citizens are in favor of his retention, and are opposed to the action taken, as a petition sent to this honorable body will show, as a majority of the principal business men and principal taxpayers are on that petition, on that remonstrance, showing that they are opposed to the action taken by the parties against Judge Sachs.

Q. State, if you know, to what origin the business people of Port Townsend attribute these proceedings against Judge Sachs. That is, whether from a desire to purify the bench or to gratify personal dislike. A. Personal dislike, I think, was the cause of this whole transaction. The first knowledge I had of it came, as I understood—I understood that it came from political differences that occurred last November, and the matter has never been talked of previous to that to my knowledge; it was occasioned by personal bitterness, and personal malice, that was the commencement of the proceedings, to the best of my knowledge.

Q. Mr. Bartlett, it is known in Port Townsend, is it not, generally, that Judge Sachs has played faro? A. I have heard it so stated, sir.

Q. Now, I will ask you whether, however, it is or not his general reputation that he is a common gambler. A. No, sir, not to my knowledge.

Q. Were you present last August or September at the execution sale held by or under the direction of the sheriff of Jefferson county in the cases of the First National Bank vs. Nathanson and Nathanson vs. Nathanson? A. Yes, sir, I was.

Q. Did you see Judge Sachs there at that sale? A. Yes, sir.

Q. I will ask you to state what his conduct was there, as to whether it was that of an ordinary bidder, or did he seem to exercise or try to exercise any influence there at that sale on account of his position as judge? A. I was there for the better part of three days, I think it was; I know Judge Sachs made me pay a pretty high price for some articles that I purchased there, as well as other merchants.

Q. By bidding against you? A. Yes, sir.

Q. Did you, so far as you could see or hear, come to the conclusion that he was in any way attempting to control or influence that sale? A. No, sir.

Q. Were there many bidders present at that sale? A. Quite a number; twenty or thirty or more.

MR. COLEMAN: Take the witness.

(*Cross-examination.*)

By JUDGE PARSONS: Q. Mr. Bartlett, I understood you to say that you thought a majority of the representative business men were upon the remonstrance here. A. Yes, sir.

Q. You are upon it. A. Yes, sir.

Q. And you are one of that majority. A. Yes, sir.

Q. Were you at the time you signed it a stockholder and director in the First National Bank? A. Yes, sir.

Q. Of which Judge Sachs' father-in-law was president. A. Yes, sir.

Q. I understood you to say that you thought these proceedings for the removal of the Judge were malicious. A. Originally that way, I think; yes, sir.

Q. Suppose that the law prohibits gambling, and that the Judge was a common gambler; would you think it malicious to desire his removal? A. If he was—I don't know as to that question; Judge Sachs has been on the bench some time over a year, and this thing was never brought up until the bitterness occurred at the November election. The same parties were residents, and had the same opportunity of bringing the charges. I don't know that Judge Sachs gambles; I never saw him with a card in his hand in my life except at a neighbor's house, playing a social game with friends of an evening.

Q. Now, Mr. Bartlett, I will ask the reporter to read that question to you, and then I would like an answer to it.

Question read by the reporter: Suppose that the law prohibits gambling, and that the Judge was a common gambler; would you think it malicious to desire his removal? A. No, if that is the law, I would not.

Q. Suppose that in addition to that the law required him, if he had knowledge of gambling, to give information of it and to specially charge the grand jury in regard to that and in regard to other offenses within his knowledge; would you think it malicious to desire to remove him then? A. Judge Sachs so charged the grand jury last term; he charged that particularly in his charge to the grand jury of which I was foreman.

Q. Did he tell you as a grand juror, or as foreman of that grand jury, that he had been gambling in the Silver Safe? A. No, sir.

Q. Did he tell you that gambling had been going on there? A. No, sir.

Q. Did he tell you that he had been gambling at the Reception, or that gambling had been going on there? A. No, sir.

Q. Did he tell you that he had been gambling at the Townsend? A. He didn't mention it.

Q. If he had told you that, would you have investigated it? A. I suppose we would.

Q. Suppose, in addition to that: First, that gambling is an offense; second, that the Judge had knowledge of it; third, that he did not inform the grand jury of it; and, fourth, that the law said that if he did not do that, his office would be declared vacant. A. This is all presumption; you are assuming all these things.

Q. Yes, sir; certainly I am. I am asking you this question upon presumptions. Now, I will repeat it so you may understand it: Suppose the law, first, prohibits gambling; second, that the judge is an habitual frequenter of gambling houses in Port Townsend; third, that he did not inform the grand jury of it, and, fourth, that if this offense did take place, that the law declares that the office shall be declared vacant. What would you say—that it was malicious to attempt to remove him?

MR. COLEMAN: Mr. President, we object to that because it is based on Judge Parson's imagination as to what the law is, and it has been repeatedly claimed in these questions that that is the law; it has been repeatedly ruled by this body that questions of this kind are inadmissible, and I think that it is within the province of the chair, and the proper thing for him to do, to put a stop to such questions. Of course the chair can submit the matter to the House if he so desires, or can decide them himself, as he sees fit; but we object to these questions as calling for a conclusion of law, based upon Judge Parsons' erroneous conclusions as to what the law is.

JUDGE PARSONS: I do not understand, Mr. President, that this House has ruled as the counsel claims; and I put these questions to this witness because he has volunteered his own opinion that these proceedings are malicious. I simply want to test him a little on that subject.

THE PRESIDENT: Please read the question.

Question read by the reporter: "Suppose the law first," etc.

A. I should say not.

Q. You would say not? A. Yes, sir.

JUDGE PARSONS: That is all, then.

(Re-direct Examination.)

By MR. COLEMAN: Q. You were asked if it was not a fact that you were a stockholder and director in the First National Bank at the time you signed this remonstrance. You said you were. A. Yes, sir; and I am at present.

Q. I will ask you if that in any way influenced you in signing that remonstrance? A. No, sir.

Q. Did that corporation intimidate you in any way to induce you to sign that remonstrance? A. No, sir; not in any way, whatever.

Q. Has the First National Bank, so far as your knowledge goes, intimidated or attempted to intimidate anybody in these proceedings? A. Never in any way. I never heard an expression from anybody about it until the remonstrance was presented to me for my signature.

Q. I believe you stated, that the last time the grand jury was there, when you was foreman of the grand jury, that the judge charged you to investigate the matter of gambling especially. A. Any matters that were within our own knowledge, and any complaints brought in; to thoroughly investigate everything contrary to law, whatever it might be.

Q. Was the judge ever called upon by the grand jury to tell whether he knew anything about gambling or any other offense? A. He was not.

MR. COLEMAN: That is all, sir.

(Re-cross Examination.)

By JUDGE PARSONS: Q. He did not tell you that he did, either, did he? A. How is that?

Q. He did not tell you that he did know of gambling going on anywhere, did he? A. He didn't make any special mention of it, or any mention of it.

Q. If he had have done so, you would have followed it up, would you not? A. We would have obeyed the orders of the judge, certainly.

JUDGE PARSONS: That is all.

MR. COLEMAN: That is all.

SENATOR THOMPSON (G. T.): Mr. Bartlett, I desire to ask you a question. I want to find out something about the popular opinion up there as to gambling.

(Cries of "Object, object!")

THE PRESIDENT: The gentleman from Walla Walla (Mr. Thompson) may ask his question.

SENATOR THOMPSON (G. T.): I resign, Mr. President.

Examination of Mr. Bartlett closed.

TESTIMONY OF W. H. H. LEARNED.

W. H. H. LEARNED, called for the respondent, having been first duly sworn, testifies as follows:

(Questions-in-chief.)

By MR. COLEMAN: Q. State your name in full, if you please, sir, to the reporters. A. William Henry Harrison Learned.

Q. Where do you reside, Mr. Learned? A. Port Townsend.

Q. How long have you lived there, sir? A. Well, sir, I have lived there nearly thirty-two years.

Q. Have you ever held any official positions in that county, and if so, what? A. I have. I was made county treasurer; I have been mayor of the city; postmaster for ten years; city councilman; justice of the peace for six years, and private citizen the balance of the time.

Q. To which latter class you belong now, I believe. A. Yes, sir.

Q. Mr. Learned, have you ever followed the occupation of an auctioneer? A. I have.

Q. I will ask you to state whether you are the Mr. Learned who has been mentioned here as the auctioneer who sold the goods at the sale last fall under execution in the case of the First National Bank vs. Nathanson and Nathanson vs. Nathanson. A. Yes, sir.

Q. Did you see Judge Sachs in attendance at that sale? A. Yes, sir.

Q. Did he purchase any goods there? A. He did.

Q. Were there many people at that sale? A. Well, the store was full; I don't know how many; sometimes twenty or thirty; sometimes fifty or sixty.

Q. A good crowd in attendance was there? A. Yes, sir.

Q. Did those goods bring more or less, in your opinion, on account of Judge Sachs being there present, and bidding on them? A. They brought more.

Q. Did he in any way attempt to influence that sale by reason of his being the judge of the court? A. No, sir.

Q. He did not? A. No, sir.

Q. Have you heard this matter of the removal of Judge Sachs from office discussed in Port Townsend? A. Yes, I have; yes, sir.

Q. To any considerable extent, sir? A. I have heard it discussed considerably the past week.

Q. I will ask you to state whether, in your opinion, a majority of the substantial business people of Port Townsend are in favor of his removal or opposed to it? A. They are in favor of it.

Q. They are in favor of his removal? A. No, sir.

Q. That is what I am asking you—whether they were in favor of his removal or opposed to it. A. I misunderstood you. I understood you to ask me if they were in favor of his retention.

Q. Well, do you mean to say they are opposed to his removal? A. Yes, sir.

Q. Mr. Learned, do you know anything about the satisfaction in the public mind there, or the dissatisfaction that exists with regard to Judge Sachs' administration of the office of superior judge? A. The people seem to be well satisfied with him. A great many who fought him at the election consider him a good judge today, and a great deal better than they anticipated.

Q. Do you know, sir, to what public opinion among the better class of the people of Port Townsend attribute, this attack upon Judge Sachs? A. Yes, sir; they attribute it to spite in politics.

Q. Spite and politics or spite in politics, did you say? A. Yes, sir, both.

Q. Are you acquainted with young Mr. Hammond, the witness who testified here two or three evenings ago? A. Yes, sir.

Q. I will ask you to state, Mr. Learned, whether or not you heard Mr. Hammond make any statements concerning Judge Sachs at the time the investigating committee that was sent by this legislature to the city of Port Townsend was there? A. I did; yes, sir.

Q. Under what circumstances, and what did he say concerning Judge Sachs on that occasion? A. Well, I was sitting in my office and he came in there to collect an electric light bill.

Q. To collect an electric light bill did I understand you to say? A. Yes, sir; he had my electric light bill for the last month; and, in discussing the subject of Judge Sachs, he said he hoped "they would cinch the bugger." Says I, "What do you want him cinched for?" "Well," said he, "just for spite." I told him, says I, "Yes; that is the bottom of the whole business." That is just what passed.

MR. COLEMAN: Take the witness.

(Cross-examination.)

By JUDGE PARSONS: Q. Your name is Learned, I believe you say. A. Yes, sir.

Q. How long have you lived in Port Townsend? A. I have lived there the biggest part of the last thirty-two years.

Q. About what is the population of that thriving city now? A. It runs up now between six and seven thousand, I believe.

Q. Have you any school houses there? A. Yes, sir.

Q. Any churches? A. Yes, sir.

Q. How many churches have you there? A. Six or seven churches, I believe.

Q. Are you willing to say here upon your oath that a majority of the citizens of that city, if they knew of the fact that Judge Sachs was a frequenter of the Silver Safe, the Townsend and the Reception gambling houses, that they would be in favor of retaining him in his office? A. Well, I have heard many of the ministers of the gospel say he was a good judge.

Q. Will you answer my question? A. Yes, sir; if it is in my power to do so.

JUDGE PARSONS: Will the reporter please read that question.

Question read by the reporter: "Are you willing to say upon your oath that a majority of the citizens of that city, if they knew of the fact than Judge Sachs was a frequenter of the Silver Safe, the Townsend and the Reception gambling houses, if they would be in favor of maintaining him in his office?"

MR. COLEMAN: We object to that question. The question assumes, in the first place, that a state of facts exists which is not known to the business people of Port Townsend; and then asks this witness to state what the opinion of those people would be if they knew something which the question assumes that they do not know. Certainly that is an unreasonable question to ask this witness—to ask this witness what his opinion would be as to what the people of Port Townsend would believe if they knew something that counsel assumes in his question they do not know. Now, we object to this question, Mr. President, as being not only improper and incompetent but as being ridiculous and frivolous on the face of it.

JUDGE PARSONS: I do not care to discuss the question, Mr. President.

Question put and objection sustained by vote of the convention without division.

Q. Would you yourself, if you knew those facts, be in favor of retaining him upon the bench?

MR. COLEMAN: Mr. President, we object to that. In his question counsel assumes that witness does not know something, and then asks him what he would think if he did know it. If this witness has to testify from information he gets from somebody else, we prefer that he get that information from somebody besides Judge Parsons, if he is going to be compelled to swear to it here.

Question put by the chair, upon division 43 members voted in the affirmative, and 24 in the negative, and the objection was declared overruled.

Q. Would you yourself, be in favor of his rejection if you knew those facts? A. I could better decide after hearing the facts.

Q. Well, if you knew the facts were as I stated them, would you be in favor of retaining him upon the bench? A. On your supposition I would.

Q. You would be in favor of retaining him if you knew he was a public gambler and a frequenter of the three gambling houses I have named, would you? A. Well, I dont know as I exactly understand you.

Q. Well, sir, I want you to. Would or would you not be in favor of retaining him upon the bench if you knew that he was an habitual gambler and a frequenter of the three gambling houses that I have named? Should he go or stay, is what I want to know? A. Upon the bench?

Q. You would keep him there. A. I did not so answer.

Q. Will you state? A. If I knew him to be an habitual gambler, I would not be in favor of keeping him there.

Q. You think he would have to go. A. Well, I would not be in favor of keeping him there.

Q. Suppose, in addition to that, that he gambled on Sunday, what would you say then, would that make it any better? A. I don't know as it would.

Q. Would it make it any worse? A. I don't know as it would.

Q. It would be all the same to you. (No answer.)

Q. Do you know whether any of those people whom you say make up the better class, were informed of the fact that it was claimed that he was a public gambler? A. Yes, sir.

Q. You think they were informed of it. A. I think they were informed that he gambled.

Q. You think they did know that. A. Some of them did.

JUDGE PARSONS: I believe that is all, Mr. Learned.

(Re-direct Examination.)

By MR. COLEMAN: Q. Is Judge Sachs known as a public gambler in Port Townsend, or as a man who sometimes gambles? A. As a man who sometimes plays cards; not that he is a gambler.

Q. Is that his reputation in Port Townsend, that he is a public gambler? A. I have not heard anything of his gambling at all until this matter was brought up.

Q. Now, you have been asked for your opinion on this subject. Now, knowing Judge Sachs as you do know him, and having lived there in that town for thirty-two years, I will ask you to state to this legislature whether or not you think he is a proper man to remain on the bench as judge of that district? A. I do.

MR. COLEMAN: That is all.

(Re-cross Examination.)

By JUDGE PARSONS: Q. Now, putting in the other fact that you gave me, that he was a frequenter of these houses, and that he had been there 200 times out of about 300 days, would you be in favor of keeping him on the bench? A. No.

JUDGE PARSONS: That is all.

(Re-direct Examination.)

By MR. COLEMAN: Q. Do you know it to be a fact that Judge Sachs was in a gambling saloon 200 times in 300 days? A. No, sir.

Q. Do you believe that is a fact? A. No, sir.

Q. Did you ever state such a thing to Judge Parsons? A. No, sir.

Q. Never at any time? A. No, sir.

Q. Never had any conversation with him on this subject at all. A. No, sir, not to my knowledge.

MR. COLEMAN: That is all.

JUDGE PARSONS: Did you understand my question to imply that you had? A. No, sir.

JUDGE PARSONS: That is all.

MR. COLEMAN: That is all.

SENATOR VAN DE VANTER: Mr. President, while the next witness is coming on, I would like to introduce a resolution.

WITNESS: With permission of the president, I would like to make a statement before I step down.

THE PRESIDENT: If there are no objections, you may do so. The chair hears no objections, and the witness may make his statement.

WITNESS: I came up here to this place against my will; I was subpoenaed here; I had no idea of coming up here, and had no interest in the matter. Last evening, I was here about ten minutes when I was approached by one of the witnesses for the prosecution—by the way, my son is postmaster at Port Townsend—I was approached by one of the witnesses for the prosecution and cautioned against testifying here if I wanted to save my son. I said, "If coming up here and telling the truth as a witness is going to put him out of office, out he goes." I am not going to state who that was.

MR. COLEMAN: Will you state who that witness was? A. No, sir.

[Cries of "Give his name! Give his name."]

JUDGE PARSONS: Give his name, Mr. Learned.

WITNESS: I know his name, and it is the truth I am telling you, but I do not propose to give his name.

MR. GODMAN: Mr. President—

MR. DE STEIGUER: Mr. President—

THE PRESIDENT: We must have order, and we will have order; and the chair wishes to state right here, that the house has adopted a resolution providing that there shall be no cheering or applause by the house over anything that may be said by any witness or counsel or by any member of this joint convention, and I propose to enforce that rule as long as I preside here.

MR. DE STEIGUER: Mr. President, I would like to have the witness resume his seat.

THE PRESIDENT: One moment. The chair proposes to have order here to-night, and unless the rules are obeyed, he will take means to preserve order. The gentleman from Columbia (Mr. Godman) has the floor.

MR. GODMAN: Mr. President, I think it is nothing more than fair that the witness should give the name of the gentleman who made that statement to him, so that the gentleman can be summoned here if we so desire.

THE PRESIDENT: The gentleman from King (Mr. DeSteiguer) has requested that the witness again take his seat in the witness chair. The witness will do so.

MR. DE STEIGUER: Mr. President, this is not a matter that was drawn out of this witness reluctantly, but is a statement which he volunteered of his own accord from that witness stand; and I think, Mr. President, that this witness should be ordered to answer the question as to what the name of the party is who gave him this information. It is due to this convention and this legislature, if such advances have been made, to know by whom they have been made, and to punish the man making them. If they have not been made, then the witness upon the stand should be punished; and this convention should now take steps to sift this matter to the bottom.

MR. FRAME: Mr. President, there were witnesses on the other side of this case who positively declined to answer questions put to them, and I can see no reason why this convention should force witnesses on this side of the case to answer when they did not on the other.

SENATOR CLAYPOOL: Mr. President, I sincerely hope that the witness will be compelled, or that he will volunteer of his own motion and to his own credit, to answer the question and reveal the name of the person who has approached him. I think, Mr. President, that possibly the legislature of the State of Washington has had enough of revelations made without names, dates or particulars.

THE WITNESS: I will state that the only objection that I have to giving the name is, that I as much as intimated to the party that I would not say whom he was.

MR. PLUMMER: Mr. President, I believe that the statements made by the witness from the stand affects the testimony of every witness who has preceded him. For one, I do not want such an imputation cast upon those witnesses, and I demand that the witness give the name.

THE PRESIDENT: The chair will rule that this is a matter entirely within the power of this joint convention. The witness can be compelled to answer if the convention so orders.

MR. FRAME: Mr. President, I will be perfectly willing to have this witness compelled to answer, if it is ordered that the witnesses for the prosecution shall be recalled here and made to answer the questions put to them and which they refused before to answer.

MR. GODMAN: Mr. President, the other witnesses were asked the questions directly by the counsel, and they claimed their privilege and refused to answer. This witness, sir, has volunteered, irrespective of questions by counsel on either side, to make a statement, after the counsel had said that they were through with him. He has voluntarily made the statement here that a party approached him and made this declaration to him. Now, I think it due this convention that this witness should declare the name of the party who made such statement and advancement to him.

MR. DE STEIGUER: Mr. President, there is a further reason why this witness should be compelled to answer the question, and there is another

difference between the case of this witness refusing to answer this question and the refusal of the other witnesses to answer. The other cases were where witnesses refused to answer questions put to them in regard to some matter tending to bring odium upon the witness, and it is a rule of law that when such a matter is not directly in issue, every witness can claim the privilege of refusing to answer such a question. But this man on the witness stand comes here, and from that witness stand attempts to cast odium upon a witness for the prosecution, and then, sir, he refuses to tell this convention who that man is. When a man does a thing of that kind, I say that he should be compelled to answer the question and to give the name of the person.

WITNESS: I am willing to give the name, if the gentlemen wish.

MR. THOMPSON (G. T.): Mr. President—

THE PRESIDENT: The witness states that he is willing to give the name, or proposes to give the name, and that ends it. He may proceed.

SENATOR THOMPSON (G. T.): Mr. President, other members of this joint convention have expressed their views, and now I would like to express mine.

THE PRESIDENT: The gentleman from Wall Walla (Senator Thompson) will be allowed to express his views.

SENATOR THOMPSON (G. T.): Mr. President, I say that whether the witness volunteered this statement or not makes no difference in this case. I say that during this trial that there has been violated every rule known to any practicing lawyer, but what has been violated by this convention. There has been no rules at all, Mr. President. The convention is acting fairly by the accused and by the prosecution; the members of this convention want to be fair; they are all gentlemen and all my friends; but there has been a violation of every rule that has ever been prescribed for the examination of witnesses that I ever heard of in my life. And I desire to say, Mr. President, that after all these rules have been violated over and over again in this case, if this witness desires to retain the name of the gentleman who gave him this information, this prosecution should not be allowed to come in here now and exact the strict rules of law in this case upon the respondent's side of it, for they have violated them all, every single rule governing the admission of evidence in courts. Why, Mr. President, there is not a justice of the peace in my county who would not repudiate nineteen-twentieths of all the testimony that has been offered here.

WITNESS: The man's name is G. M. Rouse.

MR. ROUSE (from the lobby): Let me ask that witness a few questions before he goes away from there.

THE PRESIDENT: If there are no objections, Mr. Rouse will be allowed to ask the witness a few questions.

MR. FRAME: Mr. President—

THE PRESIDENT: The gentleman from Snohomish (Mr. Frame) has the floor.

MR. FRAME: Mr. President, I would object to any outsider coming in here to ask any questions of this or any other witness.

THE PRESIDENT: The chair will hold, as objection has been made, that Mr. Rouse will not be allowed to question the witness except upon motion made and adopted by the convention.

MR. MEANY: Mr. President, I move you that Mr. Rouse be allowed to ask the witness a few questions.

Motion seconded, and carried, upon division, by a vote of 46 in the affirmative to 20 in the negative.

THE PRESIDENT: The motion prevails, and Mr. Rouse will be allowed to question the witness.

MR. ROUSE: Didn't I tell you in the first place that I didn't want it to have any effect on your testimony and I did not expect you was going to tell anything out of the way. A. No, sir.

Q. I didn't say that to you. A. If you did I never heard it.

MR. ROUSE: I will testify that I did.

The following resolution was introduced by Senator Vandeventer:

WHEREAS, This joint convention last night on motion dissolved to meet again on this (Saturday) night—a night which usually is or should be devoted by all Christians to making preparation for the Sabbath; and

WHEREAS, Cleanliness is pronounced by holy writ to be next to godliness: therefore, be it

Resolved, That the bath houses and barber shops of this goodly and godly city of Olympia be and they are hereby most earnestly requested to keep open on the Sabbath day, notwithstanding legal enactment to the contrary, for the express benefit of the great unwashed and unshaven of this convention; and be it further

Resolved, That Senator Owings be appointed a committee of one to wait on the honorable board of city fathers of this great city of Olympia and request them to so order.

MR. VANDEVENTER: I move the adoption of that resolution.

Motion was made to lay the resolution on the table.

THE PRESIDENT: The chair will rule that the motion is out of order.

TESTIMONY OF JOSEPH A. KUHN.

HON. JOSEPH A. KUHN, witness called on behalf of the respondent, having been duly sworn, testifies as follows:

Questions by MR. COLEMAN: Q. Please state your name to the reporter. A. J. A. Kuhn.

Q. Where do you reside, Mr. Kuhn? A. Port Townsend.

Q. How long have you lived there, sir? A. About twenty-five years.

Q. Are you acquainted with Judge Sachs? A. Yes, sir.

Q. How long have you known him? A. About seven years I suppose—seven or eight.

Q. Have you heard any discussion on the subject of the removal of Judge Sachs from his office by this legislature? Q. Yes, sir.

Q. In the city of Port Townsend. A. Yes, sir.

Q. Are you able to state whether the public opinion among the better class of people—the business community of that city—is in favor of

Judge Sachs' retention in his office or in favor of his removal? A. Yes, sir.

Q. Will you state which way it is? A. I believe that public opinion is in favor of retaining Judge Sachs.

Q. How well are you acquainted with the people in the community there and throughout the county. A. Pretty well; pretty generally known; I believe there are a few there that do not know me.

Q. Do you know anything about the origin of this movement for the removal of Judge Sachs; that is, as to the cause that the public attribute it to. A. Yes, sir.

Q. To what cause do the public attribute this movement? A. Well, it is a split in the republican party that caused this—a little jealousy of some of the men who run the gambling houses at Port Townsend.

Q. What official position, if any, have you held, Judge Kuhn, since you lived in Jefferson county? A. I have been probate judge several terms, mayor of the city twice, and I have represented the county in this legislature seven times.

Q. You are a member of the bar, I believe, Judge Kuhn. A. Yes, sir; and have been since 1873. I think I was admitted to the bar at Port Townsend at that time.

Q. Do you know whether Judge Sachs, in his administration of the office of superior judge, has given satisfaction to the public, or otherwise? A. Generally he has.

Q. Has he made as good a judge as it was generally supposed he would, or otherwise? A. Well, he surprised me favorably.

(Cross-examination.)

MR. PARSONS: Q. Which do you think would surprise you most—that he made a good judge or that he was a common frequenter of public gambling houses? A. Well, both would surprise me. I was surprised that he made as good a judge as he did; I am surprised to hear you make that statement.

Q. Did you say in the lobby of the Olympia Hotel to-day that he was pretty salty, but that the republicans elected him, let them keep him. A. That is what I say; he is salty but he is good.

Q. Did you say a day or two ago in the lobby in the presence of a hundred or a hundred and fifty that he was just as rotten when they elected him as he is now, but let them stand by and take their medicine like men? A. Is not that so? You heard me say it—you suppose I said it.

Q. Now, how many cases have you had in his court since he has been on the bench? A. Well, I have been counsel in a good many cases.

Q. How many times have you appeared in his court to take part in any cases? A. Several times; I was there once—I tried one case since the senatorial fight after I went home.

Q. Criminal or civil? A. It was an equity case.

Q. Now you are a stockholder in the First National Bank? A. A small one, yes, sir.

Q. Suppose the fact is that he is a frequenter of the Silver Safe, the

Reception and the Townsend, and what would be called a pretty heavy gambler, with his twenty dollar gold pieces, two or three places at a time, do you think that would be pretty satisfactory to the better class of people that you have named? A. Well, it might be, yes.

Q. Are you willing to say upon your oath that the better class of your neighbors at Port Townsend would be satisfied to have their judge do just that thing? A. I don't know whether they would be satisfied, but I have not heard them complain.

Q. Do you know whether they know the facts as to his frequenting these places? A. I don't know that they do.

Q. What do you mean by better class? A. The better class of people in the community—not the gamblers, if you please, I am not talking about gamblers now—but the merchants.

Q. Do you know whether any one of these persons to whom you have referred had knowledge of Judge Sachs' habits in gambling? A. Well, I suppose they knew Judge Sachs gambled some—I suppose they knew it. I have heard it, but I never seen him gamble.

Q. You are a lawyer, you say? A. Yes, I have practiced.

Q. You know it is a criminal offense to play faro in a public gaming house? A. The statutes do not say so.

Q. You think not? A. It is a criminal offense to deal faro.

Q. Don't you think it is to play it? A. Well, it may be.

Q. Well, if it is, would you approve of the conduct of a judge who did it? A. If he was a good judge I would not care if he played a little monte or not.

Q. Suppose, in addition to that, the law required him upon his official oath if he had knowledge that it was being played to inform upon it, for the purpose of prosecution, do you think he ought to do it? A. I do not think that the law requires it.

Q. Well, if the law does require it under the head of gambling, any public officer who has knowledge of the commission of any offense provided for in this act to inform for this offense, do you think he ought to do it? A. Is that the beginning of the section?

Q. If that is the law do you think he ought to do it? A. Yes, he ought to do it.

Q. Suppose, in addition to that, it is provided, upon his failure to inform, his office should be declared vacant for the remainder of his term? A. You are supposing the law to me; that is not the law.

Q. Suppose it is the law, Judge: first, that gambling is an offense; second, that he should inform upon it, and that is an offense; and third, that the statute declared that if he did not do his duty in that regard, his office would be declared vacant, would you then be in favor of his going or staying? A. If he made a good judge, I would not care if he played a little cards or not.

Q. If he violated his office in all these respects, he being on oath to faithfully enforce the laws, would you say that he ought to go or stay? A. If he has violated the law—the law is not as you stated to me.

Q. Suppose it is. A. Well, it is not.

Q. Now, Judge, as a witness, suppose I have correctly stated the law, and he, upon his official oath, has neglected to do what the law requires of him; would you say he ought to go or stay? A. The Judge should do what the law requires of him, certainly.

Q. Should he go or stay? A. Go where, or stay where?

Q. Go off the bench, or stay on it; what do you say, Judge? A. As I understand it—as I understand the law and the character of Judge Sachs, I would say that he should stay on the bench.

Q. Well, Judge Kuhn, suppose I have correctly stated the law, and he has done these things; would you say he ought to go or stay? A. Well, I would be willing to let him stay, as I understand it.

MR. THOMPSON (G. T.): I desire to ask a question.

Q. You have been a practicing lawyer for several years. A. Yes, sir, Mr. Thompson.

Q. I would ask if it is not a fact in the city of Port Townsend that nineteen-twentieths of the people say that Judge Sachs has made a good, fair and impartial judge? A. I think at least nineteen-twentieths.

Q. Now, I will ask you another question; when you speak of the better citizens—better class of citizens, do you think that a man that goes with a prayer-book in his hand to church is better than the man who does not? A. I do not think he is.

MR. PARSONS: I would like to ask another question; as a stockholder in your bank, would you trust a man that carried a prayer-book, or the man that played at faro? A. Which bank do you allude to?

Q. Your bank. A. Well, I am stockholder in four of the banks; I don't know which you want.

Q. Any of them; as a stockholder in any one of these banks, would you prefer to trust, upon his moral character, the man who carries his prayer-book, or the man who plays at faro? A. I have been beat worse by the man that carried the prayer-book than I ever have by the man that bucked at faro, hence I would trust one as quick as the other.

MR. PARSONS: That is all.

MR. THOMPSON (G. T.): Are you a republican or a democrat? A. I am a democrat.

TESTIMONY OF GEO. W. DOWNS.

MR. GEO. W. DOWNS, a witness called on behalf of the respondent, after being sworn by the president, testified as follows:

MR. COLEMAN: Q. State your name to the reporter, Mr. Downs. A. Geo. W. Downs.

Q. Where do you reside, sir? A. Port Townsend.

Q. How long have you lived in Jefferson county? A. Thirty-three years.

Q. Are you acquainted with Judge Sachs? A. Yes, sir.

Q. How long have you known him? A. Ever since he has been there.

Q. In what business are you engaged? A. Well, I run a saw mill.

Q. At the city of Port Townsend? A. Yes, sir.

Q. Do you know, Mr. Downs, what the people of Port Townsend generally say with reference to Judge Sachs' administration as to his office of superior judge, and as to whether they are satisfied or dissatisfied with it? A. I think they are satisfied; I am.

Q. I will ask you to state whether or not in your opinion the people of the city of Port Townsend desire that Judge Sachs shall be removed on these charges made against him, or retained in his office. A. I do not think they do.

Q. That they do not want him removed? A. No, sir.

Q. Do you know, sir, to what cause the public in the city of Port Townsend for the removal of Judge Sachs from his office? A. Well, it is a few dissatisfied lawyers.

(Cross-examination.)

Questions by MR. PARSONS: Let us see how many dissatisfied lawyers there are. Johnson and Moody are your lawyers, are they not? A. Yes, sir.

Q. One of them is county attorney. A. Yes, sir.

Q. And the other, city attorney. A. Yes, sir.

Q. You think people are pretty well satisfied with Judge Sachs. A. I do, sir.

Q. Do you know how many of these people have been informed as to his gambling habits? A. I guess they all heard of it.

Q. Do you want to say upon your oath that they knew he was an habitual frequenter of public gambling houses—the Silver Safe, the Reception, the Townsend—and that he gambled there in sums running to two or three or four hundred dollars at a time, that they would be satisfied with him on the bench? A. I think so.

Q. You think it would make no difference. A. No, it would not with me.

Q. People would be satisfied with a common gambler as their judge, and you would call them good people. A. I do not think Judge Sachs is a common gambler.

Q. Suppose what I assume is true, and proved to the satisfaction of this convention, would you say of your neighbors they would be satisfied with that kind of a man as judge? A. I won't take any assumption at all.

Q. Will you express an opinion on that subject? A. No, sir.

Q. Would you, for yourself, be satisfied, assuming these facts to be true? A. Yes, sir— I would not give a man—

Q. You would want your judge to be a law abiding man. A. Yes, sir.

Q. Suppose the law makes it a criminal offense to play at faro in a public gambling house. A. I don't know that it does.

Q. Suppose that he does that. A. I won't suppose that.

Q. I asked whether you would be satisfied if that was so? A. I won't answer on any suppositions.

Q. Suppose, in addition to that, that the law made it his duty as judge to give the necessary information for the prosecution of these places and he did not do it. A. I won't suppose that case; I won't suppose anything.

Q. You won't express an opinion on that? A. No, sir; I won't suppose that.

Q. Why won't you express an opinion? A. I won't suppose nothing.

Q. I assume it to be true and ask you that question. A. I don't take any assumption. I don't know you; you might say it was true.

Q. But I assume it. A. I know you do,

Q. I assume it for the purpose of this examination to be true. A. I won't take any assumption.

Q. Suppose in addition to that the law declared his office should be vacant. Upon these conditions will you take that and express an opinion whether he ought to go or stay? A. No; I am not a lawyer.

Q. Do you think it takes a lawyer to say whether a man has committed an offense that the law declares shall operate as a vacation of his office—should go or stay? A. They quite often get me on the stand and make me say things I don't want to.

Q. I would like to have you express an opinion on that. A. I won't.

Q. You don't want to do it? A. No, sir.

Q. You won't do it. A. No, sir.

Q. Well, you are not willing to express an opinion on the facts I have assumed in this statement, but for yourself, you are willing to come here and express an opinion for your neighbors, are you? A. No, I have nothing to do with my neighbors.

Q. I understood you to say that it was your opinion that they wanted him to stay. A. I know they have expressed an opinion to me.

Q. Now suppose that your judge gambles on Sunday at a public gambling house, how do you think that would strike the good people of Port Townsend? A. That is not a supposable case.

Q. You could not suppose it? A. No, sir.

TESTIMONY OF JAMES SEAVEY.

MR. JAMES SEAVEY, a witness called on behalf of the defendant, after being duly sworn by the president, testifies as follows:

Questions by MR. COLEMAN: State your name in full to the reporter.

A. James Seavey.

Q. Where do you reside? A. Port Townsend, Jefferson county.

Q. How long, sir, have you lived in Jefferson county? A. Over thirty years.

Q. Have you ever held any official position there? A. Yes, sir, I have.

Q. What position, sir? A. I have the position of clerk of the district court and county auditor of the county.

Q. For how long, sir, have you held that office? A. I was elected first to the office of county auditor in the year 1867, and I have been elected every election since, excepting in 1886.

Q. You were elected in 1867, and have been elected at every election since, except in 1886. A. 1886, I believe it was.

Q. You are county auditor then, now? A. Yes, sir.

Q. Are you acquainted with Judge Sachs? A. Yes, sir.

Q. How long have you known him? A. I think it is about seven years I have been acquainted with him; ever since he was admitted to the bar in Port Townsend.

Q. Have you heard the subject of the removal of Judge Sachs by this legislature discussed in the city of Port Townsend? A. Yes, sir; some.

Q. I will ask you to state to this legislature whether in your opinion a majority of the business, substantial people of the city are in favor of his removal or opposed to it? A. I think they are opposed to it; that is my opinion.

Q. Do you know anything about the administration of the affairs of his office as judge, as to whether it had been satisfactory or otherwise? A. I think it has been satisfactory; I never heard any objection or dissatisfaction expressed until after these proceedings were instituted.

(Cross-examination.)

By JUDGE PARSONS: Q. How many of this majority of the upper class of your people have you talked with upon the subject of their wanting Judge Sachs retained? A. I don't recollect how many; several.

Q. And did they mention the subject of his gambling? A. No, not generally.

Q. Do you know whether they knew anything about his frequenting these places, the Silver Safe, the Townsend, and the Reception? A. Yes, I have heard that mentioned since these proceedings were instituted, that he did gamble.

Q. But do you know whether these people that you say desire his retention upon the bench were informed of that? A. Some of them were.

Q. Do you wish to say of your neighbors, Mr. Seavey, what you call the better classes of them, that they would be satisfied with a judge who was an habitual frequenter of gambling houses, and playing there for heavy stakes? A. I think if he persisted in doing it and continued to do that, they would not approbate him.

Q. Suppose he did it from November, we will say, 1889, up until after Christmas of 1890, and was there from two to three to five times nearly every week, playing for stakes of \$20, \$40, \$60, up to two or three hundred dollars at a time, what, in your opinion, would be the judgment of a majority of the better classes of your neighbors as to his fitness for judge? A. Well, while he was doing it, and persisted in doing it, I think they would consider him unfit; but if he discontinued it and was not in the practice of it now, I think they would be in favor of retaining him.

Q. Suppose that he discontinues it, just upon the eve of the institution of proceedings for his removal. A. If the reformation was genuine, I think they would be in favor of retaining him.

Q. Would you think a man was fit for judge who had taken an oath to enforce the laws, who was himself an habitual violater of them? A. No, I think if he was an habitual violater of them and a persistent violater of them, he would not be fit.

Q. Suppose, Mr. Seavey, that gambling, playing at faro, is a criminal offense; suppose, in addition to that, the law makes it the duty of a

public officer, knowing of the commission of that offense by any body, to give information of it for its prosecution. Would you say that man who did not do that, having that information, was fit for judge? A. Yes, sir, he might be; for I don't know what his reasons for not doing so were. I can't judge of a judge.

Q. Can you think of any reason that would be sufficient to justify a man in violating his oath of office? A. I don't know what might be the reasons.

Q. Can you think of any reasons now that would justify him in violating his oath of office? A. I can't think of any now, but there might be some.

Q. You can think of reasons then that would be sufficient to justify him in violating his oath of office. A. I don't know anything about that now. I don't know what a judge's reasons are for not charging a jury on everything that was required by law to be charged.

Q. Do you not think that the most likely reason would be in this case, that he himself was one of the parties? A. No, I don't know that that would follow. I don't think it would.

Q. Suppose in addition to what I have stated, first, that gambling is an offense; second, that Judge Sachs is an habitual gambler; third, that he did not give information or bring it to the knowledge of the grand jury; and in addition to all these things, the law declared that if he did not do the last, his office should be declared vacant. Do you think he ought to go or stay?

MR. COLEMAN: Mr. President, we object. This is the same question that has been asked witness after witness, and this house has time after time refused to allow the witness to answer. The gentleman asks the witness this question to get his individual opinion, and it is probably the only one he can get in favor of removing Judge Sachs. He is trying to register the vote of this witness on this subject; that is a matter entirely within the province of the house. We have objected to these questions and the house has sustained us in our objections time after time, and we now ask them to do so again.

JUDGE PARSONS: Mr. President, I do not think the house has sustained the counsel in that objection unless where the witness has on his direct examination expressed his opinion only as to the public sentiment of Port Townsend; not where he has expressed his own opinion that the Judge should be retained in, and that he is a fit man for the office.

MR. COLEMAN: Mr. President, this witness was not asked on direct examination, nor did he state that Judge Sachs was fit to be judge of that court. It was on the cross examination, if at all, that he said anything of the kind. He said in his opinion the public desired him retained as judge, and that is all; not his own individual opinion—it would not be proper to ask any witness for his individual opinion on that question—but simply what his opinion was as to whether the public sentiment was in favor of retaining Judge Sachs.

THE PRESIDENT: The question is before the house: shall the witness answer the question?

SENATOR PARKINSON: Mr. President, are remarks in order upon this question?

THE PRESIDENT: No; it must be settled without debate under joint rule.

Question put and the objection declared sustained without division.

Q. What do you say as to any one of the persons that you think desire Judge Sachs' retention upon the bench having any knowledge whatever of his gambling habits? A. How do I understand you — one person?

Q. Yes, I say, any one of the persons you have referred to as desiring his retention upon the bench having a knowledge of his gambling habits.

A. Yes, I think some of them have a knowledge of his gambling habit; or, that is, have a knowledge that he is reported to have gambled; I don't know whether they know that he does gamble.

Q. You can't say that any one of them has that knowledge, so far as you know? A. No, sir.

JUDGE PARSONS: That is all.

(Re-direct Examination.)

By MR. COLEMAN: Q. Mr. Seavey, you have been asked a number of questions, based upon a hypothesis that Judge Sachs was a common, notorious gambler. I will ask you whether he is known in Port Townsend as a common gambler? A. No, sir; I never heard that Judge Sachs gambled at all. I don't know that he ever did gamble; never heard any one say that he did gamble; never saw him gamble and never heard of it at all until since this matter has been brought to Olympia, and I don't know that people in Port Townsend believe him to be a man who gambles.

MR. COLEMAN: That is all.

(Re-cross-examination.)

By JUDGE PARSONS: Q. You never saw him gamble. A. No, sir.

Q. How many times did you ever visit the Silver Safe? A. Well, I have been in the building several times on business.

Q. How many times did you visit the gambling room of the Silver Safe? A. I never went in it at all.

Q. So you didn't see him gambling in the Silver Safe. A. No, sir.

Q. How many times did you ever go into the gambling room of the Reception? A. Never went in there at all.

Q. And so you never saw him gambling there. A. I never did.

Q. How many times have you ever been in the gambling room of the Townsend? A. I never have been in there, sir.

JUDGE PARSONS: That is all.

MR. COLEMAN: That is all.

Examination of Mr. Seavey closed.

MR. WALKER: I move that this joint convention do now adjourn until 7:30 P. M., Monday.

SENATOR FORREST: Mr. President, the respondent has but one more witness to call upon this subject, and I think we had better get through with this branch of the defense to-night.

MR. COLEMAN: I wish to call a witness on another subject, for the reason that he wants to leave here to-morrow morning, and reserve the privilege of calling one more witness on this subject afterwards, if we desire to do so. At this time, we desire to call Mr. Piles of Seattle, who desires to get away in the morning.

MR. WALKER: Mr. President, I desire to withdraw my motion.

MR. COLEMAN: Call Mr. Piles.

TESTIMONY OF S. H. PILES.

S. H. PILES, Esq., called as witness for the respondent, having been first duly sworn, testifies as follows:

(Examination-in-chief.)

By MR. COLEMAN: Q. Please state your name to the reporter. A. S. H. Piles.

Q. Where do you reside? A. City of Seattle.

Q. What is your business, sir? A. I am a lawyer.

Q. Are you acquainted with Judge Sachs? A. I am, sir.

Q. How long have you known him, Mr. Piles? A. I have known him since 1883, I think.

Q. Have you ever practiced in any of the counties of his district since he has been judge? And while he occupied the bench? A. Yes, sir, I have practiced in Kitsap and Island counties.

Q. Before him. A. Yes, sir, while he was on the bench.

Q. Please state how he conducted himself as judge of those courts, whether in your judgment in a proper and able manner, or whether in an improper manner. A. So far as I ever saw, sir, he conducted himself in a dignified judicial manner upon the bench.

Q. How, with regard to his rulings, Mr. Piles, as to whether they were fair or whether he was arbitrary and had favorites. A. I always considered Judge Sachs a very fair and impartial man on the bench.

Q. Do you know anything about how the public in those counties, or the people who were about the courts there generally, during the terms when you were there, looked upon him as a judge. A. They looked upon him sir, as a fair, impartial, honest and upright judge.

Q. Now, Mr. Piles, there has been some evidence in this case in regard to Judge Sachs having dissolved an attachment in a certain case at Port Townsend on account of a defect in the affidavit for the writ; the defect being that the affidavit stated, that the writ had not been sued out and the execution was not prosecuted to hinder, delay and defraud any creditor of the defendant, when the law required that it should state that it was not sued out to hinder, delay or defraud any creditor of the defendant. Now, please state whether in any of those counties where you have practiced before Judge Sachs, he has ever ruled upon a similar question: A. He has, sir, yes, sir.

Q. And what was his ruling in regard to the sufficiency of such affidavits, and as to whether the defects, if any, went to the jurisdiction and rendered the attachment void and made a dissolution thereof necessary.

A. He held that the defect was fatal; and announced from the bench, that that had been his ruling uniformly since he had been on the bench, and that the affidavit was not subject to amendment.

Q. What case was it that he made that ruling in? A. It was a case from Island county, in which we moved to dissolve the attachment because the affidavit was not as the statutes required it to be, and upon several other grounds; the court refused to consider the attachment on the merits, holding that the failure of the affidavit to state the requirements of the statute, the jurisdictional facts, was fatal. You argued that point for us at Port Townsend. Afterwards it came up at Port Madison, in Kitsap county, and I was there myself, and the counsel in the Kitsap county case, immediately after the attachment had been dissolved at Port Townsend, re-attached the same property by making another affidavit; and I was urging it upon Judge Sachs to give us an immediate hearing, and stated as one ground, that he had only a few days prior to that dissolved the prior attachment in the case; he then announced to me on the bench that the reason he dissolved the attachment was not on the merits, but because there was a defect in the affidavit; and Judge Sachs then announced from the bench at Port Madison that that had been his ruling ever since he had been on the bench—that such defects were fatal and were not subject to amendment.

Q. Now, Mr. Piles, that ruling was not given in any case in which the First National Bank of Port Townsend or any of Judge Sach's relations were interested at all, was it? A. I am quite confident, sir, that Judge Sachs knew neither the plaintiff nor defendant.

Q. You are confident that he knew neither of them. A. Yes, sir.

Q. How long have you been practicing law? A. I have been practicing law in this country since 1883. I was admitted to the bar when quite a young man in Kentucky, and practiced with my father there a while and then came west.

Q. What official positions have you held in King county and in Seattle? A. I have been city attorney twice, and assistant prosecuting attorney of King, Kitsap and Snohomish counties for four years, I think.

Q. You have been in the active practice of your profession in this state and territory, have you? A. Yes, sir; since 1883.

MR. COLEMAN: Take the witness.

(Cross-examination.)

By JUDGE PARSONS: Q. Will you have the kindness to tell me what you understand the official oath of a judge to require of him? A. To support the constitution of the United States, the constitution of the state of Washington, to obey the laws thereof, and to faithfully, honestly and impartially discharge the duties of his office.

Q. Suppose that he has knowledge of criminal offenses and does not inform the grand jury before him of that knowledge, would you say he was faithfully enforcing the laws and the duties of his office?

MR. COLEMAN: Mr. President, this supposititious question has been asked here, it seems to me often enough, and we object to it. Judge Par-

sons puts to the witness a hypothetical state of facts, and then asks the witness for his opinion as to what the law is. The law is plain in itself, and we submit that this witness is not here to testify to legal conclusions; he is not here as an expert; and questions upon hypothesis of this kind are only admissible in such cases. Rare they are indeed where a witness is permitted to testify to his opinion concerning questions of law, and only in a case where the witness is brought forward as an expert. Then hypothetical questions may be asked of him; but that is not this case. But the questions of the gentleman here are all suppose, suppose, suppose — all these questions being founded on supposition, and we object to any more of them. This witness has testified simply to the feeling up there towards Judge Sachs, and to a ruling made by Judge Sachs in a certain case, and he has not been questioned on his direct examination, nor was he brought here to testify in regard to questions in law, and yet this learned prosecuting attorney, not satisfied to testify as to a constitutional oath of office, would go further and have the witness swear as to what his interpretation of the law is, and apply it to a supposed state of facts. We have asked him no questions of law and no questions based upon supposed facts.

JUDGE PARSONS: I do not care to argue the question, Mr. President.

Question stated by the chair and the objection sustained without division.

Q. I understood you to say that so far as you had any acquaintance with public sentiment in those counties it was favorable to the retention of Judge Sachs. A. I never heard his removal discussed in any of those counties. You misunderstood me; I said the people of those counties, so far as I knew, had confidence in him, and that they regarded him as an able man and a fair, honest, impartial and just judge.

Q. Do you know whether any of those people knew or had any intimation that he was an habitual frequenter of the gambling houses of Port Townsend? A. I have heard them say that he gambled or played cards a little; I never heard him accused of being a public gamester.

Q. Suppose a man visits gambling houses two or three times a week continuously through the year. Do you think that would make him an habitual gambler? A. No, sir; I think not. I don't think he could be convicted under the law.

Q. What do you think makes a public gambler? A. As I understand the law, he is a man that makes a living at it.

Q. Well, suppose in the case I have stated, he bets enough and makes a living out of it? A. An habitual gamester in law is a man who games all the time and consorts with gamblers, and follows that profession for his business.

Q. That is what you understand constitutes an habitual gamester. A. That is the law.

Q. Is it not sufficient if he consorts with habitual gamblers? A. Did I not tell you a man who consorts with habitual gamblers.

Q. Then you would not think it sufficient if a man consorted two or three times a week with habitual gamblers? A. No, I think not.

Q. And that is your opinion of the law? A. Yes, sir.

Q. Now, you have spoken of some case where a decision was rendered where the affidavit used the word "and" instead of the word "or." A. No, sir; it was "or" in place of "and."

Q. You do not know of any case where the word "and" was used in place of "or?" A. No, sir; I don't think that was the proposition; I don't remember whether "and" was in it or not.

JUDGE PARSONS: Mr. Clerk will you let me have the papers in the case of Wheaton vs. Nathanson & Nathanson—the papers on the dissolution of that attachment.

WITNESS: The case I had reference to had nothing to do with that case, Judge.

Q. Now, you say he would not allow an amendment by changing the word "or" to "and" upon application. A. That is what he announced from the bench.

Q. And you think it was a very fair and impartial ruling. A. Well, I didn't say anything about that. I knew he was honest in his ruling; I felt confident he was.

Q. I understood you to say you thought his ruling was very fair and impartial. A. I have, sir.

Q. That was one of them? A. That was one of his rulings.

Q. Where he would not allow an amendment under the statute? A. There was no application for an amendment at this time. He announced that the amendment, as I told you before, the ruling on the amendment, had been made at Port Townsend, when Mr. Coleman argued the proposition for us, and then Judge Sachs reiterated what his ruling had been in Port Townsend, at Port Madison, when I was present in court.

Q. Well, he ruled against you. A. No, sir; he ruled in my favor.

JUDGE PARSONS: That is all.

TESTIMONY OF WILLIAM PAINE.

WM. PAINE, a witness called on behalf of the respondent, after being duly sworn by the president, testifies as follows:

Questions by MR. COLEMAN: Q. State your name. A. Wm. Paine.

Q. Where do you live? A. Port Townsend.

Q. How long have you lived in Jefferson county, Mr. Paine? A. About ten years.

Q. How long have you lived in the State or Territory of Washington? A. About twenty-three years.

Q. Have you ever held any official position in this state; I mean as a county or state officer? A. Yes; I have been a member of the city council of the city of Port Townsend for two or three years.

Q. Have you ever held any territorial office? A. I was a member of the legislature once.

Q. How long have you known Judge Sachs? A. About seven years, I think.

Q. Have you heard the subject discussed of these proceedings for his.

removal before this legislature in Port Townsend? A. Yes, sir; I have heard a good deal about it.

Q. I will ask you to state, from what you have heard, whether in your opinion a majority of the business people of Port Townsend desire that he should be removed from his office on these charges, or should be retained in his office. A. Well, I don't know; I never have canvassed public opinion enough to be able to say. I have heard a good deal for and against.

Q. Do you know anything about whether he has given satisfaction in his office of judge in that county—as much satisfaction as was expected; whether he has proven to be a better or worse judge than the people thought he would when he was elected? A. Well, I have heard a good many say that he turned out to be a better judge than they expected.

(Cross-examination.)

Questions by MR. PARSONS: Q. You don't know how much they expected of him. A. I suppose they expected justice.

Q. Now, you say you don't know which way public sentiment would be, whether it would be that he should go or stay. A. I am not prepared to say.

Q. Have you heard the subject of his frequenting these various gambling houses talked over? A. Yes, sir.

Q. You are also a stockholder in the First National Bank over there. A. Yes, sir.

MR. PARSONS: That is all.

MR. GANDY: I move we now rise to meet again Monday night, at half past seven o'clock.

Motion seconded. Motion stated—carried.

OLYMPIA, WASHINGTON, March 2, 1891.

The Senate entered the bar of the House at the hour of 7:45 P. M. The president of the Senate took the chair, and called the joint convention to order.

The secretary of the Senate called the roll of the Senate, and the chief clerk called the roll of the House, and the president announced that there were twenty-five members of the Senate present, and sixty-five members of the House present.

THE PRESIDENT: Secretary will read the journal.

MR. DE STEIGUER: I move you that the reading of the journal be dispensed with, and that the same be considered approved.

Motion stated by the chair, vote taken, and chair announced that the motion was carried and that the minutes would stand approved.

TESTIMONY OF JOHN TRUMBULL.

MR. JOHN TRUMBULL, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

MR. WINSTON: Q. Where do you live? A. Port Townsend, Washington.

Q. How long have you resided there? A. About a year and a half.

Q. Where did you come from to Port townsend? A. Montana.

Q. Did you hold any position of trust in Montana—any office? A. I have, sir.

Q. What was it? A. I have been prosecuting attorney in Montana, in Dawson county, and was in the constitutional convention.

Q. What is your profession? A. Attorney at law.

Q. Were you the attorney for the First National Bank of Port Townsend in the case of Max Nathanson, and also for Wm. Nathanson in the case against Max Nathanson? A. I was.

Q. I wish you would please state whether the money was collected on the judgment in favor of the First National Bank. A. It was.

Q. I wish you would state whether you have ever seen this note before or not. [Note heretofore introduced in evidence shown witness.] A. I have.

Q. Now, state to this body the circumstances under which that note was taken, and whether it was paid over to you as cash upon either of these judgments and received as cash, and upon which judgment. A. After the sheriff got through the sale under these judgments it took him about a week, to the best of my recollection, to collect in the money from the various parties who had bought at the sheriff's sale. I was urging the sheriff to be as expeditious as he could to make the return on these executions, especially the execution in favor of—well, Nathanson vs. Nathanson. The reason that I urged was this, that Max L. Nathanson had a great many creditors in various parts of the country, and I realized the fact that these creditors would be sending in their claims and would probably cause me trouble in the collection of the—of getting the money on the execution in the case of Will Nathanson vs. Max Nathanson. The sheriff, I think it was on Friday about a week after the sale, had collected all but what the Port Angeles Mill Company had bought. And he had, to the best of my recollection, at this time received the memorandum or an I. O. U. I do not remember what it was; I remember what he had received from him was written with a pencil.

Q. From whom? A. From Judge Sachs. I remember that the substance of it was to the effect that the Port Angeles Mill Company was indebted to the sheriff, and the amount of goods that he had bought, at this juncture, I suggested to the sheriff, so as to get a return, I suggested that he take the note of the Port Angeles Mill Company, and make a return, and that I would receipt on the books of the clerk for so much money received. Such a return was made, this note was returned into the clerks office of the superior court of Jefferson county; I received this note as so much money. I carried this note for ten days or two weeks,

somewhere in that neighborhood, when Judge Sachs paid it, and I surrendered it to him.

Q. How did he pay it? A. He paid it in coin money. Before this note was paid I had paid to my clients, the First National Bank, I had paid to them the balance that was coming to them, less the amount of their judgment, in a check given by the clerk of the court of Jefferson county, and had indorsed it and turned it into the First National Bank.

Q. Then the First National Bank had received in cash the full amount of its judgment, except this note. A. Before that note was paid?

Q. Yes, sir. A. Yes, sir.

Q. Then this note was taken by you as the attorney for the First National Bank, in part payment for their debt. A. It was, but the bank had no knowledge of the fact that I had taken it. I assumed to take it myself.

Q. You assumed that responsibility? A. Yes, sir.

Q. Then any attachment that was levied thereafter had no reference to the debt of the First National Bank, or to this note. A. No, sir.

Q. And if the attachment had been dissolved that has been spoken of, or had not been dissolved, and had gone on, and the attaching creditors had succeeded in setting aside the Nathanson judgment, it would not have affected this note. A. No, sir.

Q. There was no attachment or claim against the debt of the First National bank. A. No, sir; the attachment was against Max L. and Will Nathanson, as partners; not against the First National Bank.

Q. There was some memorandum or I. O. U. that had been given to the sheriff by the Judge. A. Yes, sir; to the best of my recollection.

Q. The one which came to be put in legal shape—this note was substituted in the first place. A. Yes, sir; that is the note I received.

Q. You received this identical note? A. Yes, sir.

Q. You had it in your pocket for ten days, and surrendered it for cash. A. Yes, sir.

Q. Did you ever tell any person that you had destroyed this note? A. I never did.

Q. Did you ever tell Wm. J. Jones, deputy sheriff, that you had destroyed this note? A. I never did.

Q. Have you had an occasion as an attorney, at Port Townsend, to observe the demeanor and behavior of Judge Sachs on the bench? A. I have had; yes, sir.

Q. Has it been that of a dignified and impartial judge? A. It has, sir; to the best of my opinion.

Q. Have you ever heard any complaint made in Port Townsend of neglect of his duties? A. I never did.

Q. Did you ever know him to neglect his duties? A. I never have.

Q. Is it not a fact that it was his custom, even when court was not in session, to come down to the court house; as a matter of accommodation to the attorneys, every morning when he was in that city, and go in the court house and stay there for the purpose of signing orders and hearing their motions? A. It is a fact.

Q. Did he not do that every day, in the morning and after dinner, while in the city of Port Townsend? A. He did, sir.

Q. Did you ever hear him charged in that city with being a common gambler? A. I never did.

Q. Has he that reputation there? A. No, sir.

Q. Has he the reputation of consorting with common gamblers and associating with Chinamen and negroes; has he such a reputation as that in that community? A. I never heard it at all until this question arose.

MR. WINSTON: Examine the witness gentlemen.

(Cross-examination.)

Questions by MR. PARSONS: How long have you practiced law there, Mr. Trumbull? A. In Port Townsend?

Q. Yes, sir. A. A year ago last November.

Q. Where did you come from when you came there? A. I came from Glendive, Montana.

Q. Is that the county in which you were prosecuting attorney? A. Yes, sir.

Q. Did you have any trouble there? A. No, sir.

Q. None whatever? A. None whatever.

Q. Which judgment did you say this note was applied on? A. It was applied on the judgment of the First National Bank against Max L. Nathanson.

Q. When did you say that the debt in favor of the First National Bank was fully paid? A. Well, I would not be positive; somewhere about ten days or two weeks after the sheriff made his return.

Q. Were you present when the first memorandum you spoke of was given? A. I do not think I was.

Q. Do you know where it was given? A. I do not.

Q. Can you repeat its substance? A. I cannot.

Q. Was it the memorandum of Judge Sachs or the mill company? A. To the best of my recollection at this time, it was the memorandum of Judge Sachs as secretary of the mill company.

Q. That is the first one? A. Yes, sir.

Q. That has been spoken of as the first one. A. I do not know.

Q. Did you not so speak of it in your examination before the committee in Port Townsend? A. I do not remember.

Q. Did you swear over there that this was the second note? A. Yes, sir; I may have done so.

Q. Did you do so? A. I am not prepared to state whether I did or not.

Q. Did you swear over there the reason why you would not take the first note was because it was Judge Sachs' individual note and you wanted the note of the mill company? A. I do not think I did; I may have; I do not remember, I am not positive.

Q. There was a shorthand reporter there taking notes of your testimony? A. I don't know whether there was or not.

Q. Will you now say whether upon your oath you did or did not swear that the reason why you would not take the first note—you did not then

call it a memorandum—was because you would not take Judge Sachs' individual responsibility of the goods? A. I don't think I said anything of that kind, sir.

Q. Did you swear that you went to the bank for the purpose of getting them to put the matter off a while, so that you could get an arrangement with Judge Sachs? A. I never did anything of that kind.

Q. Nothing of that kind took place. A. No, sir; the bank called me in, and asked me in regard to that matter several times.

Q. Did you swear that one of the reasons why you let it run so long was you were an attorney and trying to keep it from the bank; that you did not want them to know what kind of an arrangement you had made with Judge Sachs? A. No, sir; not in the way you put it.

Q. Did you swear to that in substance? A. I said something like this: I said that the bank had asked me several times where was the balance of that judgment, and that I kept putting them off, and finally one of the officers of the bank came to me and said Delanty had told them that he had returned this money into court, and then I said to the bank that there must be some mistake, and I said something to put it off at that time, but I do not remember—but coming out of the bank I met Judge Sachs, and I said: "Judge, this mill company must settle up this matter; the bank is after me for this money;" and Judge Sachs says, "I will go into the bank and see them now." He went into the bank with me; he saw Mr. Hill, the vice president or cashier—he holds some position in the bank, and he explained to him that I was not to blame for this money not being forthcoming, and that the mill company would pay the money in a day or two, and they did pay it the next day or two.

Q. I understood you, on direct examination, that the mill company had nothing whatever to do with this note; then why did you and Judge Sachs go there and explain? A. You understood me wrong, then.

Q. The bank I should have said had nothing whatever to do with this note. A. Nothing to do with it; I assumed the responsibility.

Q. Then why did you and Judge Sachs go to the bank to explain it to them? A. I will tell you why; the bank—they held me responsible for this money; they looked to me for this money. They knew that the goods had been sold; I had not the money to give them; I paid them all the money I had received except this \$560, and they asked me in regard to that money. I met Judge Sachs, and I spoke to him about it. I would either have to pay or the mill company would have to make some arrangements, and he went in and explained to the bank, and his explanation was perfectly satisfactory, but if they had not been satisfied, I had the money in the bank to give it to them myself.

Q. I understood you to say that the bank had nothing to do with that \$560. A. The bank had nothing to do with it; I took the note on my own responsibility.

Q. I understood you to say to Col. Winston that this note did not go to the bank, that it was just Nathanson. A. You are mistaken.

Q. You say this note went to the bank. A. It did not go to the bank; the money that was represented by that note went to the bank.

Q. Then this note was paid before this attachment was issued. A. What attachment?

Q. Any attachment—in favor of Wheaton & Company. A. It was not; it was paid afterwards.

Q. Did you swear that you wanted to hurry around and get this note out of the way for fear there might be other garnishments and attachments? A. No, sir; I said this: I said I wished the sheriff to make a return as soon as possible because I knew that Max L. Nathanson had a great many creditors over the country and that they would be liable to garnishee the sheriff and complicate this matter, and I wished to be as expeditious as possible with it.

Q. Did you, when that first note was given, say that it was not sufficient to satisfy you? A. I think probably I did; it was a mere memorandum in pencil.

Q. See if this question was asked you: "What was the reason you considered the first due bill insufficient?" and whether you answered in this way: "Well, I did not think it was as good paper as the paper of the Port Angeles Mill Company." Did you swear to that? A. I think very likely I did.

Q. Whose paper was it you did not consider as good as the Port Angeles Mill Company? A. I presume that it was this memorandum that I have spoken of.

Q. Whose memorandum was it? A. To the best of my recollection at this time, it was a memorandum of the Port Angeles Mill Company.

Q. Why was not the Port Angeles Mill Company memorandum just as good as the Port Angeles Mill Company is now? A. At the time I testified before the committee I had not given this matter the thought that I have since, and it was suggested to me that it was the memorandum of Judge Sachs himself. To the best of my recollection at this time, it was the memorandum of the Port Angeles Mill Company.

Q. Did you swear before the committee that the reason why you would not take that was that you preferred the responsibility of the Port Angeles Mill Company to the responsibility of Judge Sachs? A. I don't know whether I did or not.

Q. Well, if you did so swear, was it true? A. It certainly would be true; yes. I would rather have the Port Angeles Mill Company than Judge Sachs.

Q. And for that reason I will ask you once more, did you refuse to take the first paper because you would prefer the Port Angeles Mill Company's note or paper? A. The first paper was not offered to me at all.

Q. Was the first paper garnisheed by the sheriff? A. It was not.

Q. Whose interest would be jeopardized by the garnishment of this paper—that of the bank or that of Nathanson's? A. The paper was not garnisheed. I did not think anyone's interests were being jeopardized.

Q. Did you swear that when you told Judge Sachs about this paper that you told him that the interests of the bank would be jeopardized? A. I did not.

Q. Did you swear that you understood at that time that the bank had

no interest in the paper and that you thought it would be the Nathansons' interest that would be jeopardized? A. I did not.

Q. Was this question asked you when you told Judge Sachs that you desired this money paid in in order that the interests of the bank might not be jeopardized by further garnishments or attachments—what did he say, and did you answer, "I did not say that," and then did you answer, further, "It was not the interests of the First National Bank that would be jeopardized, but the interest of my client in Nathanson vs. Nathanson." Is that true? A. That is whose interest I thought would be jeopardized because the sheriff did not make a return.

Q. Was the paper that has been shown you here this evening shown you over there? A. Over where, sir.

Q. Over at Port Townsend on your examination? A. At that time.

Q. Did Mr. DeSteiguer ask you this question: "That is the note you spoke of yesterday in connection with the Nathanson case." Do you remember that? A. I do not.

Q. Did you answer that "That is the note I spoke of, that I had in my possession?" A. Well, what did I speak of? If you will tell me what I spoke of, I will be able to answer.

Q. You spoke of this note. A. What did I speak of yesterday?

Q. I just read you before, sir. See if you will answer this, now: "Is that the first or second note?" Was that question asked you? A. Yes; that was asked me.

Q. Did you answer "That is the second note?" A. Yes; I answered that.

Q. The one signed by the company? A. Yes, sir.

Q. See if you were asked this question: "Your understanding is that there was another note given before this note, and that this note was given to take the place of that." Were you asked that question? A. I believe I was.

Q. Did you answer "That is the fact; I know that?" A. Yes; I believe so.

Q. Do you remember what kind of paper this note was written on? A. No; I do not.

Q. See if you testified to this: "Did you state to Judge Sachs, 'Judge, this matter has got to be fixed up in regard to the money due from the company on this note business, and I says, I don't want to mention it to the bank how it was paid for.'" Did you tell him that? A. I told him that I had not mentioned the matter to the bank.

Q. Did you swear over there that you told him: "I don't want to mention it to the bank?" A. I do not know whether I swore to that or not. If you will show me what I swore to, I can testify.

Q. I will show you the transcript of the notes. [Counsel handing the witness transcript.] There at the bottom where it is marked; that is what I read to you. [Witness examines transcript.] A. Yes; I did.

Q. You never saw any of the notes in the sheriff's hands, did you? A. Yes; I seen that note in the sheriff's hands.

Q. Which one? A. This one.

Q. Did you see the other? A. I have no distinct recollection that I ever did.

Q. How long after you saw the first note was it before this second note was made, so far as you know? A. I saw that note when it was returned into the clerk's office.

Q. Was it before or after the 6th of September? A. I could not tell you.

Q. Did you receipt for the money to the clerk that was paid to you on the 6th of September? A. I receipted for all the money I got from the clerk.

Q. Was there any note in your hands or any unpaid note at the time the attachment issuing in the Wheaton case? A. I could not tell you.

Q. Do you know whether this note had been surrendered at this time? A. I do not think that the sheriff had made his return until after the attachment was dissolved; that is my recollection of it.

Q. Can you tell when you returned this note, or surrendered it, or passed it out of your hands? A. Do you mean the date? No, sir; I cannot. I can simply approximate that it was some ten days or two weeks after the sheriff made his return.

Q. See if this question was asked you over there: "Now, Mr. Trumbull, before taking the Mill Company's note as a substitute for the individual note of Judge Sachs, did you have any conversation with Judge Sachs with regard to this purchase, in regard to the goods purchased, and the note given?"—was that asked you? A. I believe it was.

Q. Did you answer "yes"? A. I do not remember whether I did or not.

Q. Was this asked you—"What was that conversation?" "I told him that I wished he would hurry and get the money."

MR. WINSTON: Judge Parsons, I object to this style of examining the witness, unless the gentleman will state that his object is to impeach the witness. He is reading to this witness a series of questions which purported to have been asked him at Port Townsend and taken down by the shorthand reporter and now reproduced to the witness for the first time here, one after another. Now, if the object is to impeach the witness, I insist that even if that is what he proposes to do, it is not a fair thing to take twenty or thirty pages of testimony which he has never had the opportunity to see nor look over; therefore I object to the prosecution being allowed to continue reading these questions.

MR. PARSONS: For the purpose of seeing if he is telling the truth.

Question stated by the president; vote taken, and the chair announced that counsel would be permitted to ask the last question.

Q. The last answer was: "I told him I wished he would hurry up and get this money"—did you make that answer? A. Did I ask him that?

Q. Did you make that answer? A. Yes, sir.

Q. Was this question then asked you: "What did he say?" A. I do not remember.

Q. Say if you answered that in this way: "He said he expected the money from Port Angeles, from the mill company down there, and he

had expected it every day. Well, they had garnisheed the sheriff, and I was looking out for my client's interests, and if this return was delayed there might be another garnishment, and for that reason I suggested to Judge Sachs to give this note, and I, as attorney for the bank, would instruct the sheriff to account for it as so much funds; said I would receipt for the funds, which was done." Is that true? A. Yes, sir.

Q. Then there was a garnishment before this note was given? A. I did not so understand it.

Q. Did you make the answer, "Well, they had garnisheed the sheriff, and I was looking out for my client's interests and if this return was delayed there might be another garnishment." Now, is it true they had garnished before any note was given? A. They had garnisheed the sheriff against Nathanson.

Q. There was a garnishment for funds in his hands? A. Belonging to Nathanson.

Q. And it was claimed that it did not belong to Nathanson; was it claimed that these transfers had been made to avoid the payment to Nathanson to his creditors—that is, the judgment in favor of his brother? A. There was no such claim.

Q. Was there any particular application of this note before the second note was given? A. I told the sheriff to take this note, and the sheriff would not take it until he came and consulted me. I told him to take it, and I would take it for the bank.

Q. Did you say to Judge Sachs that the reason why you wanted it hurried up, and the reason you wanted a note was you were afraid of another garnishment? A. I wished the sheriff to make return for that purpose, certainly.

Q. You say there was no garnishment at all against the First National Bank. A. There was not. The sheriff would not make his return until he had collected all the money on both of these executions that were levied on the same goods.

Q. Now, if there was no garnishment of this joint fund, what was your anxiety or fear that there would be any other garnishment if no garnishment could affect these funds, as you say there was none against the claim against the First National Bank; what was your anxiety to avoid this further garnishment and get this note? A. Because the sheriff had not and would not make his return until he had collected in all of the money, that was the reason.

Q. Did the sheriff make a return on the 6th of September? A. I do not remember; the record is the best evidence of that.

Q. And did you receipt for it before you got this note at all, so far as the bank is concerned? A. When I receipted for it I got the money, and got the money that was there for the bank.

MR. THOMPSON (G. T.): Were you attorney for the execution creditors in this case spoken of? A. Yes, sir.

Q. You procured the judgment and had the execution issued. A. I did.

Q. You were responsible to your clients for the money that was collected. A. I was.

Q. And the acceptance of this \$500 note was a personal matter. A. That was a personal matter on my part.

Q. Personal matter, and you was responsible to your clients; if it was not paid you had to pay it yourself.

MR. DE STEIGUER: Q. In which case was the first levy made, the bank case or the case of Nathanson vs. Nathanson? A. The bank case.

Q. Then you took the note and applied the note upon the judgment which was the preferred claim, and paid cash on that which was a later claim. A. That is what I done.

TESTIMONY OF ROBERT BILES.

ROBERT BILES, called as witness for the respondent, and having been first duly sworn, testifies as follows:

(Examination-in-chief.)

By MR. WINSTON: Q. Mr. Biles, where do you live. A. I live in Jefferson county, Port Townsend.

Q. What position do you hold there?. A. I am the deputy clerk of the court.

Q. How long have you been deputy clerk? A. Well, I have been clerk there ever since there has been a superior court there.

Q. How many years? A. That would be a year ago last November.

Q. Prior to that time did you work around the court any? A. Yes, sir.

Q. In the ex-sheriff's office? A. Well, I never worked in the sheriff's office, proper.

Q. Have you ever known the respondent, Judge Sachs, since you have been deputy clerk, to neglect any of his duties as judge? A. No, sir.

Q. By absence, or by neglecting his business by reason of gambling or otherwise? A. No, sir.

Q. Have you known any complaint of that kind to be made against him of that character, prior to these proceedings? A. Of neglect?

Q. Yes, sir. A. I never have.

Q. You say you have never known of any neglect or complaint as to the manner in which he performed his duties. A. I never have.

Q. Mr. Biles, look at that note, and state whether you have ever seen that before, and under what circumstances. A. Yes, sir; that note was handed to me together with some coin, money, in the return of the execution of the First National Bank vs. Nathanson, and Nathanson vs. Nathanson.

Q. What did you do with this note? A. I handed it over to Mr. Fennimore, the clerk of the court, together with the coin.

Q. Do you know what afterwards became of it? A. Well, Mr. Trumbull, attorney for the bank, took the note for so much money, and signed for it in the execution docket for so much money.

Q. Who had that execution docket? A. It was in the court.

Q. Were you present when he signed for it on the execution docket?
A. I was.

Q. As so much money. A. Yes, sir.

Q. You will state to these gentlemen whether you have ever heard the Judge charge the grand jury against gambling. A. I have.

Q. State when. A. The term of court before last; that would be the September term.

Q. Did you hear him charge it at the last term of court? A. I did.

Q. Did he do so? A. He did.

Q. You will state whether there were any indictments against these gamblers at Port Townsend; these faro dealers. A. There were.

Q. When were these indictments found? A. The term before last.

Q. How many? A. There were four.

Q. You will state whether or not those indictments, whether those parties were tried or not under those indictments. A. Two of them plead guilty, and one of the houses was found not guilty by the petit jury; the other was a person indicted, but was never captured; never arrested.

Q. You please state what fine, if any, was imposed by Judge Sachs upon these gamblers. A. A fine of \$100 and costs, on each.

Q. Was that the first time they had ever been indicted? A. Yes, sir.

Q. And he imposed a fine of \$100 and costs on them the first time they were tried before him. A. Well, the time they plead guilty, yes, sir.

Q. Do you know what the costs in each case would amount to? A. I think it went \$16 or \$17 each case.

Q. I wish you would state whether or not it was not Judge Sachs' habit to come down to the court room every morning for the purpose of having lawyers come there and transact any little business that they might have, such as signing orders, etc., when the court was not in session. A. Whenever he was in town, yes, sir.

Q. Did he come every morning? A. Yes, sir.

Q. And afternoon? A. Yes, sir.

Q. He did that for the convenience of the bar, did he not? A. Yes, sir.

Q. That is, at a time when the court was not regularly in session. A. Yes, sir.

(Cross-examination.)

By JUDGE PARSONS: Q. Upon which judgment did you receive this note? A. This note here?

Q. Yes, sir. A. Well, I don't know which judgment Mr. Trumbull took it on; both executions were returned at once.

Q. There was a garnishment issued, was there not, against the sheriff for all moneys in his hands; was there not? A. The superior court don't issue garnishments.

Q. But was there not against the sheriff an attachment issued? A. I believe there was an attachment.

Q. The sheriff had been garnisheed, had he not? A. I don't know.

Q. The papers came into your hands as deputy clerk, did they not? A. I didn't see them then; I may have seen them since.

Q. You don't know that the sheriff had been garnisheed for all moneys, the proceeds of the sale on the Nathanson judgment? A. I know there had been an attachment issued; I don't know whether that was returned before the execution or not.

Q. Do you know on which of those judgments, the one on Nathanson vs. Nathanson or the First National Bank vs. Nathanson, this note was turned over? A. Well, I understood it was turned over to the National Bank.

Q. How did you understand that? A. Merely what I was told.

Q. That is all you know about it? A. That is all, so far as that is concerned. I know the note was turned in as so much money, and was received as so much money.

Q. You do not know which judgment the note was to be applied on, except what you have been told. A. That is all.

Q. You say that Judge Sachs charged the grand jury to find indictments against gamblers, and that he did that in September. A. Yes, sir.

Q. Did he give them any information as to whether he had any knowledge that gambling was being carried on? A. He said he had been informed—he said in his charge that he had been informed that gambling existed.

Q. Did he say whether he had any other information than that he had been informed that gambling existed? A. It is so long ago since that charge was given, that I don't recall the wording of it now.

Q. Did he specify any particular places where, as he was informed, gambling was being carried on? A. He did not.

Q. Did he say anything about the Silver Safe? A. No.

Q. Or the Townsend? A. He did not.

Q. Or the Reception? No.

Q. You say that at the last term of court there, he also charged the grand jury with respect to gambling. A. In general terms, yes, sir.

Q. About what time was that? A. In January.

Q. About what time? A. The first day of court, the 19th day, Monday.

Q. Did he tell them at that time that he had any information or knowledge that gambling was being carried on? A. He read the law to them in regard to gambling; that was incorporated in his charge.

Q. Did he tell them that he had any knowledge or information that any persons were carrying on the business of gambling there? A. I can't say.

Q. Did he then call their attention to the Silver Safe, or the Reception or the Townsend? A. No.

Q. You say there were four indictments found. A. There were the term before that.

Q. Would that be the September term? A. Yes, sir.

Q. State whether any of those three places, the Silver Safe, the Townsend or the Reception were indicted. A. The Silver Safe was indicted, the Townsend was indicted, the Reception was indicted, and another one was indicted.

Q. Which two of them plead guilty? A. The Silver Safe and the Townsend.

Q. And what about the Reception? A. The Reception stood trial and the petit jury found them not guilty.

Q. They couldn't get evidence enough to show that gambling was being carried on at the Reception? A. I was not on the petit jury.

Q. Well, you understood it that way, did you not? A. I didn't take much notice of it.

Q. You say that Judge Sachs is always there in attendance at the court house, as you understand it, for the convenience of attorneys. A. He came in every day when court was not in session.

Q. State whether he was, as was generally reported, in about as frequent attendance at each of these gambling houses. A. It was not so reported to me.

Q. Was it not generally reported so over there? A. I don't know what was generally reported; it was not so reported to me.

Q. You don't know anything about that. A. I have heard it said that he went there sometimes.

Q. But you never saw him there. A. No, sir.

Q. You have never been in there, of course. A. Oh, yes; I have been at several of the places.

Q. But you never happened to meet Judge Sachs there. A. No.

JUDGE PARSONS: That is all.

MR. WINSTON: That is all.

Examination of Mr. Biles closed.

TESTIMONY OF F. W. COMSTOCK.

F. W. COMSTOCK is called as a witness for the respondent and, having been first duly sworn, testifies as follows:

(Examination-in-chief.)

By MR. WINSTON: Q. Where do you live? A. Port Madison, Kitsap county.

Q. What is your business? A. I am county clerk.

Q. Are you clerk of the court down there? A. Clerk of the superior court; yes, sir.

Q. How long have you been clerk of the court in Kitsap county? A. I was clerk of the district court under Judge Hanford, and clerk of the county and superior court since the adoption of the constitution.

Q. Has Judge Sachs held court there since you have been clerk? A. Yes, sir.

Q. What was his demeanor upon the bench of Kitsap county? A. It was very creditable in all cases.

Q. Have you ever heard any complaint against the Judge in his administration of justice by anybody in Kitsap county? A. I never have.

Q. Did you ever hear Judge Sachs charge the grand jury of Kitsap county? A. Yes, sir.

Q. In regard to gambling. A. Yes, sir.

Q. Could you repeat the substance of it, or state generally what it was?

A. To the best of my recollection, he charged them in that charge that if any of the members knew of any gambling existing in any part of the county it was their duty to investigate the matter.

MR. WINSTON: You can examine the witness, Judge Parsons.

(Cross-examination.)

By JUDGE PARSONS: Q. How long have you lived in Kitsap county?

A. Twenty years, off and on.

Q. You heard Judge Sachs tell the grand jury over there that if they knew of any gambling going on in that county that it was their business to present indictments or to find out about it. A. He charged them in regard to gambling; it was in his charge.

Q. And he told them it was their duty to investigate it and if they found anything of the kind, to present indictments. A. I guess that was about the way of it. Of course I can't remember just the words, and we have no record of it in the court.

Q. Well, you have a pretty good memory, haven't you. A. Yes, sir; pretty good.

Q. About how large a place is Port Madison? A. Four or five hundred people, I think.

Q. How many gambling houses was it understood there were in that place at the time Judge Sachs was charging the grand jury? A. I didn't know of any.

Q. You don't know of Judge Sachs' gambling there, and you don't know of any place where he could gamble, do you? A. No; not to my knowledge; I don't know of his gambling.

Q. Do you know of any gambling at all going on there in that county prior to that time? A. Yes, sir; more so than in any other county.

Q. How is that? A. I said as much so as in any other county of the state, I suppose; I have heard so.

Q. But you don't know of any going on at Port Madison yourself. A. No, sir.

Q. Where are there any gambling houses in Kitsap county? A. I do not know of any gambling houses, but I know I have always heard that there was gambling going on there in the county.

Q. You have heard Judge Sachs charge the jury in the way you have stated here, every time he has held court over there, have you not? A. I remember particularly of his charging them once in that way, and probably he did every time; I think he did.

Q. Did he tell them that he had any information of gambling being carried on in that county? A. I don't recollect whether he did or not.

Q. You say his demeanor was first rate, and that you never heard anything against it. A. I never did.

Q. You never heard the subject of his visiting gambling houses discussed, did you? A. Never, except when these proceedings were brought up here in the papers.

Q. That is all you know about it. A. Yes, sir.

JUDGE PARSONS: That is all.

MR. WINSTON: That is all.

Examination of Mr. Comstock closed.

TESTIMONY OF NATHAN BUCKLIN.

NATHAN BUCKLIN is called for the respondent, and having been duly sworn, testifies as follows:

(Examination-in-chief.)

By MR. WINSTON: Q. Where do you live, Mr. Bucklin? A. In Kitsap county.

Q. How long have you lived there? A. Thirty-one years.

Q. What position do you hold, or have you held there? A. I am superintendent of a saw mill.

Q. Have you been probate judge of that county? A. I have.

Q. How many years? A. Eight years.

Q. When did your term expire? A. On the 12th of last January.

Q. Do you know Judge Sachs? A. I do.

Q. Have you heard any complaints in the county of Kitsap of his administration of justice as a judge there? A. I never have.

Q. Has his demeanor there as judge among those people been that of a man of dignity and character? A. It has, so far as I know.

MR. WINSTON: You may examine the witness.

(Cross-examination.)

By JUDGE PARSONS: Q. Have you ever heard the subject of his frequenting gambling houses discussed in your county? A. I have heard it discussed since this legislature convened.

Q. Did you before that time? A. Never.

Q. So far as you know, did the inhabitants of your county know anything about his frequenting gambling houses? A. They did not, so far as I know.

Q. So far as you know, any opinions expressed there were expressed in ignorance of his gambling and frequenting gambling houses over at Port Townsend? A. They were.

JUDGE PARSONS: That is all.

MR. WINSTON: That is all.

MR. WINSTON: We will call Mr. E. J. Ames?

SENATOR THOMPSON (G. T.): Mr. President, I desire to offer a resolution, which I have sent up to the clerk.

THE PRESIDENT: The secretary will read the resolution sent up by the gentleman from Walla Walla.

THE CLERK [reading]: Resolution offered by Senator Thompson, Walla Walla:

Resolved, That in view of the constitutional limitation of time for the transaction of business for which this legislature is convened, this unnecessary proceedings should be speedily terminated;

Resolved, That this joint convention hereby censures Hon. Morris B. Sachs for immoral

conduct in gambling, but finds no evidence tending to show that he has been guilty of malfeasance in office;

Resolved, That the case against him is dismissed and that this joint convention is dissolved, *sine die*.

MR. WINSTON: We call Mr. E. J. Ames as our next witness.

SENATOR THOMPSON (G. T.): Now, Mr. President, I move the adoption of the resolution without a word of comment.

Motion seconded.

THE PRESIDENT: It has been moved and seconded that the resolution just read be adopted. Are you ready for the question?

SENATOR McCROSKEY: Mr. President, I move that the resolution be laid on the table.

Motion seconded, stated by the chair and carried.

TESTIMONY OF E. J. AMES.

E. J. AMES, called as a witness on behalf of the respondent, and having been first duly sworn, testified as follows:

(Examination-in-chief.)

By MR. WINSTON: Q. Where do you reside? A. Port Gamble.

Q. What county is that in? A. Kitsap.

Q. What is your official position? A. I am one of the county commissioners.

Q. You are chairman of the board. A. Yes, sir.

Q. Are you the manager or president of the Puget Sound Mill Company? Yes, sir; I am one of the employes of it.

Q. Are you a superintendent of it? A. I am assistant general manager.

Q. Do you know Judge Sachs? A. I do.

Q. Have you heard any complaint in the county of Kitsap against his administration of justice as a judge on the bench? A. I never have.

Q. Has he demeaned himself in that county as an upright judge and a man of character and dignity? A. I never have heard him spoken of in any other way except well.

MR. WINSTON: Examine the witness.

(Cross-examination.)

By JUDGE PARSONS: Q. Did you ever hear his habits of gambling spoken of over there? A. Not until this examination came up.

Q. Do you know whether the people of your county had any information of the fact that he was an habitual frequenter of gambling houses over at the town in which he lived? A. I never heard anything about that.

Q. You never heard that they had any knowledge of that matter. A. Not until recently; not until this matter came up.

Q. So you do not pretend to say what their opinion would be on this subject if they had been informed of it. A. No, sir.

JUDGE PARSONS: That is all.

MR. WINSTON: That is all.

Examination of Mr. Ames closed.

TESTIMONY OF THOMAS ROSS.

THOMAS ROSS, called as a witness for the respondent, and having been first duly sworn, testifies as follows:

(Examination-in-chief.)

By MR. WINSTON: Q. Where do you reside? A. Port Madison, Kitsap county.

Q. What official position do you hold? A. County auditor.

Q. Are you the present county auditor of that county? A. I am.

Q. How long have you held that position? A. A little over two years.

Q. Are you acquainted with Judge Sachs? A. I am, slightly.

Q. Have you ever heard any complaint in this county of his administration of justice? A. I never have.

Q. Has he demeaned himself while there in attendance upon court and otherwise, as a man of dignity, impartiality and fairness in his position? A. So far as I have seen him, he has.

MR. WINSTON: You may examine the witness.

(Cross-examination.)

By JUDGE PARSONS: Q. Do you know anything of his habits of gambling? A. I do not.

Q. Did you ever hear until you came here, or about that time, that he was an habitual frequenter of gambling houses in the city where he lived? A. I did not.

Q. Do you know whether the people of your county had any information upon that subject? A. I do not.

JUDGE PARSONS: That is all.

MR. WINSTON: That is all.

Examination of Mr. Ross closed.

TESTIMONY OF J. T. RONALD.

J. T. RONALD, Esq., called as a witness for the respondent, and having been first duly sworn, testified as follows:

(Examination-in-chief.)

By COL. HAINES: Q. Where do you reside? A. Seattle.

Q. What is your business? A. Lawyer.

Q. How long have you resided in this state? A. Pretty near nine years.

Q. Have you ever held any official positions, and if so, what? A. Prosecuting attorney.

Q. For how many years? A. Pretty nearly six years—five years of the time as prosecuting attorney, and the balance as deputy.

Q. Are you acquainted with Judge Sachs? A. Yes, sir.

Q. How long have you known him? A. Well, intimately about three years, perhaps; but I have known him a little longer, I think.

Q. Have you ever practiced in any of the counties in which he has held court since he has been a judge? A. Two counties, Island and Kitsap.

Q. State how many terms of court you have attended in those counties at which he presided? A. One in Kitsap, I think; two in Island—may be three; I don't know.

Q. State whether on those occasions he demeaned himself as an upright, conscientious, and impartial judge. A. I think so; I think he did; he was new—he was a new judge, and I took it that he demeaned himself very properly.

Q. And in what manner was his court conducted, to the satisfaction of litigants or otherwise? A. So far as I was able to judge, very satisfactory. I was satisfied with him; he ruled against me a few times, but I thought he was honest about it.

Q. Are you familiar with that section of the code which relates to gambling, playing or dealing faro? A. Section 1253.

Q. State, if you know, what, if any, construction was placed upon that section of the code by Judge Greene when he was the presiding judge of the third judicial district of Washington Territory, in which the counties which are now in Judge Sachs' district were included. A. What construction was put upon it.

Q. Yes, in regard to whether persons who played were punishable under that section. A. Under 1253 in the code.

Q. Yes; the section relating to faro and other games. A. He held, and under his ruling he quashed all indictments against all persons charged under that section, except those charged with dealing, carrying on, opening or conducting such games as owner or employe.

Q. You say that he quashed all indictments against all persons indicted for simply playing at the game. A. Yes; he quashed all indictments against those who played, and there have been no indictments found since for playing at the game, and that was the rule followed during Judge Jones' administration.

Q. That was the construction put upon that section of the code by Judge Greene, and which was followed by Judge Jones in that district. A. Yes, sir; and I always thought that was the law until just within a very short time, when I found that there had been an omission in the code in compiling it.

Q. How did you find that out? A. From you or Judge Parsons—some of you here.

Q. Did you not learn that there was a certified copy of the enrolled code, showing that in the printed copy of that act in the code that word "play" had been left out? A. Yes, sir; I think I learned that to-day from you.

COLONEL HAINES: That is all.

(Cross-examination.)

By JUDGE PARSONS: Q. Did you know, during all the years that you were prosecuting attorney, that the act of 1879, as it is printed in the pub-

lic laws, had the word "play" in it? A. No, sir; I don't think any body else did; but very few any way.

Q. You did not think that was the law, did you, that the act had that in? A. I think that is the law, but it was not printed in the compilation.

Q. But you think that was the law during those years? A. Well, I know it is not in the code.

Q. In other words, then, it has been the custom during the six years of your administration of the law as prosecuting attorney, and during the term of two judges upon the bench, to construe the law with a portion of it left out; in other words, there has been a misprint in the code? A. That section has been construed that way, surely.

Q. And you never found out until to-day that there was a misprint in the section as it is contained in the code. A. I never did.

Q. Did you ever look that matter up to see? A. I never did.

Q. It never occurred to you during the six years of your administration over there at Seattle to look and see how that section read in the original act. A. No; I supposed the republican secretary of state had compiled it right.

Q. Now, did it ever occur to you to read that act through from beginning to end as it is printed in the code? A. I never did, Judge.

Q. I mean the one page that it begins on, and what follows that—that portion contained on the next page. A. Read it through as engrossed, you mean.

Q. No; I mean as printed in the code. A. Oh, yes.

Q. Now, is it not perfectly manifest and plain when you come to read it through, as I have said—the second section along with the first—that the word "play" has been omitted there? A. No; it was never manifest or plain to me, but I always thought it ought to catch the player as well as the dealer.

Q. If that had been known to you as the law you would have tried to do that. A. I certainly should.

Q. You have heard of a statute in the code against gambling on Sunday, have you not? A. Yes; and doing a good many other things on Sunday.

Q. Well, I am referring to gambling particularly. Q. Well, we have got no section in our code, I think, which exclusively prohibits gambling on Sunday, except in connection with other offenses.

Q. You think that. Let me call your attention to section 1266. That any person who shall keep open any play house or theater, race ground, cock pit, or play at any game of cards on Sunday. A. I remember that, but I thought, you referred to gambling exclusively, and to nothing else incorporated.

Q. Well, gambling is prohibited there is it not? A. Judge Greene held that a man who sat down and played at cards was not indictable, and quashed an indictment up at Snohomish of that kind.

Q. Did Judge Greene ever hold that in the case of a man who was indicted for sitting down and playing cards on Sunday? A. No; I don't think those people were indicted for playing on Sunday.

Q. Now, don't you think it would be a pretty plain case if a man played cards on Sunday for money? A. Under Judge Greene's construction of the statute I thought I could not indict a man for just playing cards, because he held that that was not indictable under the act against gambling.

Q. Why didn't you go to this act and indict them for playing cards on Sunday? A. There were some people indicted up to Snohomish for playing poker, I think, and Judge Greene quashed the indictments against every one of them.

Q. Were those indictments for playing cards on Sunday? A. I don't know whether it was for playing cards on Sunday or not.

Q. You were prosecuting attorney over there for six years. During those six years there was some little going on in Seattle, was there not? A. Well, I think so.

Q. Did you ever call it to the attention of the grand jury that gambling was going on in the city of Seattle on Sunday? A. Yes, and on every other day.

Q. I am talking about Sunday now, and I want to come right down, square down to the question. A. Judge, I don't know whether I ever did or not.

Q. But you never knew either Judge Greene or any other person to hold that a party could not be indicted and tried for gambling on Sunday, did you? A. I don't think there was ever a Sunday case there; no, sir.

Q. Now, you have spoken of the demeanor of Judge Sachs. You never saw him gamble in the court room, did you? A. No, sir.

Q. And never heard of his doing so, did you? A. No, I never heard of it at all.

Q. Do you know anything about his habits of gambling at Port Townsend or elsewhere? A. I never heard of it until this examination.

Q. So the idea that you had of him, and which you gave us on your examination-in-chief, excludes any consideration of his habits in that respect. A. My testimony in that respect had reference exclusively to his conduct as a judge; what I have seen of him as such, and his manner and deportment as a judge.

Q. And had no relation whatever to his habits of gambling. A. No, sir; I don't know anything about that.

JUDGE PARSONS: That is all.

SENATOR THOMPSON (G. T.): Mr. Ronald, I want to ask you a question. I would ask you if you ever knew of defendant—I am an old prosecutor, myself—did you ever know of a defendant, a gentleman accused of playing any game of cards in the State of Washington, to be prosecuted? A. For what?

SENATOR THOMPSON (G. T.): Any gentleman playing a game, who was not dealing or managing the game, playing at cards—if you ever knew of any such gentleman being indicted in the State of Washington? A. No.

SENATOR THOMPSON (G. T.): Do you believe that it would be possible to convict him if he was indicted? A. Yes; no question about that.

SENATOR THOMPSON (G. T.): If the law was that way? A. Yes. If I had known any section under which that could be done, before this, I would have given you some examples of that being done.

SENATOR THOMPSON (G. T.): So would I; but I never knew of it, and—
(Cries of "Order! order!")

SENATOR THOMPSON (G. T.): That is all, Mr. Ronald.

JUDGE PARSONS: If you had known that this statute read "playing" cards, and made that a criminal offense, you would have felt it your duty to prosecute for that, would you not? A. A great many times.

Q. Why? A. Because I would have supposed it was a violation of law.

Q. And being a violation of law, you would not have shrunk from your duty. A. Not by a long chalk.

JUDGE PARSONS: That is all.

(Re-direct Examination.)

By MR. WINSTON: I wish to ask you, sir, if the code is not the latest compilation of the laws of the state of Washington? A. Yes, sir.

Q. I want to ask you, sir, if the word "play" is left out of there by mistake? A. Well, it is left out, and it is left out of the Lair Hill code.

Q. But you do not say it was left out by mistake, do you? It might have been a sensible thing to leave it out. A. I do not know how it came to be left out; I was not in office at the time.

By JUDGE PARSONS: I want to ask you another question: Do you understand that the public printer has the right to leave out any portion of a statute that he pleases? A. I understand he has no business to do it.

Q. And if the law of 1879 is plainly printed in the statute book, do you know of any reason it should have been left out of the code? A. I know of no honest reason; no, sir.

JUDGE PARSONS: That is all.

MR. WINSTON: That is all.

Examination of Mr. Ronald closed.

TESTIMONY OF W. W. FELGER.

MR. W. W. FELGER, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

Questions by MR. WINSTON: Where do you live? A. Port Townsend.

Q. How long have you lived there? A. I have lived there for over two years.

Q. What was your business when you first went to Port Townsend? A. I was teaching.

Q. School teacher? A. Yes, sir; I have charge of the Normal College.

Q. What is now your profession? A. Attorney at law.

Q. Did you read law prior to coming to Port Townsend? A. Yes, sir; one year.

Q. And some after you got there. A. Yes, sir.

Q. You are now a practicing attorney at Port Townsend. A. Yes, sir.

Q. Have you heard any complaints in Jefferson county against Judge Sachs in the administration of justice? A. I have not.

Q. What has been his conduct there upon the bench? A. It has been that of a proper judge.

Q. Has he been accommodating to the attorneys and come down to the court in the morning so that they could make their little motions and get their orders signed in term time out of regular court time? A. Yes, sir.

(Cross-examination.)

Questions by MR. PARSONS: How long have you been in practice? A. Six months.

Q. Do you know anything about what Judge Sachs' habits have been in the gambling houses of Port Townsend? A. I do not, sir.

Q. Were you ever inside of one of them? A. I have been.

Q. About how often would you say? A. Probably three or four times.

Q. You didn't happen to meet Judge Sachs there. A. No, sir; I did not.

Q. Which ones were you in? A. I do not remember, sir. I think, in the Townsend and possibly the Reception; and I have been in the Reception saloon, but not in the gambling room.

Q. All that you have to say about it is exclusive of his habits of gambling or frequenting gambling houses. A. All I have to say about what?

Q. About Judge Sachs' demeanor. A. Exclusive.

Q. Exclusive of the idea of his visiting gambling houses. A. I never saw him there; no, sir.

Q. So that you have not taken that into the reckoning at all. A. I do not know that I understand your question.

Q. Well, I will try to make it plain. You have expressed some opinion here, as I understand you, as to Judge Sachs' demeanor. A. On the bench.

Q. But you did not include in that expression of opinion anything at all in reference to his gambling. A. I did so as far as I know.

Q. But you don't know anything about it, one way or the other, do you? A. I never heard anything about his gambling.

Q. You say you include that so far as you know; I will ask you if you know anything about it, one way or the other? A. About his gambling?

Q. Yes, sir. A. I did not.

Q. How much do you include?

(The witness did not answer.)

MR. PARSONS: That is all.

MR. THOMPSON (G. T.): Witness, one word; did you practice before this judge who is accused here, and did you find his actions fair, manly, honorable and honest as a judge ought to be? A. Always.

Q. You know nothing about his private life outside of the bench, do you? A. No, sir.

Q. Now, there has been a great deal said about opinions here. So long as he did as you have answered me, and conducted himself fairly, honor-

ably and uprightly, a Daniel come to Judgment, on the bench, did it cut any figure with you what he did outside of that, when he was off the bench? A. No, sir; it did not.

Questions by MR. PARSONS: Q. Do you say, sir, as instructor of youth, young boys and young girls, that it would not cut any figure with you, if you knew that the Judge was an habitual frequenter of public gambling houses in that city that he lived in. A. I did not say that, sir; that never entered my mind.

Q. I understood you to say, in answer to the question of Senator Thompson, that it would not cut any figure with you, what his conduct was outside of the court room. A. I understood he was doing his duty.

Q. Well, would it, I ask you now, if you knew his habits were those of a frequenter of public gambling houses, and a heavy player there, would it cut any figure with you? A. I do not regard Judge Sachs as that kind of a man.

Q. If he were that kind of a man, would it cut any kind of a figure? A. I think you are supposing an impossibility, or a very strong improbability, so far as I am concerned.

Q. When you answer that question, as a former teacher of boys and girls, would you think the habit of frequently visiting public gambling houses of the city in which he lived, would it affect his fitness for judge? A. If he were a frequent gambler, of course; that is, if he spent his time in these gambling places, I should say it would unfit him in a certain degree.

Q. Suppose that he did not spend his time there, but went there four or five times a week; how would it stand then? A. If he went four or five times a week?

Q. Yes, sir. A. And gamble there?

Q. Yes, sir. A. Well, I should say it might unfit him for the duties, but he might possibly make a good judge; I don't know.

Q. Possibly the two things would be all right and go together, according to your ideas of the fitness of a man for judicial honors. A. Possibly. Close of witness's testimony.

TESTIMONY OF JOSEPH G. FORD.

MR. JOSEPH G. FORD, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

Questions by MR. WINSTON: Where do you live? A. Port Townsend.

Q. How long have you resided there? A. About four years.

Q. Do you hold any position there? A. I am one of the deputy county clerks.

Q. How long have you been in a position around the court house there? A. About one year.

Q. Have you ever heard any complaint in that county of the manner in which Judge Sachs conducted his court as a Judge? A. No, sir.

Q. Have you ever known him to neglect his duties as a judge? A. No, sir.

Q. By absence or otherwise? A. No, sir.

Q. Have you known him to go down to court frequently every day for the accommodation of lawyers whether or not court was in session? A. I have.

Q. Did you keep the books when these goods were sold at auction? A. In the Nathanson cases?

Q. Yes, and in the First National Bank case. A. Yes, sir.

Q. How long did the auction continue? A. I think it was four days.

Q. Many people present? A. Quite a number.

Q. Bidding spirited? A. Yes, sir.

Q. Did Judge Sachs' presence there in any way interfere with the bidding? A. No, sir; it helped the bidding along.

Q. Why did it help it along? A. Well, they bid up.

Q. Pretty spirited bidder, is he? A. Yes, sir.

Q. What became of the goods that he bought? A. Well, the majority of them were shipped to the Port Angeles Mill and Lumber Company, of Port Angeles.

Q. How many of them? A. All but a few articles. There was a few articles he took to his private house.

Q. Who had these goods packed? A. I did.

Q. You ordered them packed, did you? A. Yes, sir.

Q. What became of them — they were shipped where? A. - Port Angeles.

Q. By what means of transportation? A. Steamboat.

Q. Have you heard Judge Sachs charge the grand jury of Jefferson county against gambling? A. Yes, sir; I have.

Q. Or the offense of gambling. When did you hear him so charge? A. Well, for the last two terms of court.

Q. You remember this. A. I remember; yes.

Q. Were there any indictments found? A. Well, at the November term of last year there were four indictments.

Q. Against what places there? A. The Townsend, the Reception, the Silver Safe and the place called the Buddweiser.

Q. It has been stated here that two of these parties plead guilty. A. Two.

Q. And one of them was not taken. A. That is true.

Q. But one was acquitted by the petit jury. A. That is correct.

Q. It has also been stated that Judge Sachs imposed a fine of one hundred dollars and costs. A. That is correct.

Q. Have you ever heard of any complaint in that community of Judge Sachs as a common gambler or habitue of gambling saloons, or associating with persons who frequented gambling resorts prior to these proceedings? A. No, sir, I have not.

(Cross-examination.)

Questions by JUDGE PARSONS: Q. You don't know anything upon that subject, do you, whether he frequented these gambling houses or not? A. Not as an habitual gambler or associater.

Q. How often would men have to visit places of this character in order to make him in your judgment an habitual gambler. A. I should say when a man made his living by it.

Q. You never heard he did that. A. No; I know he did not.

Q. You never heard that he did make it exclusively his business. A. No, sir.

Q. And if he did not make it his exclusive business and make a living that way that he would not be an habitual gambler. A. No, sir.

Q. How do you know anything about it whether he did or did not visit each one of these gambling houses that was indicted at the November term. A. Whether he visited them at that time?

Q. At any time prior to that. A. No, I do not know. I have heard that he has; I have not seen him in any of them.

Q. What do you say? A. I have not seen him in any of them.

MR. THOMPSON (G. T.): It seems to me that this is not cross-examination.

THE PRESIDENT: The attorneys for the defense do not object.

MR. PARSONS: In how many did you see him. A. Well, I do not know.

Q. Well, rake up your memory. A. I am around town once in a while; I don't know; I did not keep cases on anybody.

Q. You know how many of these gambling houses you have named. Did you ever see Judge Sachs in any one of them prior to the November term of court? A. I do not know; I might have seen him in one or two of them; I do not know.

Q. Don't you know you have seen him in three of them. A. No; I have not.

Q. But you will own up to one or two. A. I have been in one or two.

Q. Well, did you see him there. A. I do not go around keeping cases on anybody.

Q. You might know whether you did or not. A. I might have; I don't know.

Q. You do not know whether you saw him there or not. Q. I might have; I don't know.

Q. Will you say upon your oath here, sir, that you do not know whether you saw Judge Sachs in any of these gambling houses or not? A. I won't say that I did not, and I won't say that I did.

Q. Why did you say you had not seen him at all and you might have seen him in one or two? A. Because I have not been in all of them.

Q. But in those you have been in you won't say whether you saw him in or not. A. I might have seen him in them.

Q. What is the best impression, whether you did or not? A. It is pretty hard to say because I go around to different places myself.

Q. You are not willing to answer that. A. Well, I won't say whether I did see him, or did not see him.

Q. Now you say he charged the grand jury at the last November term, if I understand you correctly, and also the last term in January, that if they had any knowledge of gambling going on in that city or county, or could obtain information of it, it was their duty to indict. A. Yes, sir.

Q. He charged them very emphatically, did he? Yes, sir.

Q. Did he tell them that he had any knowledge that it was carried on there? A. I do not know whether that was in the charge or not.

Q. Did he tell them that he had seen gambling carried on at the Silver Safe? A. I do not know that he did.

Q. At the Reception? A. I don't know as he did.

Q. At the Townsend? A. I don't know as he did.

Q. He gave them this general charge and left them to find out the best way they could; is that correct? A. He gave them the general charge according to law.

Q. And left them to find out whether it was true or not, the best way they could. A. That is what they were impanelled for.

Q. That is what you think they were intended for. A. Yes, sir.

Q. You say you never knew him to neglect any of his duties. A. No, sir.

Q. Well, if it was his duty to inform the grand jury of the fact that he knew gambling to be carried on at this house, would you call it neglecting his duty if he did not do it? A. I do not know what to think about that. I don't know what the law is.

Q. If you do not know what the law is in regard to that, why did you swear he never neglected any of his duties? A. Well, he was around there—I do not think he has neglected his duties.

Q. I put it in that way: If it was his duty to inform the grand jury that he knew that gambling was carried on at this place, and he did not do it, would you call that neglect of his duty? A. I do not know that he neglected his duties, so far as I know.

Q. You would think that sitting there on the bench, even if he did know it, the less said about it the better, would you not? A. Well, I don't know how that would be.

End of witness's testimony.

TESTIMONY OF JUDGE KRAUSE.

JUDGE KRAUSE, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

Questions by MR. WINSTON: Q. Where do you live? A. Port Angeles.

Q. Clallam county. A. Clallam county.

Q. You are police judge of Port Angeles, are you? A. I am, sir.

Q. How long have you been down there? Q. Nearly two years.

Q. Judge Sachs holds court down at Port Angeles, does he? A. Well, formerly he held it at New Dungeness, in the same county, but recently at Port Angeles.

Q. Have you ever heard in the county of Clallam any complaint against him or his administration of justice or demeanor as a public officer? A. Never.

Q. Have you heard him spoken of with commendation? A. Always.

(Cross-examination.)

Questions by MR. PARSONS: Q. Mr. Krause, have you ever heard the

subject of his frequenting gambling houses discussed among your people over there? A. Not until this issue was joined.

Q. Do you remember a few months ago an occasion when a couple of gentlemen who were engaged running a gambling house over there indulged in shooting at each other. A. I would say I am rather domesticated, consequently it must have transpired at night and I don't know anything about it.

Q. You do not remember hearing about it. A. Yes, I heard a man by the name of Myers had narrowly escaped being shot by a gambler—it was not Judge Sachs I am sure.

Q. Did you hear the fact that one was running a gambling house and the other was his confederate, and that they had got the better of Judge Sachs the night before about \$700. A. No, sir.

Q. You did not hear that fact mentioned in connection with the fact of the quarrel in which that shooting grew out of, having together won a large amount of money from Judge Sachs the night before. A. No, sir; I never heard Judge Sachs' name connected with any gambling at all.

Q. You never heard he gambles at all. A. Not until this issue was joined.

Q. How many gambling houses are there at your town? A. Well, as I said before, Judge, I am not a card sharp. I do not know anything about them; never frequent them; seldom or never come down town at night, and consequently I do not know.

Q. Why didn't you frequent them? A. Simply because I don't understand the art of dealing.

Q. It is not on the grounds of immorality or impropriety. A. No; it is a distaste.

Q. Simply not up to the game. A. Well, I am an old Californian; have been on the coast thirty years, and have lost considerable money at draw—never at faro, and I think I had my fill of it, sir.

Q. That is the reason you did not go down. A. That is simply the reason. Cards were never lucky to me. On the contrary as the old saying, "The other end of it."

Q. In other words you have had your fill of it and that is the reason why you don't go down. A. No, sir. I am very fond of a quiet game of cassino at the present time—that game I am an artist at.

Q. Now, what do you say as to whether to your knowledge your people there at Port Angeles are informed in regard to Judge Sachs' habits over in the city in which he lives, as to gambling? A. Well, Judge Parsons, we are so busy trying to advance our city in the good old-fashioned way, actually, I never interest myself about what the other people are doing.

Q. Did you ever know whether your people over there have any information as to his habits in that regard? A. Well, I cannot positively answer you yes, and I cannot positively say no. I have heard one or two men speak since this issue was joined that the Judge had played faro.

Q. How large a place was your place last fall when you people were so busy developing its growth? A. I was then very busy holding down a ranch about six miles from Angeles, frequently coming into town, and know the population of the town was about, say, twelve hundred.

Q. Now, will you tell us whether at any time when Judge Sachs was over there holding court you visited any of the gambling houses of your little town. A. As a matter of fact, court in Port Angeles is only been held a few weeks, and consequently, he has held court there but one time. But I have seen him in connection with the Port Angeles Mill Company.

Q. Frequently visited Port Angeles, always conducted himself very properly, and everyone looked upon him as a gentleman and so respected him, but whether he was a gambler or not or a very frequent visitor at gambling houses you, nor none of your neighbors so far as you know, have no information one way or the other. A. As far as the opinion of my neighbors is concerned, I am perfectly ignorant; as to myself, I never saw Judge Sachs enter a drinking or gambling saloon in Port Angeles.

Testimony of witness closed.

TESTIMONY OF E. B. MASTICK.

Mr. E. B. MASTICK, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

Questions by MR. WINSTON: Q. Where do you reside? A. Port Angeles.

Q. Clallam county. A. Clallam county.

Q. What is your business? A. I am an attorney at law.

Q. How long have you been a lawyer? A. About six months.

Q. What was your business prior to that? A. Prior to that I was engaged in real estate.

Q. How long have you known Judge Sachs? A. About seven or eight years.

Q. How long have you lived in Clallam county? A. About five years.

Q. Have you ever heard any complaint of Judge Sachs in his capacity and character of a judicial officer of that county? A. I have not.

Q. Has he demeaned himself in a becoming manner for one occupying his position, while holding courts down there, in that county? A. I have understood that he did; I never attended one of his courts in Clallam county.

Q. You have attended court at Port Townsend. A. Yes, sir.

Q. What was his demeanor there on the bench? A. Good.

(Cross-examination.)

Questions by MR. PARSONS: Q. Do you know anything whatever, Mr. Mastick, as to his being an habitual frequenter, or visitor and player at public gambling houses? A. I know that he has played cards, but not that he is habitual one.

Q. Was not that in the public gambling house? A. I know he has played in public gambling houses.

Q. Where? A. Port Townsend.

Q. Any where else? A. I have heard that he did once at Port Angeles.

Q. What did you hear about it? A. I heard that he had played cards there, that is all.

Q. Did you hear anything more about it? A. I heard that he had played faro there once, that is, you have referred to faro, I suppose.

Q. Well, gambling of any kind. A. He might play a little quiet game of draw, or something like that.

Q. What do you mean by a quiet little game of draw? A. I mean just what I say, a small game of draw.

Q. Draw what? A. Draw poker.

Q. When you say a small game what does that refer to? A. Just amusement.

Q. Well, you play a small game for amusement, is that what you mean by a small game? A. Yes, sir.

Q. Now when you tell us, upon your oath, you mean playing for money. A. It would need a little money in it to make it interesting.

Q. Now didn't you hear that he played over there in your county, and lost five or six hundred dollars at one night? A. I heard that he played, but did not hear how much he lost.

Q. Did you hear of this shooting affair that has been referred to? A. No, I didn't hear that.

Q. What did you hear about his losing over there? A. I heard that he played faro there once; that is all I heard.

Q. At what place did you hear he played? A. That was at Myers' saloon.

Q. Is that a public gambling house? A. Yes, it is; that is, it is a saloon and in the back part of it they have a gambling room.

Q. You heard about the shooting scrape. A. I heard there was a shooting scrape.

Q. It took place at Myers'. A. Yes, at Myers'.

Q. Now, do you know whether that was during a term of court in that county? A. It was not. No, I don't think it was.

Q. Now, when you say that Judge Sachs, as you heard had always demeaned himself properly over there, you haven't any reference to his gambling—you don't mean to say that would be demeaning himself properly, do you? A. No, sir; what I had reference to particularly was in regard to his court business. Probably gambling might not be called proper.

Q. You think it could not properly be called court business. A. It was not court business; he was not holding court there.

Q. Now, do you know whether it was generally known to your people prior to the institution of these proceedings that Judge Sachs was in the habit of habitually frequenting public gambling houses? A. It was known that he gambled. It was known that he gambled at the time of the election.

Q. They knew that then? A. Yes, and they knew he gambled frequently.

Q. And you sort of came to the conclusion if they would elect a man who gambled, he was good enough for them afterwards. A. I have rather concluded he would make a good judge.

Q. Gambler or no gambler. A. Yes, sir; everybody has some fault or other, and you can average a man up and take his good qualities and his bad.

Q. So that you offset his treating folks civilly in the court room against his gambling; that is the way you would set it off. A. I would not expect to find any man perfect.

Q. Now, let me ask you whether it would be, according to your ideas, a proper thing for a judicial officer to frequent public gambling houses and play for money? A. I do not think that he did frequent public gambling houses.

Q. Would it be, in accordance with your ideas, the right thing for a judge to do? A. I do not think it would be exactly the proper thing. I think it would be worse for the man than anybody else.

Q. You think it would be exactly the proper thing. A. Well, we look at these things on this coast a little different. Those who have been here any length of time—I have been on the Sound about twenty-three years, and almost everybody gambled in the early days and we haven't quite got off the track of it yet.

Q. So that is the way you apologize for it. A. I don't know as I apologized for it at all.

Q. But you would excuse it upon the ground everybody does it. A. At different places they have different standards of morality.

Q. What do you think the standard over at Port Townsend is, from what you have heard of it? A. Well, I think gambling is looked on there with indulgence, and always has been.

Q. By all classes? A. By all classes.

Q. You don't mean to include the women in that—the wives and daughters of the good people over there? A. I suppose that they have kind of got used to it.

JUDGE PARSONS: That is all.

MR. WINSTON: I do not feel very well, and with the permission of the convention and consent of my brothers on the other side, I will request Colonel Haines to examine the witness.

TESTIMONY OF JOSEPH SWEENY.

JOSEPH SWEENY, called as witness for respondent and having been first duly sworn, testifies as follows:

(Examination-in-chief.)

By COLONEL HAINES: Q. Where do you reside? A. San Juan Island, San Juan county.

Q. How long have you lived in San Juan county? A. About 15 years.

Q. Do you hold any official position in that county at the present time? A. Yes, sir.

Q. What is it? A. County commissioner.

Q. Are you chairman of the board? A. Yes, sir.

Q. Are you acquainted with judge Sachs? A. Yes, sir.

Q. How long have you known him? A. Six or seven years.

Q. Have you known him as a judge presiding over the court in your county? A. Yes, sir.

Q. Have you ever been present at any of the sessions of the court he has held there? A. Yes, sir.

Q. Do you reside in the place where court is held? A. Yes, sir.

Q. What has been his conduct and demeanor as judge of San Juan county? A. Very good, I think.

Q. And what is his standing among the people as an officer and as a man in that county. A. Very good.

COLONEL HAINES: That is all. Take the witness.

(Cross-examination.)

By JUDGE PARSONS: Q. Mr. Sweeny about how many gambling houses are there in San Juan county. A. Well, sir, I could not answer your question.

Q. Do you know of any gambling houses in San Juan county. A. Regular gambling houses?

Q. Yes, sir. A. No, I don't.

Q. So the opportunities for indulging one's tastes in that direction are not very good in that county. A. Oh, I think so.

Q. You think they could be accommodated if they wanted to gamble. A. I think so.

Q. Now, is there a single public gambling house in San Juan county?

A. No, I don't think there is. Not a public gambling house.

Q. So there was no opportunity for Judge Sachs to frequent public gambling houses in your county. A. Well, there are two saloons there.

Q. Well, are they the next door neighbors to gambling houses in your county? A. I think so.

Q. And in every other county, are they not. A. I think so.

Q. Now, did you know of your own knowledge what judge Sachs has been with reference to frequenting public gambling houses in Port Townsend. A. I did not know.

Q. So far as you know do the people among whom you say he stands well, so far as you know, know that he is a frequenter of gambling houses?

A. I don't think they consider him an habitual gambler.

Q. What do they consider him in that regard? A. I never heard them say any thing about his gambling.

Q. What makes you say that they did not consider him an habitual gambler, then? A. I have heard it spoken of several times there, I never heard it spoken of that way.

Q. Never heard it discussed one way or the other? A. Yes, sir.

Q. When? A. Well, recently.

Q. Since these proceedings. A. No, sir.

Q. Since then have they discussed his habits of gambling? A. Yes, sir.

Q. Did they say that they knew anything about it? A. No, sir.

Q. Didn't know anything about it, one way or the other. A. No, sir.

JUDGE PARSONS: That is all.

SENATOR THOMPSON (G. T.): Mr. Sweeney, I wish to ask you a question. Mr. Sweeney, do you know of any ministers in that country ever betting at cards? A. No; I don't hardly think I do.

SENATOR THOMPSON (G. T.): Did you ever hear of any ministers violating any other moral obligation that he might have? A. I have not paid very much attention to the ministers.

Q. Do you read the newspapers? A. Yes, sir.

Q. Do you not frequently hear that ministers have violated every rule of decency, morality, and honesty?

MR. YEOMANS: I object to the question, Mr. President, being asked of this witness, as irrelevant.

THE PRESIDENT: The question is upon the objection of the gentleman from Clarke to the question put by the gentleman from Walla Walla. Shall the question be put and the witness be allowed to answer?

SENATOR THOMPSON (G. T.): I have heard, Mr. President, the word irrelevant used. Now, —

THE PRESIDENT: The gentleman from Walla Walla is out of order. These questions are to be decided without debate.

Question put and declared lost without division.

Examination of Mr. Sweeney closed.

TESTIMONY OF J. H. WANSBROUGH.

MR. J. H. WANSBROUGH, called as a witness for the respondent, and having been first duly sworn, testifies as follows:

(Questions-in-chief.)

By COLONEL HAINES: Q. Where do you reside? A. Friday Harbor, San Juan county.

Q. How long have you resided in that county? A. About seven years.

Q. Friday Harbor is the county seat of that county. A. Yes, sir.

Q. Do you hold any official position in that county? A. Yes, sir.

Q. I wish you would state again how long you have resided there; I do not think the convention heard you. A. Seven years, about.

Q. Are you acquainted with Judge Sachs? A. Yes, sir.

Q. Have you been present in court any time while he has been presiding? A. Yes, sir; every time.

Q. Do you hold any position in connection with the court? A. Yes, sir; I am county clerk and clerk of the court.

Q. Have you been clerk of the court ever since he has been judge of the court? A. Yes, sir.

Q. State whether, as he has been acting as judge of that county, he has been conducting himself in a dignified, fair and impartial manner as a judge. A. He has, so far as I can judge.

Q. And what is his standing among the people of that county—in that community—as a man and a judge? A. Very good; in fact it is talked there that he has turned out to be a better man than it was supposed he would be when he was elected.

Q. Have you ever heard any complaints made there by anybody about his administration of the office as judge? A. No, sir; I never heard anybody.

COL. HAINES: That is all.

(Cross-examination.)

By JUDGE PARSONS: Q. How much time does he spend in your county in a year? A. I suppose he has spent about four days there.

Q. And during all of those four days tell us whether you heard of his visiting any public gambling houses over there? A. I never did.

Q. How many were there there that he had an opportunity to visit? A. No gambling houses—that is, no out and out gambling house; but if he was disposed to gamble, they could accommodate him over there, I suppose, in the saloons.

Q. You think he could find somebody to accommodate him. A. Yes, sir.

Q. Do they play faro and roulette over in your county? A. No faro, I think.

Q. Tell me whether you ever heard the subject talked of by your people one way or the other, as to whether he was in the habit of frequenting public gambling houses. A. I never heard it talked of until this discussion arose.

Q. So that, so far as you know, your people, among whom you say he stands well, have no knowledge or information, one way or the other, as to his habit of visiting public gambling houses. A. They never had any inclination, I don't think; none of them ever expressed themselves in that way—that they knew anything of it.

Q. But you have heard them say that he made a better judge than they expected he would. A. That is, that he gave better satisfaction than they anticipated, previous to the election.

Q. And beyond that, you have never heard anything said, one way or the other. A. No, sir.

Examination of Mr. Wansbrough closed.

TESTIMONY OF JOHN KELLY.

MR. JOHN KELLY, called as a witness for the respondent, and having been first duly sworn, testified as follows:

(Examination-in-chief.)

By COL. HAINES: Q. Where do you reside? A. In San Juan county.

Q. At what place in San Juan county? A. About two miles from Friday Harbor.

Q. Do you hold any official position in that county? A. Yes, sir; I am sheriff of that county.

Q. How long have you been sheriff? A. I have been sheriff ten years.

Q. How long have you resided in the county? A. I have been in the county about twelve years.

Q. You are pretty generally acquainted with the people of that county. A. Yes, sir.

Q. Are you acquainted with Judge Sachs? A. Yes, sir.

Q. How long have you known him? A. I have known him seven years.

Q. Has it been your duty, as sheriff of that county, to attend his court while it was in session? A. Yes, sir.

Q. Has he, as judge of the court of your county, always conducted himself in a dignified, able and impartial manner, as judge? A. Yes, he has.

Q. And what is his standing as a judge, and as a man, among the people of your county? A. It is good.

Q. Have you ever been present at his court in Port Townsend? A. Yes, sir; I have been there.

Q. Many times? A. I was there twice, I think, at Port Townsend.

Q. And how has he conducted himself there? A. Good, as far as I know.

COL. HAINES: That is all.

(Cross-examination.)

By JUDGE PARSONS: Q. About how many days in the year have you seen Judge Sachs over there in your county? A. Well, about four or five I reckon, six.

Q. And during all those four or five days, so far as you know, he conducted himself, as my brother Haines expresses it, in a dignified, able and impartial manner. A. He did; yes, sir.

Q. Do you know anything whatever as to his habits of visiting public gambling houses? A. No, sir; I do not.

Q. Suppose that fact was known to the people of your county, with whom you say he stands so well, that he was an habitual frequenter of gambling houses in the city in which he lives, and betting for large stakes, do you think he would stand just as well then as he does now?

COL. HAINES: Mr. President, we object to that question. The people of San Juan county are not on trial as to whether they would sanction or condemn the matter, and this witness is here to testify to what he knows, and not to something that he does not know. He testifies as to the opinions of the people of that county, to a certain extent, and certainly cannot testify as to what their opinions would be, supposing that they knew something, which he says they do not know.

JUDGE PARSONS: I have but one word to say, Mr. President; they have called a large number of witnesses here who say they know nothing about this matter, but they have been allowed to express their opinions on a matter which they know nothing about. Now, I wish to assume the facts that are in proof in this case, and have an opinion from this party, who knows something about it, or would know something about it if those facts were true. If the gentlemen do not want an opinion from their own witness here, I do not care to press it very much; but I ask this witness now a question, based upon facts which are established before this convention by a great deal of evidence.

COL. HAINES: Mr. President, I wish to object to the assertion, or intimation, by Judge Parsons, that we do not want the opinion of the witness on the facts. The witness has testified as to the estimation in which

Judge Sachs is held by the people of that county. Counsel now asks him to state that if those people knew something that they do not know, if certain facts existed which we say do not exist, and which many witnesses have testified here, do not exist, what would they think of him then. I think, Mr. President, as we will have many more witnesses as to this same matter, that this question should be settled here now, once for all.

JUDGE PARSONS: Rather than to go through a large number of other witnesses, Mr. President, I will waive the question.

Q. Now, let me ask you, sir, if you ever heard the subject of his gambling at any time, and of his frequenting public gambling places mentioned, by one single person in your county? A. No, sir.

Q. Do you know of one single person in your county who has any knowledge upon this subject? A. No, sir; I do not.

Q. So the estimation that Judge Sachs is held in your people, so far as you know, is upon the idea that he does not frequent such places? A. Yes, sir; that is what it is.

JUDGE PARSONS: That is all.

COL. HAINES: That is all.

Examination of Mr. Kelly closed.

TESTIMONY OF JUDGE J. E. TUCKER.

JUDGE J. E. TUCKER, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

(Examination-in-chief.)

By COL. HAINES: Q. Where do you reside? A. I reside on San Juan island.

Q. At what place—what town? A. Well, I am out on a ranch about four miles from Friday Harbor, at the present time.

Q. Friday Harbor is the county seat. A. Yes, sir.

Q. How long have you lived at Friday Harbor? A. I have been there for the last four years, except the time I was here last winter.

Q. What was your business here last winter? A. Well, I was in the lower house here.

Q. You were a member of the legislature. A. Yes, sir.

Q. Have you occupied any other official positions in that county? A. I was probate judge there for the last four years.

Q. Are you acquainted pretty generally throughout that county? A. Oh, yes; I think so.

Q. Are you acquainted with Judge Sachs? A. Yes, sir.

Q. How long have you known him? A. Personally, about a year and a half; that is, since he was nominated for judge. I did not know him personally before that.

Q. Have you been present at any time when he was presiding as judge at your court? A. I was one term; the last term.

Q. State whether he presided over that court in a dignified, able and impartial manner. A. I think he did.

Q. And what was his standing among the people as a judge and as a man? A. I think it was good.

COL. HAINES: That is all.

(Cross-examination.)

By JUDGE PARSONS: Q. Do you know whether your people over there have any information whatever as to his visiting public gambling places? A. I do not.

Q. So that his standing, so far as you are able to say anything about it, over there is without any reference to his habits in that regard. A. Well, so far as I can speak, we are, over there, a kind of a plain, practical people. We are out there in the brush and look at things in a kind of a practical manner if we understood, I think, so far as I know the people there, and what I have found out about them, after watching around and seeing what I could not help but see, I think that if a man or a judge played what they call the quiet game of draw poker, or anything else, simply as a relaxation or a letting down from professional strain, I don't think they would pay much attention to it; they would not take it into account.

Q. But suppose he played faro for stakes ranging up from twenty dollars to three or four hundred dollars, and that it was a regular habit, at public gambling houses? A. They would not consider it in good form, I think. It would be too much for us; we don't ever even think about so much as that, you know.

Q. In other words, if I might borrow an expression of one of the witnesses here, it would just be a little more medicine of that kind than you would like to take. A. Well, yes; it would be too big a bite to chew, for us.

JUDGE PARSONS: That is all.

COL. HAINES: That is all.

Examination of Judge Tucker closed.

TESTIMONY OF THOMAS CRANNEY.

MR. THOMAS CRANNEY, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

(Examination-in-chief.)

By COL. HAINES: Q. Mr. Cranney, where do you reside? A. In Coupeville, Island county, Washington.

Q. Is that the county seat? A. Yes, sir.

Q. How long have you resided in that county? A. Thirty-seven years, lacking one month.

Q. Did you ever hold any official position in that county? A. I have, sir.

Q. And what position is that? A. County clerk.

Q. Are you county clerk now? A. Yes, sir.

Q. And are you also clerk of the superior court in that county? A. Yes, sir.

Q. Are you acquainted with Judge Sachs? A. I am.

Q. How long have you known him. A. About twelve years.

Q. Have you been in attendance, in the performance of your official duties, on his court at Coupeville? A. Yes, sir.

Q. Are you generally acquainted with the people of Island county? A. I think so.

Q. During the time that Judge Sachs has been judge of your court, has he conducted himself in a dignified, able and impartial manner. A. It appeared to me that he did.

Q. What is his standing in the county of Island, among the people, as a judge and a man? A. I have heard naught against him.

Q. Well, what did the people think of him; well, or otherwise? A. Well, they thought well of him.

Q. His standing is good, then? A. Yes, sir.

COL. HAINES: Take the witness.

Questions by JUDGE PARSONS: Q. Do you know whether your people have any information, of any kind whatever, to the slightest extent, of his habit of frequenting public gambling houses in the city in which he lives? A. I don't know what the people think; but, for myself, I don't know anything of the kind.

Q. It is not what they think. It is whether, to your knowledge, they have any information whatever as to his habits of visiting public gambling houses, and playing large stakes, in the city in which he lives. A. I don't know, sir.

Q. You never heard that subject discussed over there? A. Never have heard a word of it over there.

Q. And so far as you know and have any knowledge of the opinions of your people, they are formed entirely without reference to his visiting public gambling houses. A. Never heard a word of it until I came here; I don't know what they think.

Q. And, so far as you know, the people of your county never heard anything about it. A. That is my impression.

Q. And never having heard of it, of course they have passed no judgment upon it, one way or the other. A. They have passed judgment in his official capacity, that he has done well while he has been there.

Q. You said, in addition to that, that he stood well as a man. I now want to ask you whether, so far as you know, your people have any information as to his habits of gambling. Whether they have formed any opinion on that; whether they approve of it or disapprove of it? A. Well, I presume that is the case.

Q. What is the case? A. That they may not have heard of it, or I either.

Q. So they can't form any opinion one way or the other, and you can't know whether they approve of it, or disapprove of it. A. It couldn't come in question. I never heard of it, and I suppose it is the same with them.

Q. How many days in the year did he spend in your county? A. Two terms; I suppose five or six days in each term.

Q. How many public gambling houses are there in your county? A. There are none, I think.

Q. So he had no opportunity of indulging any tastes that he might have in that direction. A. Well, there are outside issues where he might indulge, if he wanted to.

Q. I am speaking now of public gambling houses. A. I don't know of any there.

JUDGE PARSONS: That is all.

(Re-direct Examination.)

By COL. HAINES: Q. How far is Coupeville from Port Townsend? A. Ten or twelve miles.

Q. Is there a steamer line across there? A. Yes, sir.

Q. How often does it run? A. Every day.

Q. Close connection between Coupeville and Port Townsend then. A. Yes, sir.

COL. HAINES: That is all.

SENATOR THOMPSON (G. T.): One moment. Are there any men in your county, Mr. Witness, that play the great American game of draw poker? A. I have been too long in the country not to find that out.

Q. I am asking you if there are any such. A. I presume it is played; I never played it.

Q. Did you ever know of Judge Sachs neglecting his duties as judge to play poker? A. I never heard of his playing poker or any other game or neglecting his duties.

Examination of Mr. Cranney closed.

TESTIMONY OF JOSEPH POWERS.

MR. JOSEPH POWERS, a witness called on behalf of the respondent, after being duly sworn by the president, testified as follows:

MR. HAINES: Q. Where do you reside? A. In San De Fuca, Island county.

Q. How long have you resided in that county? A. About thirty-one or thirty-two years.

Q. Have you held any official positions in that county during that time? A. I was sheriff and assessor in that county for ten or twelve years.

Q. When was your last term as sheriff ended? A. On the 12th day of January.

Q. Are you acquainted with Judge Sachs? A. I am.

Q. How long have you known him? A. About six or seven years.

Q. Are you acquainted with the people of that county to any extent? A. I think I am pretty well acquainted with them.

Q. Have you ever been in attendance in Judge Sachs' court while he was judge? A. I have.

Q. Were you then acting as attorney? A. I was.

Q. State whether during that time he has presided over that court in a dignified, able and impartial manner. A. Yes, sir.

Q. And in what estimation was he held by the people of that county as a judge and as a man? A. Good.

Q. You say "good." A. He has given them good satisfaction, so far.

Q. Have you ever attended Judge Sachs' court at Port Townsend? A. I think once.

Q. How was it there as regards the manner in which he presided? A. Good.

Q. You have been in courts a great deal, have you not? A. I have; yes, sir.

Q. You have attended the territorial courts for many years at Port Townsend? A. Eight or ten years.

Q. Seen quite a number of judges on the bench. A. I have.

(Cross-examination.)

JUDGE PARSONS: Q. And of the judges you have seen you rather incline to the opinion, don't you think, Judge Sachs has behaved himself in the most dignified, able and impartial manner. A. Well, I don't say he has behaved himself in the most, but he has behaved himself as well as any of them.

Q. You don't include in that the idea, however, the idea of his frequenting gambling houses, provided that is a fact he does so. A. No, sir, I did not include that because I don't think it is so.

Q. Certainly not; but if it were so it would not make any difference in your opinion. A. In what respect do you mean?

Q. About his being just the man for the place. A. Well, as long as he conducts his business affairs properly, that is all I care anything about.

Q. You don't care how much he gambles. A. He can play as much faro as he wants, as far as I am concerned.

Q. You don't care how much he gambles, nor how much of his time that is not required in court he spends in public gambling houses. A. It is none of my business what another man does.

MR. WINSTON: Mr. President, I am directed, after a consultation with Col. Haines, to ask this convention to adjourn until to-morrow evening. In prefacing that request, if I may be allowed that, there are some witnesses that have been subpoenaed, and I do not know whether they have been served or not, but we will say that we will close our case before this body to-morrow evening, whether these witnesses come or do not come. Mr. Coleman, associate counsel in the case, was called away to Port Townsend and will be back in the morning, and I think that this convention will bear me out when I say that we have shown no disposition to hinder or delay these proceedings. We began last Saturday night at nine o'clock, and have occupied virtually one night on our side. It will expedite matters to let us get together and consult, so that when we get into this body we can act intelligently and act without delay; and therefore, as I do not feel very well myself, the house is very close and I have been suffering some with a little rush of blood to my head, and, all things considered, I would like to have permission to adjourn until half-past seven to-morrow evening, and we trust that the counsel for the prosecution will not object to so reasonable a request.

MR. PARSONS: Of course I have really nothing to say about it, but I should not feel, as my brother Winston says, that I ought to object. I have nothing to say, one way or the other.

MR. CLAYPOOL: I move that this joint convention take a recess until to-morrow evening at 7:30 P. M.

Motion stated by the chair; carried.

OLYMPIA, WASHINGTON, March 3, 1891.

The Senate entered the bar of the House at the hour of 7:43 P. M. The Speaker of the House called the joint convention to order.

The secretary of the Senate called the roll of the Senate, and the chief clerk called the roll of the House, and the speaker announced that there were twenty-six members of the Senate present, and sixty-two members of the House present.

The following resolution was sent to the secretary's desk:

WHEREAS, From the present status of this trial it would seem easily possible that full justice to all concerned to close the same with the arguments by counsel to-night;

WHEREAS, Every hour that this legislature can now secure for the attention to the business they ought to attend to before the close of the session is important; therefore, be it

Resolved, That the counsel in the case be and they are hereby respectfully requested to try and close it by to-morrow night.

MR. PARKINSON: I move the adoption of the resolution.

MR. THOMPSON (G. T.): I move, as an amendment to the resolution, that we close these proceedings to-night.

Motion seconded, vote was taken and amendment lost.

Original motion stated and a vote taken, and the chair announced that the resolution was adopted.

MR. DYER: Before proceeding with the business I move that the journal be considered read and approved.

Motion stated; carried.

MR. WINSTON: The respondent rests his case.

Prosecution offered the following rebuttal:

MR. WM. J. JONES, (RECALLED).

MR. PARSONS: Q. Mr. Jones, you may state whether you have heard the evidence here touching the first promissory note that was given upon the purchase of the property by Judge Sachs. A. Yes, I have heard the evidence.

Q. State whether that does or does not refresh your recollection so that you are now able to add anything to your former testimony with respect to the two notes.

MR. HAINES: We object to the question for two reasons: First, it is not rebuttal testimony, and the intention of testimony in rebuttal is to meet, to contradict, or to explain the testimony offered by the defense. It is proposed now to add to the testimony given by the witness before, by refreshing his memory; and the second ground is this, that it is a surprise to the respondent. We had no notice from the prosecution that any testimony of this kind would be introduced. The witnesses that we have summoned in regard to this matter, most of them, have been excused and gone home, and it will be necessary to send for them again. As I take it, when this witness went upon the stand he was there to tell what he knew about this transaction. We have put witnesses on the stand who have told what they knew about this note, and unless there is something new in the testimony of the defense which he desires to contradict or explain, this question does not reach this point at all.

JUDGE PARSONS: In common fairness to any witness he ought at least to have the opportunity to give expression to his recollection when new circumstances are called to his attention. In fairness to this witness I submit that his case should be no exception to this familiar rule.

MR. HAINES: I understand that we are not trying this case for the benefit of the witness. That matter can be corrected in other ways. These witnesses have gone, and in fairness to the respondent, if this testimony is admitted these witnesses should be called back. Now, I do not understand that this convention can afford to wait another day or two in order to have these witnesses brought back, and we think it is only fairness to the respondent to have these witnesses here, if this matter is again gone into.

Q. When did you turn over the note that was produced here last night, to Mr. Trumbull, attorney in the case? A. I turned it over the same time that I returned the second execution, in the case of Nathanson against Nathanson.

Q. When was that? A. About September 15th.

Q. In which of these cases was that note received?

MR. WINSTON: Do you mean by the deputy sheriff?

MR. PARSONS: Yes, sir.

Q. In which of these cases was that note received by you? A. The note was received and applied on the execution of the case of Nathanson against Nathanson; the first execution I returned was September 6th.

Q. There is one other question I had not thought to ask you; state how much in value of the goods purchased by Judge Sachs went to his house, and how much went to the mill company.

MR. HAINES: We object; this matter was gone over very fully when the witness was on the stand.

MR. PARSONS: From the commencement of this investigation we have been threatened by my brother Haines, two or three times every evening with inundating us with witnesses, and have been told how much it would become necessary to recall witnesses that are now absent, and I desire to

put this witness where justice in any court of law would require that any witness should be put.

MR. HAINES: I think that every promise that we have made as to inundating him with witnesses, has been faithfully kept. As far as putting the witness where he would be in a court of law, that is precisely where we want him put, and we insist that is not rebuttal.

Question stated by the chair; vote taken, division of vote called for, and on the divisional vote, forty members voted aye, and forty-two members voted no, and the chair announced that the question should not be answered.

Q. State whether this note was, or was not garnisheed, and if so, in which case.

MR. HAINES: We object to that question, and I crave the indulgence of the convention for making these repeated objections; I feel unless this is done now, we will lose a great deal of time. That matter was all gone over by the witness in the original examination, in the cross-examination and the re-examinations; certainly it is improper to re-open this case at this time.

MR. PARSONS: In view of the testimony of Mr. Trumbull, that this note was not garnisheed, and I think it is but fair that we should have an opportunity of showing, by the officer who ought to know, whether it was or not.

MR. HAINES: I fail to see what additional force will be given by his testimony now; it would simply be repeating his testimony given the other night.

Motion stated by the chair, vote taken, chair announced that the question would not be permitted.

MR. PARSONS: That is all.

MR. VANDEVANTER: I move you that this convention will hear no more witnesses on either side.

Motion seconded by the chair. Motion stated by the chair, and on a vote being taken, the chair announced that the motion was lost.

TESTIMONY OF RALPH E. MOODY.

MR. RALPH E. MOODY, a witness called on behalf of the prosecution, testified as follows:

MR. PARSONS: Q. Mr. Moody, where do you reside? A. Port Townsend.

Q. How long have you lived there? A. About two years.

Q. What is your business? A. Attorney at law.

Q. State whether you fill an official position over there. A. I do.

Q. State what means you have of knowing the status in which Judge Sachs is held in that community as a judge. A. Well, as to that—do you mean as to the sentiment of the people?

Q. That is what I mean. A. Only by hearing the remarks of the people and their expression in a public meeting.

Q. You may state fully what expressions you have heard in respect to him as a judge.

MR. HAINES: I would like to ask the counsel a question: Is it the purpose of this testimony, Judge Parsons, to endeavor to introduce in evidence what is alleged to have occurred at a meeting that was held in Port Townsend last night?

MR. PARSONS: If it is thought to be proper, I desire to do so, and then if it is not, I shall desire to have him state how he is held over there, and to state the general opinion that he has acquired in the course of his practice of his profession before him.

MR. HAINES: I had supposed that matter had been pretty fully gone into, and it was gone into under our objection, and we were limited as to the number of witnesses upon that point.

MR. PARSONS: This convention knows under what circumstances we were forced to go briefly into that question. This convention knows under what circumstances witnesses for respondent have been examined. I do not care to go to any considerable length, yet I would like to call one or two witnesses who have made some effort to inform themselves as to the state of public sentiment in the city in which judge Sachs resides. I do that, sir, partly because I think it is due this convention and particularly because I believe it to be due the citizens of Port Townsend. I think, sir, it is but fair; I think, sir, it is but honest to the good people of Port Townsend if they can be vindicated against the charges that they have made against them, that we should have an opportunity to do it. This I submit to the good sense of the convention.

MR. WINSTON: Mr. President, if we have a little time left I will use it. The other evening when the respondent in this case desired to show the state of public opinion at Port Townsend, the counsel objected and stated it had nothing to do with it. The counsel read from the testimony taken in the case that the prosecution in this case be allowed to go into this matter and we ask the privilege of rebutting it with the understanding, and the understanding alone, that he had been allowed to go into it over our objection by a vote of this body, and we were allowed to rebut it. After we had started on that line of reply, one of the distinguished members of this body arose and moved to strike that all out, and a compromise was reached by agreeing that we were to be limited to six witnesses in rebuttal. Now, is he to be allowed to put witnesses on the stand and go over this matter again, and if so, whether we are to be allowed to reopen this business and take a popular vote of Port Townsend on this subject. We have rebutted this matter that was offered by the prosecution and were limited, and I ask this house whether or not they are going to open up this Port Townsend public opinion, and if so, whether we are to be allowed after he closes, to bring our witnesses here.

MR. PARSONS: Mr. President, this is the same stereotyped threat of inundating us again with a cloud of witnesses. I did precisely what Colonel Winston said I did; I said I thought it was incompetent then and I say so now. I said they had forced us into it, and I say so now. Having

done it and having placed the majority and as some of them say nineteen twentieths of the good people of Port Townsend in the position that they have, I now desire to show by those who have some means of knowing what the sentiment of the majority of that people is upon this subject; I think it is but fair to the convention, and I think it is but fair to the people of that city. With that view, sir, I desire to give this evidence.

The motion was stated by the President; vote had; division called for. On the divisional vote, forty-seven members voted aye, and thirty-six members voted no, and the motion was declared carried.

Q. State what means you have of knowing the sentiment of the people of Port Townsend with respect to judge Sachs as judge. A. Only by the expressions I have heard from individuals and the declarations made at a public meeting.

Q. You may state when that public meeting was held.

MR. HAINES: We object to the introduction of the proceedings of a public meeting as evidence in this case; and I suspected what I now find to be a fact, that the introduction of this testimony was simply for the purpose of endeavoring to get into this case and before this body the proceedings of a public meeting of which we had no notice, and in which we were not invited or requested to be present. Now, Mr. President, we have no objection to going into the history of that public meeting. Not at all, if we are allowed to go into the history of that meeting. The statement made in the papers was that some five hundred people were present, and we are informed that in the hall in which that meeting was held there is not standing room for two hundred and fifty people; and if this meeting is brought to the attention of this convention, we desire a time to bring the people of Port Townsend here to know the manner in which that meeting was called and the persons who composed it.

MR. PARSONS: That is a repetition of the same threat that we are to be inundated with witnesses, if upon the part of the prosecution we are allowed to make inquiries in the same line of inquiry that they have pursued. They have brought parties here who have assumed to speak for the people of Port Townsend. They have spoken in the vaguest and most indefinite and uncertain manner. We have sought something more reliable than that, and I wish to know, in view of what has been transpiring in this hall for the last six or eight or ten days, how the people of that city had felt upon that subject. My Brother Haines says they have no opportunity to be heard. I understand one of the counsel within the sound of my voice was one of the active parties in inducing people to attend that meeting and I ask now to show, not by some vague guess, but by an expression of those who were in attendance at that meeting, whether there was two hundred or five hundred; but whatever expression there was in regard to this matter I think it is but fair that this convention should know just what it was.

MR. COLEMAN: Mr. President, I presume I am one of the counsel that the prosecution refers to as having been in the city of Port Townsend at the time this meeting was held, and in charity I will presume that the gentleman has been informed what he states he has, but I will say his

informant speaks falsely. I never asked any man to go with me to that meeting nor to stay away from that meeting; I never asked to go there or to stay away from there; I had nothing to do with that meeting; I was not present at it. I considered the meeting itself, on the face of it, as an outrage and disgrace to any man who would take part in it and then come here and undertake to influence this legislature which is trying this man on a charge that involves his reputation and more than life to him. To come here and undertake to influence them with the action of a mass meeting. I would not have been caught at a meeting held for any such purpose against anybody. Now, I appeal to this body to know if they are going to receive as evidence against Judge Sachs the action of a mass meeting. We offered no such evidence here; we offered witnesses on the stand who swore from their knowledge of the people of Port Townsend and from public reputation there, upon their oaths, they told this convention what the people of Port Townsend thought of Judge Sachs. This convention could see these witnesses that spoke, and counsel for the prosecution could cross-examine the witnesses and did so, but we cannot cross-examine a mass meeting at Port Townsend. We could only ask these witnesses whether a meeting was held or not, and what the meeting did. We cannot cross-examine people who were at that meeting and the resolutions, if any, that were passed. I submit to this convention that it would be an outrage upon this man if this matter should be gone into; but if it should be as Colonel Haines says, we have kept our promises and inundated them, and we will state to this convention that we shall ask for time to bring a hundred men from Port Townsend and inundate him again, and I think we have a right to do it. If you are going to allow him to put in evidence the proceedings of a mass meeting in which they claim there was five hundred people, then we have a right to bring five hundred people here to prove what that meeting was and how it was composed. And we insist that it is not fair and not right to go into this matter now, after we were limited to six witnesses and we had twelve or fifteen more witnesses on that subject the other night. We accepted the compromise of six witnesses when it was proposed to strike out all of the evidence on that point.

MR. PARSONS: Counsel says they will have no opportunity to examine these parties. What opportunity have we had to cross-examine the parties for whom their witnesses assumed to speak, when they told you a great majority of the people of Port Townsend—

MR. COLEMAN: If the gentleman will pardon me, I think we have the right to close the argument, and no court on earth has ever known such a proceeding as to permit counsel who oppose the objection to close it.

MR. PARSONS: That depends whether any new subjects have been brought out.

THE PRESIDENT: The chair will rule that the counsel that make the objection have the right to close.

Question stated by the president.

Vote taken and the chair announced that the witness would not be allowed to answer the question.

JUDGE PARSONS: Mr. President, the evidence upon the part of the prosecution is now closed. I desire, before addressing such argument as I think it my duty to submit to this convention, to ascertain whether we have such a number here that the argument ought to be proceeded with to-night. If we have not, then I desire, in all fairness, as all absentees necessarily, under the constitution, count against the resolution, that we have or appear to have a full convention for this argument as it is possible to obtain. If this convention is as full now as can be obtained, I am ready to proceed. If it is not, I desire that there shall be a call of the respective houses and that the argument be postponed until to-morrow evening, when we may have a full convention. And I feel, Mr. President, that I have the more right to ask this as it was announced last evening that this evening would be consumed in hearing the evidence of the other side.

COL. HAINES: Mr. President, we feel that the time of this body is valuable, that this is no ordinary jury that is trying this case, and that the matters involved in it will be discussed by able gentlemen, both lawyers and laymen, in the several houses, and we therefore make this proposition to the prosecution, that we submit this case now without argument.

JUDGE PARSONS: I see, Mr. President, that that meets with some applause. Whenever I have a case that I think will not stand argument I am always in favor of submitting it without argument, but whenever I have a case that I think admits of argument, I am always in favor of arguing it, fairly and briefly, before the parties who are to decide it. In this case I think it is due to this convention—in this case I think it is due to the state of Washington—that this case should be fully argued before those who are to decide, upon its merits. For that reason, sir, I desire that this convention shall have as full an attendance as can probably be obtained here at this or any other time, now or to-morrow evening, as may be most agreeable to this convention, in order that I may submit what I may have to say upon the merits of this proposition.

THE PRESIDENT: The chair will state that there are 29 members of the Senate present and 69 members of the House present.

JUDGE PARSONS: Whatever is agreeable to this convention, sir, is agreeable to me.

THE PRESIDENT: The chair is informed that there are several members who are sick and cannot be here. I think there are two members of the Senate—one of whom has indefinite leave of absence—who cannot be here.

SENATOR THOMPSON (G. T.): Mr. President, I heartily sustain the proposition of the gentlemen who are representing the respondent here; and in answer to my venerable friend, whom I admire and love for my old home in Iowa, I desire to say that this Senate is just as full to-night as it can reasonably be. If he thinks there is a possibility—

(Cries of "Order, order." The chair raps the convention to order.)

SENATOR THOMPSON (G. T.): Mr. President, I am confining myself within the limits of the English language, in all respect to the chair.

THE PRESIDENT: The chair is not calling the senator from Walla Walla to order this time; it is the house.

SENATOR THOMPSON (G. T.): All right, Mr. President. I think, then, that we are just as full to-night as we need to be, and we need no arguments, no windy words from any gentleman, to teach us our sense of duty, and what the law is in this matter, or what the facts are. Nor do we need any words from our friend from old priest ridden prohibition Iowa.

SENATOR McCROSKEY: Mr. President, I call the gentleman to order. There is no motion or question before this house for its consideration.

THE PRESIDENT: The chair will hold that the point of order is well taken.

MR. PLUMMER: Mr. President, I move you that a call of the house be had. I am aware that there are four or five members in the city who are not present here to-night, and who wish to be notified that this argument was had to-night. They desire to hear it, but not caring to hear any more testimony, they are not here now.

THE PRESIDENT: The chair is informed that under the rules of the house, it takes one-sixth of the members of the house to demand a call of the house.

MR. SHARPSTEIN: Mr. President, I rise to a point of order. This joint convention cannot order a call of the house.

THE PRESIDENT: The chair is stumped to know whether that point of order is well taken or not. There are no rules governing this joint convention which state anything about a call of the house, therefore, the chair assumes that we are working under the ordinary parliamentary rules, and under Roberts it takes one-sixth of the members, and under Cushing—

MR. YOEMANS: Mr. President, I call your attention to rule 66 of this house. Under that rule of the house, five members can demand a call of the house at any time

THE PRESIDENT: The chair will entertain a motion for a call of the house upon demand of five members. There are a sufficient number up, and it is moved and seconded that a call of the house be had. Are you ready for the question?

MR. PLUMMER: Mr. President, before the question is put, I wish to say a few words. I do not desire a call of the house if it is not desired by the parties in this case to bring the matter up for final determination to-night. We do not care for any more evidence; but we do want the members of the house and senate to assume their rightful responsibility in this matter. It is not a case where they should shirk their duty. For myself, Mr. President, I feel that there is a certain sense of duty and of right which requires that every member of this legislature pass upon the respondents case, and give his honest judgment as to whether he is or is not a person unfit to occupy the position he holds. It is the right of the people of this state to demand that every member of this house and senate shall stand

up and pass upon this matter, like a man, and have their votes recorded upon this matter, and that no members should be permitted by absenteeism to avoid a vote upon this matter, and in that way to shirk his responsibility as a member of this legislature.

MR. WALKER: Mr. President, I would like to ask a question, and it is this: Whether absent members who have not heard the evidence are to be required to form their opinion and bring in a verdict on the arguments of the counsel?

THE PRESIDENT: The chair would suppose that a member would need to hear at least some of the evidence before coming to a decision in the matter.

SENATOR LONG: If this, Mr. President, is a call of the joint convention, and debatable, I would like to say a few words. Mr. President, the transaction of public business here does not justify the postponement of this case one single minute beyond a reasonable time; and I am ready to sit here, and I believe a majority of the members of this joint convention are ready to sit here, until two o'clock in the morning, if necessary, in order that we may hear arguments in this case and be done with it, in order that we may have night sessions to pass upon these important Hill Code bills, if nothing more, and finish the work, and do it in such a way that it will be a credit to the legislature of the State of Washington; and not spend one-half hour more of time upon this investigation than is absolutely necessary. We have fooled away nearly an hour's time in this matter already; and I say it is our duty as citizens of the State of Washington to stand nobly up and hear any defense that this man is entitled to in right and justice here. Each member of this legislature is, himself, responsible for his absence here to-night. I believe this to be an important matter, Mr. President. Here is in question where one of the highest officers of the state, his reputation, his honor and the honor of the State of Washington are at issue; and it is our duty to sit here and finish this thing up to-night. I am here myself, sick with a sore throat and cold, but I have not shirked my duty, and I say if any member of this joint convention is not here to-night, let him be answerable to his constituents for shirking his duty, and let us go on and conclude this case.

Question put by the chair and lost.

SENATOR KINNER: Mr. President, I move that the counsel be requested to proceed with the argument of the case to-night.

Motion seconded.

SENATOR VAN DE VANTER: Mr. President, I move to amend the motion; that they not only proceed, but that they also finish to-night.

Motion seconded.

Question put on the motion as amended.

SENATOR KINNEAR: Mr. President, on the question of the amendment I desire to say—I do not care to speak to the original motion—that, as I understand, counsel has two hours on a side to argue this case, and I do not think we will be able to sit here four hours to-night; and my idea

was that we could put in two hours on this argument to-night and two hours to-morrow evening.

JUDGE PARSONS: Mr. President, I desire to say a few words upon this matter. I have been all day upon my feet in the supreme court, but I am willing to proceed with my argument for one hour to-night. I think it would be a severe hardship to complete the argument to-night, but if it is the pleasure of this convention, I shall not shrink from this duty, as I am not conscious of ever shrinking from any duty in my life.

After further argument by the members of the convention, the amendment to the motion was put and declared lost by a vote of 40 in the affirmative and 39 in the negative, and the amendment was declared lost. The question was then put upon the original motion, and was lost by a vote of 38 to 51.

MR. WINSTON: May I prefer a request, Mr. President?

THE PRESIDENT: Proceed.

MR. WINSTON: When the counsel for the respondent proposed that we close this case now without argument, we did so with a proper and earnest purpose, and we do still propose that we close this case without argument. But if that proposition is not accepted, and we are required to argue it, then it is the desire of the respondent here, that he have at least two counsel speak for him. Well, sir, two counsel cannot argue this case in two hours. One counsel may possibly do it in two hours, but to divide the time between the two counsel for the two hours, is to destroy the argument of both; and therefore, we ask of this house that he be allowed at least three hours within which to present this defense here, in case there is any argument at all. We prefer no argument, but if we are to have any, we want to do it right, and we ask for three hours in which to make it.

THE PRESIDENT: The chair will state that the legislature, in separate session, adopted the set of rules which govern this joint convention; and in the rule relating to the argument of counsel, each side was limited to two hours. That rule could not be amended in joint convention; if done at all, it would have to be done by the two houses in separate session.

SENATOR DYER: Mr. President, I move that this convention devote two hours to-night in listening to arguments of counsel, one hour on each side.

Question put, and carried.

MR. DE STEIGUER: Mr. President, I move that the sergeants-at-arms of the two houses, or their assistants, procure from the clerk the names of the absentees, and request their presence here this evening.

Motion put, and carried.

COL. HAINES: Mr. President, with the permission of the joint convention, I would like to make one suggestion in regard to the procedure in argument. We do not know how much time Judge Parsons will occupy in this opening argument. If the convention devotes two hours to argument this evening, we would like to have the arrangement made in this way: That in case the argument of Judge Parsons this evening for the

prosecution, and of one of us for the respondent, are concluded in less than two hours, that Judge Parsons and one of us to-morrow evening may use the balance of the time. The reason for that is this, and it will be apparent to every lawyer, and to everybody, I think: We wish to have the privilege of addressing the convention on the same evening on which the prosecution has a right to close. Of course the right to close is considered a great advantage, and becomes an unfair one, when the argument of the other counsel has been mostly disposed of on the preceding evening; and while we have no right to make this other than a request, we do make it hoping that in fairness, that this convention, as it must meet here to-morrow night, anyway, if there are fifteen or twenty minutes or so of our hour, not used this evening, will allow that to be tacked on to-morrow evening, and give us the benefit of it.

JUDGE PARSONS: Mr. President, I wish to say that it has not been my purpose or expectation at any time to consume one hour of that allotted to me in the opening of this argument. I have supposed and do now believe that I can fairly open this case in less than an hour. I have thought all the time and do now think that notwithstanding the statement of the counsel that they are willing to submit the case without argument, that in view of the broad range that I expect them to take in their argument, that it will reasonably require more time in the response than in the opening argument. And I desire now, before beginning my argument to-night, to know whether it is the sense of this convention that I be allowed to use any time remaining of the hour allotted for my opening argument, in my closing argument to-morrow night.

SENATOR KINNEAR: Mr. President, I submit that the motion adopted was plain and distinct, that each side should devote one hour to argument to-night. I do not see how there can be any dispute about the construction of that motion by either side one way or the other.

JUDGE PARSONS: Mr. President, I am ready to proceed whenever it is the pleasure of the convention.

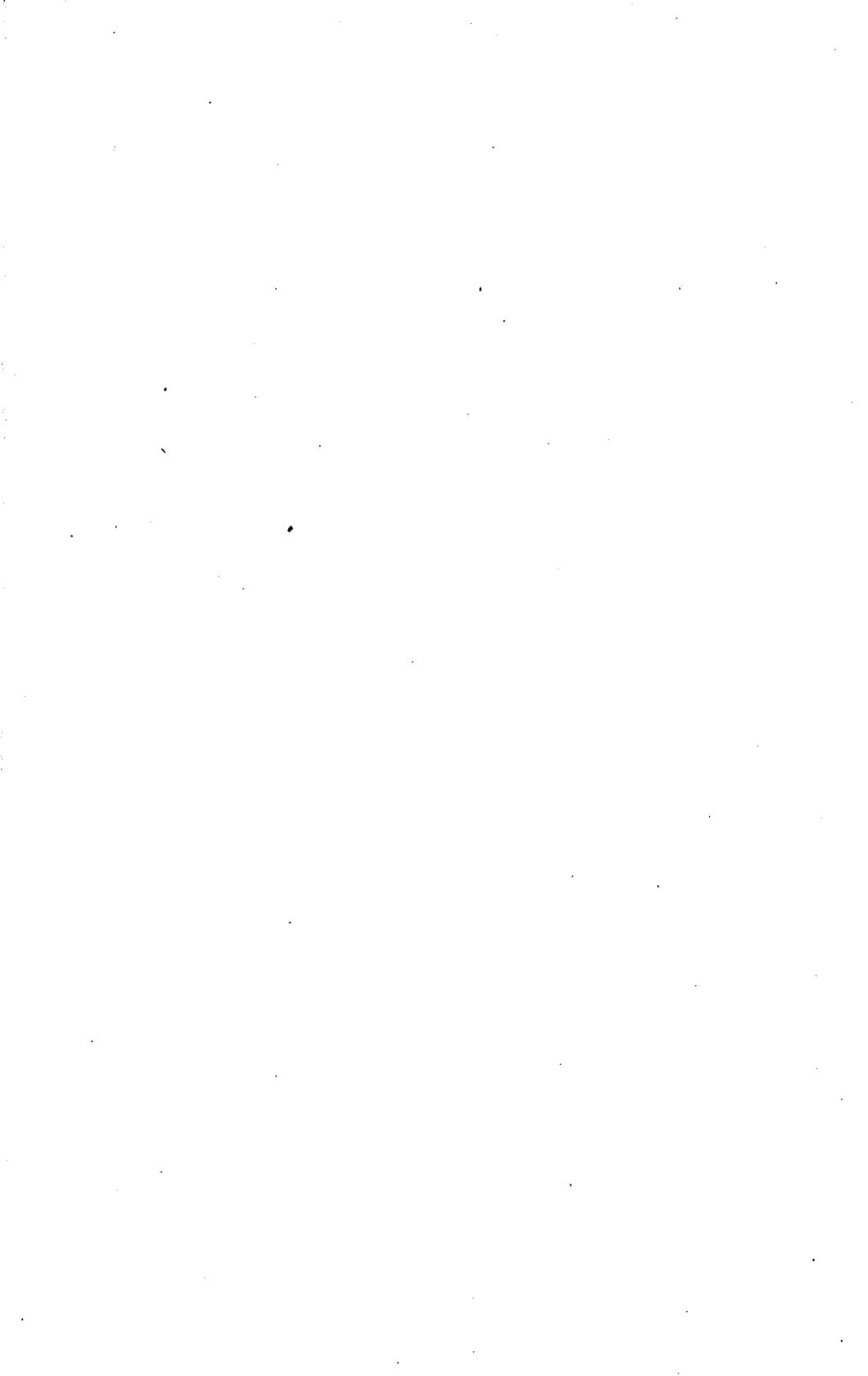
THE PRESIDENT: The convention awaits your pleasure.

After arguments for an hour by Judge Parsons for the prosecution, and for the same time by Mr. Winston for the defense, on motion of Senator Dyer, the convention dissolved to meet at 7:30 P. M. March 4, 1891.

APPENDIX "C,"

HOUSE JOURNAL.

TESTIMONY TAKEN BEFORE A SPECIAL COMMITTEE OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN THE MATTER OF THE CHARGE OF BRIBERY REFERRED BY REPRESENTATIVE JOHN L. METCALFE AGAINST HARRY A. CLARKE.



PROCEEDINGS.

OLYMPIA, WASHINGTON, January 20, 1891.

The Special Committee of the House of Representatives, appointed to investigate the charges of bribery made in the House of Representatives to-day against Harry A. Clarke by Representative John L. Metcalfe, met at the Olympia Hotel on this date, Messrs. Kennedy, Meany, Godman, Barlow and Holt, members of the committee, being present.

Testimony was taken as follows:

TESTIMONY OF JOHN L. METCALFE.

MR. JOHN L. METCALFE was called and, being first duly sworn, testified as follows:

Questions by MR. GODMAN, a member of the committee: Q. Mr. Metcalfe, you say Mr. Harry Clarke notified you that you were to get one thousand dollars in consideration that you should vote for whom? A. Judge Calkins for the United States senate.

Q. And where did he tell you that? A. He told me that in a little room that adjoins Calkins' side board, to the left as you walk in. There is a bed in there.

Q. Will you explain to this committee what you were doing in such a room yourself. A. I was in there, I had been there during the day. I was told that in the afternoon I should be introduced to Mr. Harry Clarke, and that whatever he might say to me, I could rely upon as secrecy; and during the afternoon I was introduced.

Q. By whom? A. By Judge Houghton, of Spokane Falls.

Q. Who was it told you that you would be introduced to Mr. Clarke, and that you could rely upon what he should say? A. Judge Houghton.

Q. He told you that. A. Yes, sir.

Q. Mr. Houghton took you to this room and introduced you. A. He introduced me to Mr. Clarke, in the lobby.

Q. Came along and said how you could get into this private room. A. Mr. Clarke saw me and asked if I would not take something. I said I don't drink anything, but we went in and I took some appolinaris water. We stayed and talked there awhile. The conversation was on the subject of the singers—the Glee Club of Tacoma. We then stepped out, and stepped into this little side room, and there is where he told me that.

Q. How came you to go into this side room? A. When we stepped out he opened the door and motioned me to come in.

Q. Anyone else in there? A. No one else was when we went in first.

Q. What did he say? A. Well, he said that he understood that I had a talk with Judge Houghton. I told him, yes, sir; and I cannot now remember the exact language that he used in broaching the subject to me, but in his conversation he stated this: He recognized that you have been at a great expense in your campaign, and suggested that he was willing to pay for those expenses. I spoke up and said: "It is not altogether a question of expenses for my campaign, for they were very slight." I said further, that if I should vote for Judge Calkins it would kill me politically, because Sam Hyde, of Spokane Falls, is one of the most popular men in Stevens county, and that he was in a position to kill me politically, in that county." That was my statement to Harry Clarke. He said, I understand that one thousand dollars was the amount. I said one thousand dollars was the amount. He then spoke up and said: Well, to-morrow afternoon I can give you five hundred dollars; the rest, he said, I can give you—the remaining five hundred dollars—after you have voted for Judge Calkins and continue to do so until he is either elected or we withdraw him. That was on Sunday. He told me that in the little room. On Sunday evening, as I was saying, I was walking around the hall of the lobby that goes into Judge Calkins quarters, and either Mr. Clarke or Judge Houghton beckoned to me. I think, I am positive—I think Mr. Clarke—yes, sir; I am positive that it was Mr. Clarke—and he told me that the funds had not arrived; that they expected they were coming in on the boat to-morrow. He then told me that if need be, he would bring three or four millionaires to assure me that it was all right. I told him he need not, that I didn't want such assurance; that I wanted to see Judge Houghton. He came, and we were standing then where the little wash-bowl indentation—the place for washing hands—is. We stepped in there, and Judge Houghton said: I will step out and see what I can do. I supposed by that, if he could not, among his friends, rustle the five hundred.

Q. Were you demanding the other five hundred dollars? A. I was demanding the first five hundred dollars.

Q. He had not paid the first. A. No, sir. He had not paid the first five hundred dollars. Judge Houghton went out and Mr. Clarke came back and said that he could only get two hundred, and asked me if it was satisfactory; and said that the other amount would be paid me as soon as the funds came in. He said to go out and wait around a little while, and we went out together. I stayed around for quite a while, and, as I said before, just about the time that this—a little while after—gentleman read this call for a caucus, Mr. Clarke came and beckoned to me. We stepped to the front door of the Olympia Hotel, turned to the right going up towards the capitol, passed the first street and when we had proceeded some ten or fifteen paces on the sidewalk, he reached his hand into his pocket and handed me a sealed envelope. I placed that into my pocket and we then proceeded some thirty or forty steps further, and then we turned around and walked back and came down to the hotel.

Q. Did you see any one, sir, on your trip when you were going up the

street? A. Just before we came to the street we passed two gentlemen and I scrutinized their faces very closely to see if I knew who they were, but I did not.

Q. Did you and Mr. Clarke go together out of the hotel? A. Yes, sir; we went out together.

Q. Did you see any one there you recognized as you passed out the door? A. Not at the time.

Q. Any people that you passed there? A. I passed quite a number, but most of them were listening to the music. That is my recollection.

Q. You got two hundred dollars in the street. A. Yes, sir.

Q. Where did you get the other three hundred? A. I got it about twelve o'clock, in room eleven of this hotel.

Q. Where is that room? A. The first floor.

Q. Who occupies that room? A. I cannot tell you. Judge Calkins was in the room. My recollection is, we went in another room and then into room 11, and, when we came out, we walked out of room 11 through the other.

Q. Any one else there? A. In 11?

Q. Yes, sir. A. No, sir.

Q. That is where you got the three hundred dollars. A. Yes, sir.

Q. What consideration was this five hundred dollars paid to you for?

A. That was the first payment on the one thousand dollars that I was to receive to vote for Judge Calkins.

Q. The one thousand dollars you were to have to vote for Judge Calkins. A. Yes, sir.

Q. Five hundred dollars in cash. A. Five hundred dollars in cash and five hundred dollars after I had voted for him, or until he had been withdrawn, or was elected.

Q. Did you agree to vote for Judge Calkins? A. I did; yes, sir.

Q. You say you saw Judge Calkins in the room adjoining room 11? A. I think he was in there. Mr. Clarke said, we will go in there, when he met me where the two halls go together. I went in the back way. It was understood that he should go up the steps and go in the back way.

Q. When and who was it first spoke to you about paying you any money? It seems that Judge Houghton did some talking. A. Judge Houghton was the gentleman who suggested the matter to me.

Q. When was that? A. That was Saturday.

Q. Last Saturday? A. Yes, sir.

Q. Where was it? A. That was our conversation which lasted, I think, from ten to fifteen minutes, and took place in the same room where the conversation did with Mr. Clarke—in the room adjoining the sideboard.

Q. Did Mr. Houghton request you to come there? A. Yes, sir. Asked me to take a drink. After we came out we walked in there.

Q. What did he say about money? A. I will tell you. I would like to give the substance of our conversation. We sat down, and Judge Houghton began to eulogize Judge Calkins and make comparisons between the two candidates. I stated that as far as my personal preference was concerned, I believed Judge Calkins was far the abler man of the two, but I

said that I was so situated that I could not support him. He then went on to say this: Now, supposing I owned the State of Washington, and I was looking for a man to represent my interests in the state, what kind of a man would I select. Would I select such a man as Senator Squire, or such a man as Judge Calkins? I would have you understand, gentlemen, that I am not repeating the exact language of Judge Houghton, that I am giving you the substance, to the best of my memory, as it occurred. I said, I should think, under those circumstances, you would select Judge Calkins. He said, certainly. But I said, let me put a proposition to you: Supposing you only owned a part of the State of Washington, and somebody owned the other part, and there was two men up for positions, one of which was to have control of the entire state, would you prefer the man who favored your part of the state, or would you prefer the man who favored the other part? He smiled and stated that it was different. I spoke up and said to Judge Calkins: "There is nothing in politics except what is in it."

Q. You said Judge Calkins. A. I meant Judge Houghton. He winked his eyes and smiled, and he said this: "There were in the last legislature down here, two or three men who came down here, and who were not pledged to support anybody, and their constituents had not pledged them to support any one. They came down and looked over the field, and they made a choice of a man, and after they had selected their man they voted for the best man, and they went home with one thousand dollars in cash." I spoke up and said, "that was right; they were good business men." And then he winked his eyes again, and he then said this to me; he said, "I will take you some time this afternoon and I will introduce you to Mr. Harry Clarke, of Spokane Falls, and I assure you that whatever he may say to you will be strictly confidential and private. You can rely upon what Mr. Clarke says to you," and then he walked out. During the afternoon he introduced me to Mr. Clarke, and we talked and had the conversation that I have already stated.

(Cross-examination.)

By COLONEL HAINES: Q. What did you do with this package? Did you see this package of money containing the first two hundred dollars opened at any time? A. I did see it opened; yes, sir.

Q. Was it in the same envelope when you received it from Mr. Clarke as it was when you presented it in the House of Representatives to-day? A. It was.

Q. State when and where you first became aware other than from what Mr. Clarke told you that this envelope contained two hundred dollars. A. Last night.

Q. In whose presence was that envelope opened? A. It was opened in the presence of Andrew F. Burleigh, in your presence, in my presence, and in the presence of another gentleman to whom I was not introduced.

Q. State in what condition—or rather, in what denominations of money were in that envelope? A. There were two one hundred dollar bills.

Q. State if any one at that time made any examinations and memorandum of the marks or leading characters of those bills. A. They did.

Q. State if the bills themselves were marked in any way. A. They were.

Q. In what way? A. In the upper left-hand corner, I believe, there was a little slit made with a pen knife, a very slight slit made in the upper left-hand corner.

Q. What was done with the bills after they were marked and identified in this way? A. The bills were then inclosed in the same envelope and resealed.

Q. Were they opened from that time until you produced them in the House of Representatives to-day? A. No, sir.

Q. Remained in your possession all the time. A. Yes.

Q. At what time of the day did you receive the second three hundred dollars, or rather the three hundred dollars? A. I should judge it was about twelve o'clock—it might have been a few minutes of twelve, and it might have been a few minutes past.

Q. What condition was they when you received it? A. That money was rolled up in a little piece of newspaper.

Q. The same they were rolled up in when you produced it in the House? A. Yes, sir.

Q. When did you first become aware other than from the statement of Mr. Clarke that this roll or package which you received contained money? A. Shortly after I received it. He threw it on the bed and I picked it up from the bed and put it in my pocket and walked by the stairs, walked up the back way and went into room, I think, 46, and pulled it out and opened it there in the presence of yourself, Mr. Burleigh, and I forget this other party.

Q. Had you looked at the inside of it until that time? A. No, sir.

Q. What did you find that package contained when it was opened at that time? A. Six fifty dollar bills.

Q. What time of day was that? A. A little after twelve o'clock, when I was in the room.

Q. The time you received this money did you have any intention of voting for Judge Calkins? A. No, sir.

Q. What were your intentions—what did you intend to do with the money when you received it? A. I intended, if I got the money, to take it when the time came for nominating the United States senator and that I would walk up to the speaker's desk and place it on the desk and tell the source from whence I got it and purpose for which I received it.

By MR. H. Y. THOMPSON: Q. If I understand you correctly, sir, you said that on one occasion you said to Judge Houghton "that there is nothing in politics except what is in it." A. Yes, sir, I said that to Judge Houghton.

Q. Was that the first remark that was made in this proceeding indicating profit in politics on your part, or had there been advances before that? A. That was the first.

Q. You were endeavoring to lead him on. A. Yes, sir.

Q. You had known Judge Houghton for a long time. A. Yes, sir, a number of years.

Q. He was a friend of yours. A. Not particularly.

Q. You were on friendly relations. A. I presume so.

Q. You had no intention of voting for Judge Calkins at the time when you agreed you would in consideration of this. A. None whatever.

Q. Then you were deliberately telling a falsehood for the purpose of deceiving your friend in order to get money that you might betray him. Was that your idea? A. That was my idea exactly.

Q. You hold yourself as that kind of a man, do you? A. Under the circumstances, I do.

Q. Then you confess that the statements you made in relation to your intentions of voting for Judge Calkins were all false. A. Certainly.

Q. You were deceiving these parties. A. I was.

Q. Had you ever conversed with anybody before that time as to your intention to do this? A. I had; yes, sir.

Q. With whom? A. With a Colonel Gilbert and with Mr. McGraw.

Q. With Mr. McGraw. Well, how many times had you conversed with Mr. McGraw—what McGraw is that? A. Gentleman from Seattle.

Q. Is that the gentleman who is commonly known as Sheriff McGraw? A. Yes, sir.

Q. John H. McGraw. A. Yes, sir.

Q. He is understood to be conducting the canvass of Senator Squire, is he not? A. Yes, sir.

Q. Did he encourage you in this course of yours? A. He did, most emphatically.

Q. Were you promised from him any consideration in case you succeeded? A. I was not.

Q. What day was it that you made this statement to Judge Houghton, "that there is nothing in politics except what is in it?" A. Saturday.

Q. What time was it that you had the conversation in relation to the two men who went home with a thousand dollars from here in which you said that was right, and they were good business men? A. On Saturday.

Q. When was it that Judge Houghton introduced you to Mr. Clarke? A. Saturday afternoon.

Q. Had you ever known Mr. Clarke before that time? A. I think I met Mr. Clarke in Spokane Falls.

Q. You have known Mr. Clarke in Spokane Falls. A. I think not.

Q. How long have you lived in Stevens county? A. I have lived in Stevens county now nearly two years; it will be two years the 6th of next June.

Q. You have been at Spokane Falls a great deal. A. Not since I left.

Q. How long since you left there? A. It will be in June—the 6th of June—two years.

Q. What was your business there before that time? A. I was clerking in the United States land office.

Q. This matter of investigating affairs of this kind has been a sort

of business of yours. A. No, sir; nothing of this kind ever occurred before in my life.

Q. Was it not a habit of yours to go about saloons on Sunday and report the sale of liquors, when you were in Spokane Falls? A. It was not my practice.

Q. You did it frequently. A. I did it one time.

Q. To whom did you first make a report after you had received this money—the first money you received? A. It would be very difficult for me to say. I informed six or seven gentlemen that I had the money in my pocket.

Q. Did you know any of the six or seven gentlemen? A. Yes, sir, I did.

Q. Who were they? A. I will tell you: Senator Hyde of Spokane Falls I think was one, Senator Van Houten, Senator O'Neill, Representative Farrish, whether I told Representative Cushman or not I can't say; I told Representative Berry.

Q. To whom did you make any report? A. In the House to-day in relation to this money.

Q. Did you go to Senator Squire's room? A. No, sir.

Q. Have you been in his room since? A. I was in 46, the only room.

Q. Did you meet him there? A. I did not.

By COL. HAINES: Q. No. 46 is not Senator Squire's room. A. Not that I know of.

By MR. GODMAN: Q. You say Col. Gilbert and Sheriff McGraw first suggested the matter to you. A. I first suggested it to them.

Q. That you would resort to this scheme? A. Yes, sir.

Q. Mr. Calkins' friends? A. Yes, sir; I will tell you. All of what I said to McGraw is this: He never broached the subject to me; I went to Mr. McGraw and told him from what I could see, money was being used freely, and if anybody came to me, or if I had any opportunity or chance I would try and expose it. He says, "I hope you will." That is all the conversation. He has never mentioned the subject directly or indirectly before.

Q. What did Col. Gilbert say about it? A. I spoke to him about the matter and he said, "I don't know whether it will do or not. We will think over it and see whether this matter will do or not." That was several days ago, I forget what day it was. A while after that, Gilbert came to me and said that if this thing was done he believed it would elect Senator Squire, and asked me if I was approached if I would do it, and I said I would.

Q. Were you, Mr. Metcalfe, promised by any of these parties, or made any inducements to do it? A. None at all; with one exception—it might be considered. Mr. McGraw said if I did it, it would raise me in the estimation of the people.

Q. Mr. McGraw said that? A. Yes, sir.

Q. It would raise you in the minds of the people. A. Yes, sir.

By MR. KENNEDY: Q. When Mr. Clarke handed you this money, did

he ask you to vote for Mr. Calkins for United States senator? A. At the time he handed me the money?

Q. At the time of the reception of the money, or when the proposition was first made, did he ask you in plain terms to support Mr. Calkins? A. Yes, sir.

By MR. GODMAN: Q. Did Mr. Clarke represent whether he was apparently a friend of Mr. Calkins? A. Apparently so; yes, sir. In speaking of his inability to procure the money at the time agreed upon he said, "I am not managing this. If I was, this thing would not have happened."

By MR. THOMPSON: Q. You said you were not in Senator Squire's room after the matter occurred at the house to-day. Did you not see Senator Squire's private secretary? A. Dillingham?

Q. Were you in the room where he was? A. No, sir. I was in 46, I think; he was in there.

Q. Were you in the room where Mr. Dillingham was? A. I was in 46, and he was also in there.

Q. Don't you know that some one inquired of him as to whether or not you were in there? And was it not necessary for the sergeant-at-arms to come and get you? And don't you know the sergeant-at-arms got you out of that room where Dillingham was? A. No, sir; he met me coming from that room.

Q. Were you in room 6, after the house adjourned? A. I think I was in room 6.

Q. You were also in room 26. A. No, sir; I say 6. It was room 5. I also went back to 6, 5. I think Dillingham was sitting there when I passed through.

Q. Any one else there? A. I turned around afterwards and went back with Gilbert and went in 5, afterwards, and 6.

Q. Who was in 6? A. No one was in 6.

Q. Who were in 46? A. I went up when I left here, to get the attorneys. Col. Haines was in 46, and I forget what other gentlemen.

Q. That was when you went to get the attorneys. A. Yes, sir.

Q. Have any conversation with Dillingham when you were in there? A. No, sir; only just a nod to him.

Q. How came you to go to room 6 when the legislature adjourned? A. I was standing in the lobby when Col. Gilbert said he wanted to see me in 6.

Q. What did Col. Gilbert say to you? A. He wanted to know how the thing was. I told him I was not in a position to know as much about the circumstantial evidence, probably, as he was.

By COLONEL HAINES: Q. What was the number of this room in which you received this three hundred dollars? A. It was No. 11. I went into a door that is to the right of No. 11, went into another door and then into 11.

Q. Who was in that room where you received the money? A. No one except myself and Mr. Clarke at the time I received the money.

Q. How long were you in the room? A. I think three, four or five minutes; not longer than five minutes.

Q. When you left the room to go into the hall, you went through the room adjoining it; any one come out with you? A. I forget whether Mr. Clarke went with me. I think he opened the door and followed. I saw a number in the hall, and we passed on.

Q. Did you go into the room together or in separately? A. Went in together.

Q. What course did you pursue, or what path did you follow going up from the lobby to the room? A. Going from the lobby I went back here and went through a door that opens to the right of the breakfast room door and went up the back stairs.

Q. Did Mr. Clarke go with you? A. He went up the front stairs.

Q. That is, from the lobby. A. Yes, sir. I went up and walked the length of the hall and looked back in the hall and he was there, and walked up and walked to the door, walked in and turned into 11.

Q. There is a hall runs clear round the house. A. I understand they do.

Q. You say he came down the hall that goes to the hall you came up? A. Yes, sir. He was coming just as I met him.

Q. Do you know how room 46 is situated with reference to the hall Mr. Clarke came down? A. You mean when I met him.

Q. When you saw him coming. A. It was at right angles to the one he came up. The hall from 46 is right down to room 11.

(Signed)

JOHN L. METCALFE.

TESTIMONY OF ANDREW F. BURLEIGH.

ANDREW F. BURLEIGH called and sworn.

By COLONEL HAINES: Q. Mr. Burleigh, you are an attorney at law by profession. A. Yes.

Q. Are you acquainted with Mr. Metcalfe, the witness who has been examined before the committee? A. Yes, sir; since last evening.

Q. Where did you meet him last evening? A. I was introduced to Mr. Metcalfe in my room in this hotel, No. 46, about 11:30 last night, for the first time.

Q. State whether you had any conversation with him or whether he made any statements in your presence concerning any money he had in his possession. A. Yes, sir.

Q. State what those statements were. A. Mr. Metcalfe stated, as nearly as I can recollect, about this: That Judge Houghton, of Spokane Falls, had broached him on the subject of his vote in the senatorial contest; that they had one or more conversations, and that Judge Houghton had introduced him to a gentleman by the name of Mr. Harry Clarke, with the statement that whatever arrangements Mr. Clarke made him with reference to his vote would be satisfactory. He then stated that Mr. Clarke had met him and had given him an envelope which he represented to him contained two hundred dollars, and that he paid him, to-day, after

the steamer came in to Olympia, three hundred dollars more; that there was to be an additional five hundred dollars inclosed in an envelope and deposited in a bank with Mr. Clarke's name on it, which, in time, he was to receive. He further stated that the consideration of this payment was that he should vote for Judge Calkins for United States senator, and that he had agreed to that. That was the substance of his statement.

Q. Did he exhibit this envelope? A. Yes, sir.

Q. Do you remember the appearance of the envelope? A. He then took a bundle of papers from his pocket and picked out from them a blank envelope, that is, an envelope without any address on it. I think it had the card of this hotel on the upper left-hand corner. The envelope was slightly sealed; that is to say, there was a sufficient space from the corner of the envelope to point where the sealing commenced so that I could tell what was in it, and I opened it, that is, held the leaves apart and looked in and saw that it was money. Col. Haines said he thought it was money. We then opened the envelope and in it were two hundred-dollar bills, one of them a coin certificate issued under the act of July 14th, or the silver bill of last summer, and the other was a one hundred-dollar bank note issued, I think, by the First National Bank of Salem, Massachusetts. I took a description of those bills on paper at the time, and with a little memorandum of what occurred, and put a private mark on the bills, which was a slight slit made with the blade of my knife on the upper left-hand corner.

Q. Have you that memorandum? A. I have.

Q. Will you produce it? A. Yes, sir.

Q. Is that memorandum a correct statement of facts? A. That memorandum was absolutely true at the time it was made, and was verified by Col. Haines, Col. Gilbert and Mr. Metcalfe at the time.

Q. The time as stated there—is that correct? A. That is the time by my watch.

[Memorandum was here read, a copy of which, marked exhibit A, is hereto attached.]

Q. During the day, that is to-day, Mr. Burleigh, did you see Mr. Clarke and Mr. Metcalfe together at any time? Or did you see Mr. Clarke or Mr. Metcalfe go into this room 11, or come out of the room? A. I was standing in the hall about five minutes after twelve o'clock to see what transpired, because I understood that Mr. Clarke was to meet Mr. Metcalfe in room 11, and pay him three hundred dollars additional to the two hundred which Metcalfe represented he had paid him yesterday. Dillingham was with me at the time. About that time I saw this gentleman [indicating Mr. Harry Clarke] I think he is Mr. Clarke, and I think I have been introduced to him since I have been down here, come up the stairs, and go down the hall into No. 11. A minute or two later, I saw Mr. Metcalfe come down the hall. Now, whether he went into that room or not, I would not be able to swear—that is, directly. But from the time he went out of my sight, until I saw him come out, would be from three to five minutes. And then when he and Mr. Clarke came out of the room together—he was immediately in front of Mr. Clarke, when he came out,

Mr. McGraw was present, and Mr. Dillingham and Senator Van de Vanter. I think they all saw him; I know I did. And Mr. Clarke, I thought, looked at him as though he was watching Mr Metcalfe as he came down the hall. Metcalfe disappeared and Clarke disappeared. After a few minutes Metcalfe came into my room again with a little bundle rolled up in a piece of newspaper which he pulled out of his pocket, and said it had been given to him by Mr. Clarke. I think I unrolled that bundle, and it contained six fifty dollar bills. I know at the time Col. Haines remarked that the bills were wrapped up in a piece of a Tacoma newspaper. We looked at them and rolled them up, and Metcalfe put them in his pocket. In a minute Mr. McGraw came in, and he suggested to Metcalfe that he let McGraw see those bills, so he took them out and exhibited them to McGraw.

Q. Mr. Burleigh state what, if anything, led you to suppose or believe that Mr. Metcalfe was to receive this money from Mr. Clarke at this time?

A. Mr. Metcalfe told me about 11:30 that he had an appointment to meet Mr. Clarke for the purpose of receiving that money at that time, and that is the reason I expected to see what transpired.

By MR. THOMPSON: Q. Mr. Burleigh, do you know anything about where this money came from, except what Mr. Metcalfe stated? A. Nothing whatever.

Q. This memorandum which you say is correct, a memorandum of the bills, and the condition in which they were placed, is a correct memorandum of a package which he exhibited to you at that time. A. Yes, sir.

Q. You don't know anything except what he said. A. Nothing whatever.

By MR. GODMAN: Q. You reside in Seattle? A. I do.

Q. Do you know how it was that Mr. Metcalfe came to your room? A. I do not know any further than this, that being a Seattle man, and a friend of Senator Squire, and being desirous of seeing him elected to the United States senate, I suppose the matter was referred to me perhaps as a lawyer.

Q. Had you met Mr. Metcalfe before this? A. I never had. I was standing in the lobby of the hotel, and was called and told that somebody was in my room and wanted to speak to me. I went up and was introduced to Mr. Metcalfe. When I met him I recognized the fact that I had seen him before, but didn't know who he was, except that he was a member of the legislature.

By MR. KENNEDY: Q. I wish to call your attention to this memorandum, the verification is dated at the Olympia Hotel, 11:35 P. M., January 19, 1890. A. That is an error; it was last night. It should be 1891. [Witness is permitted to change 1890 to 1891.]

TESTIMONY OF A. K. CLARKE.

A. K. CLARKE called and sworn.

By COLONEL HAINES: Q. Where do you reside, Mr. Clarke? A. In Spokane county.

Q. Are you acquainted with Mr. Harry Clarke, the gentleman sitting here? A. Yes, sir.

Q. You have known him since he resided in Spokane. A. About three years.

Q. Did he ever occupy the position of clerk of the district court—of the territorial district court—fourth judicial district? A. Yes, sir; I believe he was clerk of the court somewhere in '89, or '88.

Q. Who was judge of that court? A. Judge Calkins presided.

Q. Do you know who appointed him? A. No, I don't know; I suppose Judge Calkins.

Q. Did he go in office when Judge Calkins came? A. About that time.

Q. Don't you know that the law requires that the Judge should appoint the clerk? A. I suppose so.

Q. Did he continue clerk as long as Judge Calkins presided? A. I don't know that he did. It is my impression that he resigned about that time.

By MR. GODMAN: Q. Did Mr. Clarke resign? A. I only said I thought so. I heard it. I don't know anything of that, whether it was so or not.

MR. THOMPSON: Q. About what time did you say he resigned? A. I didn't say he resigned; I said I thought he resigned.

Q. Before Judge Calkins left the bench? A. I heard that.

Q. Well, you know it to be a matter of fact that for, doubtless, a portion of the time that Judge Calkins was on the bench that Mr. Clarke was clerk of the court. A. Yes, sir.

[It is conceded by counsel for both parties that the judges of said court were empowered to appoint clerks of the territorial district courts, and that Judge Calkins did appoint Mr. Clarke as his clerk.]

TESTIMONY OF C. B. DILLINGHAM.

C. B. DILLINGHAM called and sworn:

By COLONEL HAINES: Q. Mr. Dillingham, where do you reside? A. Spokane Falls.

Q. Are you acquainted with Mr. Metcalfe, the gentleman who has testified as a witness in this investigation? A. I have just met him since we have been here; never saw him before.

Q. Were you present at any meeting at which he and Judge Houghton were present? A. I saw Judge Houghton introduce him to Judge Calkins in the rotunda of the hotel.

Q. Did you see Mr. Metcalfe and Mr. Harry Clarke together to-day? A. That gentleman over there?

Q. Yes. A. I saw them together going into a room up stairs.

Q. I wish you would state to the committee just what you saw and the circumstances in which you saw it. A. I was going up stairs; I was looking for Senator Squire, and I stopped at the head of the stairs. I saw them going into 11; I think it is 11; it is the only room at the end of the hall; it is either 10 or 11; it is the room at the end of the hall—I saw them go in there. I waited four or five minutes and they came out.

Q. Did they come out together? A. Came out together. I went around to Senator Squire's room and as I came out I was just a little ahead of them, and I turned around and saw who they were, and just in a few minutes I went into 46, and Metcalfe was in there with some money in his hand which he said had been given him by Mr. Clarke to vote for Calkins.

Q. What called you into 46? A. I think Mr. Burleigh called me in there.

Q. Did you see the money? A. Yes, sir.

Q. What shape was it in when you saw it? A. It was six \$50.00 bills.

Q. Was it wrapped in anything? A. Wrapped up in a newspaper.

Q. Do you remember who was present besides Mr. Metcalfe and yourself? A. Mr. McGraw — no, he came in as I was going out. He was not in there at the time. Col. Haines, Mr. Burleigh, Senator Van de Vanter and myself; I think that was all.

By MR. THOMPSON: Q. Mr. Dillingham, what is your business? A. I am secretary to Senator Squire.

Q. You have been taking an active interest in this matter, have you not? A. I have been serving Mr. Squire.

Q. In this matter of the campaign? A. Yes, sir.

Q. How long have you been in this service? A. About two weeks, or a little longer.

Q. Were you in the room up stairs to-day after the house adjourned, when Mr. Metcalfe came up there? A. Yes, sir.

Q. What room was that? A. Either five or six. There are two rooms together. It was five.

Q. Five is connected with six. A. Yes, sir.

Q. Were you there when the sergeant-at-arms came up to hunt for Mr. Metcalfe? I was reading a paper there, and the other gentleman came in; I do not know who he was.

Q. You now know that it was the sergeant-at-arms looking for Mr. Metcalfe; inquired for Mr. Metcalfe, and you said he was not there. A. Yes, sir.

Q. That he was not in the room? A. No, sir.

Q. They are two separate rooms, five and six. A. Yes, sir.

Q. A door going between the two. A. Yes, sir.

Q. You understood that Mr. Metcalfe was in the other room. A. He went through there and closed the door of the other room, and afterwards he went out. I was reading the paper and this man came in.

Q. You knew that he had gone in room five. A. Yes, sir.

Q. And when the sergeant came you told him you did not know. A. He didn't inquire; he said, "is Metcalfe here?" I was reading a paper, and said no. He shut the door and went out; he came in again and said, "they say he is in that room." I said, I will see; I knocked and asked, "is Metcalfe there," and he said, "I will come out."

Q. How often have you talked with Mr. Metcalfe since he has been here; since he came here to attend the legislature? A. I do not know. I have talked with all of them a good deal.

Q. How long have you known that Mr. Metcalfe was endeavoring to carry out this scheme? A. I have always been told that he was a doubtful man, and have always treated him so on my list.

Q. That he was a doubtful man? A. Yes, sir.

Q. Do you know Mr. W. W. Atwood, who stops in room 76? A. No; I know Mr. Atwood, of Seattle; he is here, and is probably the same one.

Q. Is he working in connection with you? A. No, sir.

Q. Have you ever talked with him any about these matters? A. He came to me and said that a friend of his could introduce another man, and that is all that was said.

Q. And you didn't say whether he was to do it or not? A. No, because I didn't know anything about him.

By MR. GODMAN: Q. How was it that Mr. Metcalfe came to your room? A. It was headquarters.

Q. What headquarters? A. Mr. McGraw's headquarters.

TESTIMONY OF J. H. MCGRAW.

J. H. MCGRAW called and sworn.

By COL. HAINES: Q. Mr. McGraw, are you acquainted with Mr. Metcalfe? A. I met him since I came to Olympia, during this session of the legislature.

Q. Did you ever have any conversation with him relating to this money, or the taking of the money that was produced in the House of Representatives to-day? A. I did.

Q. When was the first conversation you had, and what was it? A. It was one day last week. He came to me and said (Mr. Metcalfe said) that certain parties here had offered him money, or through them he could get money for his vote; or told him he could get money if he would vote for Judge Calkins. He asked me whether in my judgment he had better follow it up or not, and see if he could catch the parties or not. I told him I thought he had better do it. No names were mentioned, except that he thought that he could get money if he would agree to vote for Judge Calkins.

Q. Was Mr. Clarke's name mentioned at all? A. No, sir; and at that time I had good reason to believe that it was another person he was to receive money from.

Q. State, Mr. McGraw, when was the next that you knew in regard to this matter. A. The next I knew in regard to it was between 12 and 1 o'clock to-day.

Q. State what you so learned at that time? A. I was in room 46 in this hotel about 12, in conversation with two or three gentlemen, when I was invited to step into the hall and see who would come out of number 11; I think, however, it is the room right at the other end of the hall directly opposite 46; at the other end of the hall. I did step out, stood there and conversed with a lady for a few minutes and Mr. Metcalfe came out, proceeded fifteen or twenty feet from the door, coming in my direction, and immediately thereafter Mr. Clarke came out and closed the door.

Q. Did you see Mr. Metcalfe after that? A. I then went down into the lobby of the hotel and then I was sent for to go to room 46. I found Mr. Metcalfe there; was shown a small piece of newspaper that contained six fifty-dollar bills; took it from his pocket; handed it to me; said he just received that money from Mr. Clarke in the room opposite.

Q. Have you any knowledge other than what he told you regarding where that money came from? A. No, sir.

Q. Was there any one else who witnessed Mr. Clarke and Mr. Metcalfe come out of that room that you know of? A. Mr. Burleigh was standing close by; he was a short distance from me. There were other people in the hall, but I do not know what they saw. Mr. Burleigh since told me that he saw them.

By MR. THOMPSON: Mr. McGraw, so far as you know, your entire knowledge of Mr. Metcalfe having received any money from any source, depends wholly upon what he himself has told you in relation to the matter. Is that correct? A. Yes, sir.

By COL. HAINES: Q. Do you know, Mr. McGraw, as to what part, if any, Mr. Harry Clarke has been taking in this senatorial contest? A. I know that he has been a personal friend and supporter of Judge Calkins. He told me that, and I know he has been working in that direction.

By MR. THOMPSON: Q. How long have you known Mr. Clarke? A. I have known him, I think, five or six years; perhaps longer than that.

Q. During all that time you have been acquainted with him, and the people with whom he is associated generally, have you not? A. I have been acquainted with all his Spokane friends.

Q. Do you know what his reputation is among the people who know him as to his being an honest and upright man? A. He is a man of good reputation.

By COL. HAINES: Q. When did you hear his name first mentioned in connection with this matter? A. At about 12:25 to-day.

Q. You have no personal feeling against Mr. Clarke? A. Absolutely none whatever.

By MR. GODMAN: Q. You say that Mr. Metcalfe told you about this a week ago? A. Sometime during last week. I do not remember the day. He came to me hurriedly and somewhat excited and told me what I have repeated to you. I do not remember the day, but it was one day last week.

By MR. THOMPSON: Q. You may finish the answer to the last question of Col. Haines. I understood you were going to say that your relations with Mr. Clarke were very friendly? A. Yes, sir; my relations have been of a very friendly and personal nature ever since I have known him.

TESTIMONY OF A. T. VAN DE VANTER.

A. T. VAN DE VANTER called and sworn.

By COL. HAINES: Q. You are a member of the State Senate? A. Yes, sir.

Q. Are you acquainted with Mr. Metcalfe of the House of Representatives? A. Yes, sir; I have been acquainted with him for a few days.

Q. Acquainted with Mr. Harry Clarke? A. I never met the gentleman in my life. I have seen him.

Q. You know who he is? A. Think I have met him; I know the gentleman's face, and I know he is Harry Clarke.

Q. Did you see he and Mr. Metcalfe together to-day? A. I did.

Q. About what time? A. Well, it was about 10 minutes after 12 o'clock; in that neighborhood. I was down at the barber shop about twelve, and I then walked up to the hotel, and I saw them soon after I came in.

Q. Whereabouts did you see them together? A. I saw them at this end of the hall, after you go up the stairway, come out of the door to the room right at the end of the hall.

Q. Do you know the number of the room? A. I do not; I don't recollect it.

Q. You saw them together? A. Yes, sir.

Q. Was there any one else observed it? A. Mr. Burleigh saw them.

Q. You did not see them go into the room together? A. I did not.

Q. Did you see Mr. Metcalfe shortly after that? A. In about three minutes, I should judge, he came up stairs and came into the room at the other end of the hall; 46 I think is the number of the room.

Q. Who was in the room when he came in? A. I was in.

Q. Anybody else? A. Mr. Burleigh was in there, and some one else.

Q. Did you see any money? A. I did.

Q. Who produced the money? A. Mr. Metcalfe.

Q. What did he say in regard to it? A. He said it was the \$300.00 he got, the balance of the \$500.00 that he was paid for voting for Calkins. He was going to give it to the speaker of the House this afternoon.

Q. Did you examine the money? A. I glanced over it; he unrolled it and looked the bills over. There were six fifty-dollar bills.

Q. How were they done up? A. They were rolled up in a piece of newspaper—Tacoma paper.

Q. Did he show you the envelope containing what he said was the money? A. He did not.

By MR. THOMPSON: Q. So far as you know, the whole matter of Mr. Metcalfe's receiving the money, and the question of his having received any, rests wholly upon his own statement to you. A. That is all I know about it; he told me.

By MR. GODMAN: Q. How do you know that it was rolled up in a piece of Tacoma newspaper? A. When it was unrolled they called attention to it. They said it was a Tacoma paper; I glanced over it, and something was on the paper that lead me to believe it was a Tacoma paper. I do not remember what it was. Word of some kind or another.

Q. You cannot remember what it was that lead you to suppose it was a Tacoma paper. Would you recognize the paper if you should see it? A. I think I would.

(Piece of newspaper handed witness).

Q. I will ask you if that was the paper or not? A. I should say that was the same piece of paper. I tell from the way it is torn as much as anything else.

Q. You cannot tell whether it was a Tacoma paper? A. What I recognize more than anything else is, that the man who was holding the paper says it is a piece of Tacoma paper. I didn't look it over then, only when it was rolled around the bills like that. They unrolled it.

Q. Simply thought it was a Tacoma paper from what somebody said.
A. Yes, sir.

By COL. HAINES: Q. You think that is the same piece of paper? A. Yes, sir.

TESTIMONY OF M. D. SMITH.

M. D. SMITH SWORN.

By COL. HAINES: Mr. Smith, you reside at Spokane Falls? A. Yes, sir.

Q. Are you acquainted with Mr. Harry Clarke? A. I am.

Q. You have been county auditor there, have you not? A. Yes, sir.

Q. Do you remember of his ever having been clerk of the district court under the territorial government? A. Yes, sir.

Q. Who was judge of the court at that time? A. Judge Calkins.

Q. Who appointed him? A. Judge Calkins appointed him.

Q. Did you have any conversation with Mr. Clarke on your way here to Olympia, or while you were here, in regard to this canvass? A. I had some little talk.

Q. Where did it occur? A. I think on the train coming over.

Q. State what the conversation was. A. I think Mr. Clarke stated to me that he would do—that what he did, if anything, would be done in the interest of Mr. Calkins, for the reason that he considered himself under obligations to him.

Q. Did he state what he was going to do? A. No, sir.

Q. To what extent? A. No, sir; just said he was going to work for Mr. Calkins. I think the way he stated it was this—said if he would do anything it would be for Mr. Calkins.

By MR. THOMPSON: How long have you known Mr. Clarke? A. I think about four or five years; I do not know exactly the time.

Q. You are the present sergeant-at-arms of the senate. A. Yes.

Q. What is his reputation at Spokane among the people who know him, as to being an honest and upright man and a good citizen? A. I never heard anything against his character in that respect at all, in any way, shape or manner.

By MR. THOMPSON: I want to make a request, gentlemen of the committee. Although this charge is indirectly aimed at a man against whom there is no whisper of connection in this matter up to this time—I mean Judge Calkins. Judge Calkins requests through me, as being his representative, permission to come before this committee and make a statement, under oath, concerning this matter, or any other matter concerning which the committee desires to have a statement from him, and I make that request on behalf of Judge Calkins. I do not offer the judge as a witness in this case; but, of course, it is well understood the purpose of this charge is to injure Judge Calkins, and he is vitally interested in this matter, and desires to submit himself to this committee and to put himself upon record in this matter as having had no connection with anything of

that kind which may have transpired, if any such thing did transpire; and in order to relieve himself as far as possible from the injustice of even the indirection of such a charge as this.

Colonel Haines asks that if this be granted, that a like privilege be extended to Senator Watson C. Squire, which is granted.

TESTIMONY OF W. H. CALKINS.

JUDGE W. H. CALKINS SWORN

JUDGE CALKINS: Do you desire me to make a voluntary statement, gentlemen, or do you desire to question me?

By MR. THOMPSON: I requested permission as counsel of Mr. Clarke, that you might be accorded the justice of making a statement to the committee, and the committee have granted the request. I do not desire to examine you.

By JUDGE CALKINS: As soon as this matter was reported to me I sent Mr. Barlow (whom I caught accidentally, or rather in the room in which I saw him coming out; I say accidentally, I mean I was accidentally in that room) and told him to say to the committee that I demanded to come before the committee to make my statement. I asked him to inform the committee to that effect. I have been informed that Representative Metcalfe has stated that he was paid \$500.00 by Harry Clarke to vote for me. I desire to state to the committee that if such a thing were possible, which I do not believe, I have no knowledge or information of anything of that kind. I desire further to say that there is little worth living for except a man's character. In a long life, mostly devoted to the public service, I have never had a stain upon my reputation or character, that I know of. Therefore, I desire to say to you gentlemen most explicitly, that nothing of that kind had the faintest lodgement in my knowledge; nor do I believe the statement to be true. That is a matter of my belief from a long knowledge of Mr. Clarke. And now, gentlemen, I ask you to make a searching investigation of any connection I may have had with it, and I will furnish you at any time, any information—anything you may call for—that is in my possession, or under my control, or which I can obtain. I do not desire to use unseemly language in the denunciation of the matter in so far as it may, by implication, connect me with it, and have denounced the matter as far as it may be seemly by me. Gentlemen, I submit myself for any examination or cross examination that you desire to make.

By COL. HAINES: Q. Mr. Clarke and you have been good friends? A. Yes, sir. Mr. Clarke was my clerk at Spokane Falls, appointed on the recommendation of Thomas Cavanaugh and most all of the republicans—prominent republicans—including John L. Wilson.

Q. You have every reason to believe that he felt a warm interest in your success. A. No doubt of it in the world.

Q. And was very earnestly devoted, too? A. Have no doubt of it in the world. And, Colonel, I believe him incapable of anything of that kind.

Q. Mr. Clarke is a very warm partisan. A. He is as you are, Col. Haines, and as I am.

By JUDGE CALKINS: Gentlemen, I am much obliged to you for according me this privilege.

TESTIMONY OF HARRY CLARKE.

HARRY CLARKE called and sworn.

By MR. THOMPSON: Where do you reside? A. Spokane Falls, this state.

Q. How long have you lived there? A. About four years.

Q. What is your business? A. Civil engineer.

Q. Are you acquainted with Judge Calkins? A. Yes, sir.

Q. How long have you known him? A. Since somewhere in May, 1889.

Q. How long were you clerk of his court? A. Seven months—May to November.

Q. How did you come to be clerk; were you appointed? A. I was appointed by Judge Calkins.

Q. Did he remain on the bench after you went out? A. No, sir. My term expired when the territory became a state.

Q. His also? A. Yes, sir.

Q. How long have you been here in Olympia? A. This time?

Q. Yes, sir. A. Since Wednesday.

Q. What has been your business here? A. Trying to help Calkins along.

Q. You have been at work in the interest of Judge Calkins. A. Yes, sir.

Q. Do you know Mr. Metcalfe? A. Yes, sir.

Q. How long have you known him? A. Since Sunday.

Q. When did you first meet him, and where? A. I met him first in the lobby. I was sitting in the lobby reading a paper. He happened in that vicinity and Judge Houghton introduced him to me.

Q. How long did you remain in the lobby at that time? A. I do not know. Some few minutes.

Q. Where did you go when you left there? A. I think I went into the refreshment saloon that belongs to the Calkins headquarters.

Q. And what did you do there? A. If I am not mistaken I took a drink of sarsaparilla and iron, and he took some Apollinaris water.

Q. Where did you go next? A. In the next room adjoining.

Q. Anybody in the next room when you went in there? A. I do not remember whether there was or not. I think some parties went out as we went in.

Q. What day was that? A. Sunday.

Q. How long did you remain there at the room? A. I should judge eight or ten minutes.

Q. What conversation did you have, if any? A. I understood Mr. Metcalfe was getting in a position to support Judge Calkins; that he wanted to talk the matter over, and I went in there to have a talk with him.

Q. What talk did you have with him? A. General talk; he told me about the people out in Colville being Sam Hyde people, and I agreed with him because I knew they were. I told him that I would see him again and would have a talk with him.

Q. Did you make an appointment to meet him again? A. Not at that time.

Q. Was there anything said by you or by him about money matters or voting for pay— A. No, sir.

Q. In that conversation? A. No, sir.

Q. When did you next meet him? A. I think I met him around the lobby several times Sunday afternoon.

Q. When did you next have any private talk with him? A. I think it was Monday.

Q. Yesterday? A. Yes, sir.

Q. Where did that occur? A. It occurred in the little alcove or wardrobe that runs off the south side, or on the west side of the wall in what is known as Calkins' headquarters.

Q. State, as nearly as you can, what conversation you did have with him at that time—the whole of it. A. It was a general conversation. He said that he would vote for Calkins, would like to vote for Calkins, and probably would. He said he had not made up his mind fully as to what he would do.

Q. Did you have any conversation with him at that time concerning money matters? A. No, sir. There was one time I had a conversation with him concerning money matters, and in a general way we were talking, and one of us mentioned it; I think I mentioned the fact that quite a number of the representatives that were here had had money put into their campaigns as contributions to the Republican fund.

Q. At the time they were running? A. Yes, sir.

Q. Did you have any conversation with him at that time concerning the payment of any money for his vote? A. No, sir.

Q. Did he have any conversation with you upon that subject at that time? A. I don't think he did.

Q. When did you next have a private conversation with him, if at all? A. The next time was in room 11.

Q. When was that? A. That was this week.

Q. This week? A. Yes, sir.

Q. Did you ever walk on the street with him? A. We walked up to the next block and back Monday night.

Q. What conversation did you have with him? A. The same general conversation.

Q. Did you have any conversation with him about money matters? A. No, sir.

Q. Did he propose to vote for Calkins in consideration of you paying a thousand dollars, or any other sum? A. No, sir.

Q. Did you propose to give him a thousand dollars, or any sum of money, in consideration of his voting for Calkins? A. No, sir.

Q. Did you, on that occasion, give him any money? A. No, sir.

Q. When did you next have a conversation with Mr. Metcalfe? A. The next was this morning, after that walk.

Q. About what time of day was that? A. I should judge it was pretty near 12 o'clock.

Q. How did you come to have that conversation with him? A. Mr. Metcalfe said he wanted to have a conversation with me, and he said he did not want the Squire men to see it: that they thought he was a Squire man, and so I arranged to hold it in that room.

Q. Room 11? A. Yes, sir.

Q. Where were you when that arrangement was made? A. I think in the lobby of the hotel.

Q. Did you go up to room 11? A. I went to room 11 and went through room 10.

Q. Rooms 10 and 11 have a door going between, and are substantially the one room. A. Yes, sir.

Q. At the time you had the conversation in the lobby, did he state to you any other reason why he wanted a private conversation, other than that he did not want the Squire men to see it? A. No, sir.

Q. How long had you been in the room before he came in? A. I met him in the hallway.

Q. Did you go into the room together? A. We went into room 10, where Judge Calkins was sitting and some others.

Q. How many gentlemen were in room 11? A. I think three.

Q. How long were you in there? A. I should judge four or five minutes.

Q. What conversation did you have, and what reason did he assign for wanting to make that appointment there? A. We were talking of Squire and Calkins.

Q. What did he say, and what did you say? A. He had given me to understand that he was very favorable to Judge Calkins at that time, and he also at that time thought he could get another man for Judge Calkins if he concluded to vote for Judge Calkins himself.

Q. Did he name the other man? A. No, sir.

Q. What did you say to him? A. I told him I would be glad to get the votes.

Q. Did he make any proposition at that time that you should pay him any money for those votes, or of his own? A. No, sir.

Q. Did you make any proposition that you should pay him any money in consideration of his voting? A. No, sir.

Q. Did you give him any money? A. No, sir.

Q. Have you had any private conversation with him since that time? A. I have not.

Q. I wish to submit to you, Mr. Clarke, this scrap of newspaper and to ask you whether or not you ever had that in your possession before to your knowledge? A. Not to my knowledge; I might have read the newspaper somewhere.

Q. I mean that particular scrap of paper in its present form? A. No, sir.

Q. Did you ever deliver that paper in its present form or in any form, to Mr. Metcalfe? A. No, sir.

Q. I will ask you to examine these several bills submitted to you, and to state whether or not you ever had those bills, or either of them, in your possession before? A. Not to my knowledge; not to my knowledge—simply that these are bank bills and I may have had them and not have looked at them to see what they were.

Q. State whether or not you delivered those bills or any bills at any time to Mr. Metcalfe. A. No, sir, I did not.

Q. State whether or not in any of these conversations, or at any other time or place, you gave Mr. Metcalfe any roll of paper, newspaper or otherwise, containing any currency or other money. A. No, sir.

Q. State whether or not you have delivered to Mr. Metcalfe at any time any envelope containing any currency, bills or money of any kind or character whatever. A. No, sir.

Q. Mr. Clarke, what do you say to the truth of this statement of Mr. Metcalfe that you agreed to pay him one thousand dollars and that you did pay him \$500.00 in consideration of his voting for him. A. I say I never did it.

Q. Is there any part of that statement that is true? A. No, sir.

I submit the witness to the committee for cross-examination.

By COL. HAINES: Q. Mr. Clarke, you were introduced to Mr. Metcalfe by Judge Houghton, were you not? A. Yes, sir.

Q. And then had a private conversation with him, had you not? A. A little while after that.

Q. You made an appointment with him to meet him again. A. No, sir.

Q. Did you meet him again? A. I did.

Q. How long after that? A. Several times in the lobby.

Q. Did you have private conversation with him after that? A. I did.

Q. How long afterwards? A. Next day.

Q. Whereabouts? A. On the walk from the hotel up street and back.

Q. Was that in the evening, about the time this excitement occurred in the lobby? A. Yes, sir.

Q. How long did that interview last? A. I don't know; walked up the street and back. I am just recovering from typhoid fever, and could not walk very far.

Q. It was dark, was it not? A. Yes, sir; excepting the electric lights.

Q. It was rather shady where you walked. A. I don't know how shady it was. I didn't take any particular notice of the degree of darkness.

Q. You were somewhat weakened by typhoid fever, and didn't want to walk very far. A. Didn't want to go very far in the damp evening.

Q. At whose request did you go out doors? A. At Mr. Metcalfe's.

Q. For the purpose of having a private conversation? A. Yes, sir.

Q. Were there not abundant opportunities in the rooms which were controlled by Judge Calkins? A. Not at that time; too many friends in the room.

Q. How many rooms were under the control of Judge Calkins in this hotel? A. Six that I know of—seven.

Q. He has this room 10 and 11 that you had this last interview. A. That was included in the seven.

Q. Most of the people were down stairs in the lobby. A. I don't know, sir.

Q. You made no investigation to find out whether rooms 10 or 11 were vacant? A. No, sir; they were not vacant.

Q. How long did this promenade with him out in the twilight last? A. I don't know, as I told you before.

Q. It was very brief, was it not? A. We were not out a couple of hours.

Q. Not more than five minutes? A. I don't know whether we were more than five minutes or not.

Q. Walking out doors on the damp sidewalk was not exactly the proper thing for you in your state of health. A. Not altogether.

Q. Had it not been at Mr. Metcalfe's request you would not have gone. A. I don't know but what I was very willing to go and have a talk with him.

Q. Do you honestly think you were out there for more than five minutes? A. I don't know, Colonel.

Q. When was the next interview you had with him; what time? A. May have had a private talk.

Q. Was it in room 11? A. To-day.

Q. At about 12 o'clock? A. Yes, sir.

Q. Had you any private interview before that time to-day? A. To-day?

Q. Yes, sir. A. It is a question whether you would call it an interview when I saw him.

Q. Did you not make an appointment with him to meet him in room 11? A. I made that yesterday.

Q. Whereabouts was that made? A. In the lobby of the hotel.

Q. Did you not see him this morning and make an appointment to meet him at room 11 at about 11:30 to-day? A. I don't remember whether it was to-day or yesterday. My impression is it was yesterday.

Q. But you did make an appointment to meet him at 11:30 in that room? A. Yes, sir.

Q. And you met him there pursuant to agreement? A. I did.

Q. He wanted a private conversation with you. A. Yes, sir.

Q. Was this the first private conversation you had with him — no one present but him and you? A. No one that I know of.

Q. He was anxious that none of the Squire men should know of your going in there together. A. Yes, sir.

Q. Were you very anxious? A. I didn't care.

Q. But it was impressed on your mind that he did not wish any Squire men to see you together. A. Yes, sir.

Q. Did you look down the hall when you entered the room to see if there were any Squire men? A. I don't think I did. I saw a young fellow walking around with a Squire badge.

Q. You know where room 46 is? A. No, sir.

Q. Do you know where the room occupied by Mr. Burleigh is? A. No, sir.

Q. The subject of your conversation was the procuring of his vote for Judge Calkins, partly? A. The subject of our conversation was the merits of the two candidates.

Q. Didn't you urge him to vote for Judge Calkins? A. Most assuredly.

Q. And tried to get him to get somebody else? A. He made that offer.

Q. Did you say you wanted him too? A. Yes.

Q. In regard to these bills—you do not intend to say that you never had them in your possession? A. No, sir.

Q. Swear you never had them? A. Yes, sir.

Q. Changed your mind? A. I may have had them in business transactions heretofore.

Q. Did Judge Calkins know that you were trying to get Mr. Metcalfe to vote for him? A. No, sir.

Q. Had no knowledge of it. A. No, sir.

Q. Did he know anything about your meeting? A. He saw us go into 11 this morning.

Q. Did he know what you went in there for? A. No, sir; knew nothing whatever in regard to the matter.

By MR. KENNEDY: Did Judge Houghton know that you had private interviews with Metcalfe? A. No, sir; excepting this one this morning.

Q. You stated you took a walk with Mr. Metcalfe at his request. A. Yes, sir.

Q. You may state what you thought his motive was in asking you for a private interview. A. I thought he was getting ready to vote for Calkins. Seems I was mistaken.

(Signed) H. A. CLARKE.

TESTIMONY OF JOHN F. CARERRE.

JOHN F. CARERRE called and sworn.

By MR. THOMPSON: Mr. Carerre, where do you reside? A. Spokane Falls.

Q. How long have you lived there? A. About four years.

Q. And what is your occupation? A. Newspaper man.

Q. On what paper? A. I am not connected with any at present.

Q. What papers have you been on? A. Chronicle and Spokesman.

Q. Do you know Mr. Metcalfe? A. Yes, sir; I don't know him personally.

Q. You know of him? A. Yes, sir.

Q. Are you acquainted with the general reputation that he bears in Spokane, and has for the last few years? A. Yes, sir; I think I am.

Q. Did he have a good reputation there, or a bad one? A. I should say his reputation was bad.

Q. Do you remember at the time of the trial of Mr. J. N. Squire for a violation of the law, that Mr. Metcalfe was the principal witness?

Objected to by Col. Haines.

Q. In what respect was his reputation bad there? A. All I know about his reputation is his testimony given in the Squire case.

By COL. HAINES: We submit that reputation is repute, and not a man's testimony.

By MR. THOMPSON: Q. What do you know about his being a frequenter of houses of ill fame?

Objected to by Col. Haines, and question withdrawn.

By MR. KENNEDY: Do you know Mr. Clarke? A. Yes, sir.

Q. How long have you known him? A. Ever since I have lived in Spokane.

Q. Are you acquainted with his general reputation for truth and veracity? A. Yes, sir.

Q. What is that reputation? A. Very good.

Q. Are you acquainted with the general reputation that he bears for being an honest, upright man in the community? A. Yes, sir.

Q. Is that reputation good or bad? A. Very good; never heard it questioned.

By MR. HAINES: Q. How long have you been here in Olympia this last time? A. Two days.

Q. Are you here in the interest of Judge Calkins? A. No, sir; not in the interest of anybody.

Q. You stated that your knowledge of Mr. Metcalfe's reputation was based upon some testimony that was given. A. Yes, sir.

Q. You know nothing except that? A. Nothing except as a reporter of the police court; that is all I know of Metcalfe.

TESTIMONY OF SAM VINSON.

SAM VINSON called and sworn.

By MR. THOMPSON: Where do you reside? A. Near Roslyn, Kittitas county, this State.

Q. Are you acquainted with Mr. Clarke? A. Yes, sir.

Q. How long have you known him? A. Several years; I don't remember just the length of time.

Q. Where? A. Lived neighbors in Spokane Falls, Spokane county.

Q. And are you acquainted with the general reputation which he bears for truth and veracity in that community? A. Yes, sir.

Q. What is that reputation, good or bad? A. Good.

Q. Are you acquainted with his general reputation for being an honest and upright man? A. Yes, sir; the reputation he has always borne; never heard his name questioned in any place.

By COL. HAINES: You simply mean that you don't know anything yourself that would tend to make him untruthful as a business man? A. No, sir.

Q. That is what you mean? A. Yes, sir; I know him personally and his reputation is good.

By MR. THOMPSON: That is the estimate the people of Spokane Falls place upon him. A. Yes, sir.

By COL. HAINES: Who have you ever heard place that estimate on him? A. I have heard his name mentioned, I guess, hundreds of times, and I never heard his honesty or veracity questioned in any way.

Q. Never heard whether it was good or bad? A. Always heard it said he was an exceedingly good, sober and upright man.

Q. Who ever stated his reputation was good? A. I guess I could mention fifty people. We were neighbors.

Q. The matter seemed to be discussed. A. Yes, sir.

Q. So it was brought up in such a way that at least fifty people found it necessary to say it was good. A. I will explain: Mr. Clarke and myself were neighbors—lived on the same street, and we went down together after our meals. I have heard the question asked of him many times, "Have a drink?" and he would always refuse, saying, "I don't drink." "Have a cigar?" "I don't smoke." That is the way more than any other.

Q. I suppose when a man refuses to take a drink or smoke a cigar in Spokane Falls, his veracity is not questioned. A. That is about it.

Q. You are not interested any with Calkins or Squire in this fight? A. Not directly; no, sir.

Q. And from your badge I should say not. A. I am here for Carroll, principally.

By MR. KENNEDY: You say you are not here directly in their interest; are you here indirectly in their interest? A. I cannot say; I would like to see the Democrats vote for Tom Carroll.

TESTIMONY OF WATSON C. SQUIRE.

SENATOR SQUIRE SWORN.

By COL. HAINES: I wish you would state to this committee what, if anything, you know concerning the matter that is the subject of this investigation; that is, the receipt of this money, or the delivery of this money by Mr. Metcalfe in the House of representatives to-day, or his receiving money, or anything about it. State, if you know anything about it, what you know. A. I don't know anything about it.

Q. When did you first hear or have any reason to believe or suppose that Mr. Metcalfe had this money or any part of it? A. When I was told so upon the return of the members from the capitol to-day.

Q. Do you know anything in regard to the source from which he got it, or anything about it? A. I know nothing about it whatever.

By SENATOR SQUIRE: I would like to make a statement simply with reference to a small matter. I regard it as a small matter, but still, it is one that might be misunderstood. I heard it stated that Mr. Metcalfe had been in my room to-day, after the return of the members from the House. I would state that I was not in my room at any time between the hours of two and seven o'clock—not in either of my rooms. I have 12 and 14, and I have the key to my rooms and had it in my pocket all the time. My room is not open. That I have not seen Mr. Metcalfe to speak with him, for several days, but once. I have not seen him to speak to

him for a week, that I remember, but once, and that was this morning as I saluted him in passing him coming to the hotel.

Q. Are rooms 5 and 6, or either of them, your rooms? A. No, sir.

Q. Who occupies them? A. I suppose they are occupied by Fred Grant and Mr. McGraw.

By MR. GODMAN: Mr. Chairman, it is now 7:30, and we are required to make a report to the legislature at 8:00, and I move you that this committee adjourn subject to the call of the chairman, and that the chairman be requested to report to the legislature that the committee of investigation is unable to finish their investigation at the time allowed, and to ask for further time.

Motion seconded. Motion carried, and committee adjourns subject to call of the chairman.

OLYMPIA, WASHINGTON, January 22, 1891.

Continuation of proceedings before House Committee in re. charges of bribery made by Representative Metcalfe, of Stevens.

TESTIMONY OF HENRY L. WILSON.

MR. HENRY L. WILSON, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows:

By MR. DOOLITTLE: Your full name is Henry L. Wilson? A. Yes, sir.

Q. You reside at Spokane Falls in this state? A. Yes, sir.

Q. State if you are acquainted with Harry A. Clarke. Yes, sir.

Q. How long have you known him, and where? A. I have known him about seven years.

Q. Where has he resided during that time? A. At Spokane Falls, principally, most of the time.

Q. Have you had the means of knowing what the reputation of Clarke has been in Spokane Falls and in Spokane county during the time you have known him, as being an honorable man or otherwise? A. Yes, sir.

Q. State what that reputation has been, good or bad? A. It has been good.

Q. Now, I will ask you to state whether or not you know what his character has been, from your observation of the man's conduct during that time, for honesty. A. I should regard it as exceptionally honest.

(Cross-examination.)

MR. HAINES: Q. Mr. Wilson, Mr. Clarke has been a very active politician since you have known him. A. Yes, sir.

Q. Has taken a very active and earnest interest in every political contest that has been in Spokane Falls since he has been there, has he not? A. Yes, sir.

Q. Is it not the reputation of Mr. Clarke, in Spokane Falls, that he will go to great lengths to secure the success of the side on which he is? A. Not to any extent that is not compatible with honor.

Q. But as far as a man could go with honor; is that his reputation? A. Possibly; he is a strong man, and a strong worker.

Q. He is an intense partisan? A. Yes, sir.

Q. And in a political contest in which he is interested, he is always very much absorbed, and very active and industrious for his candidate. A. Yes, sir.

(Re-direct Examination.)

MR. DOOLITTLE: Q. State what official positions Mr. Clarke has held in that county, during the time you have known him. A. He was clerk of the United States court, of the fourth judicial district, and of the firm of which he was connected—I think they were city surveyors, but I am not quite certain about that; I think his partner was city surveyor—I guess I am wrong about that.

(Re-cross Examination.)

MR. HAINES: Q. What is your business in Olympia at this time? A. My business?

Q. Yes, sir. A. I came to attend to some legislative business, and to look on at the senatorial contest.

Q. Have you been taking any part in this contest, by way of forwarding or attempting to forward the interest of either of the late candidates for the position of United States senator? A. No, sir.

Q. Your brother is a member of congress. A. Yes, sir.

Q. Was not Mr. Clarke a very active and earnest worker for him at Spokane Falls at the last election? A. Yes, sir.

Q. You naturally would feel under some obligation to Mr. Clarke for the work he did for your brother.

MR. DOOLITTLE: I object to that.

MR. HAINES: I do not ask it for the purpose of showing that Mr. Wilson has any dishonorable motive.

A. I do not like to answer the question in that sense.

Q. Well, answer it in any sense that you feel disposed to. A. I should not feel under any sense of obligation that would lead me to give testimony in Mr. Clarke's behalf, that would not be strictly in the line my of belief.

Q. I did not mean to insinuate by my question, that such were the facts. A. Still it might appear.

Q. You have a sense of obligation toward him which makes you feel very friendly disposed toward him, does it not? A. Yes, sir.

Q. And were your sympathies with the side that Mr. Clarke espoused here—Judge Calkins—in the senatorial campaign?

MR. DOOLITTLE: We object as irrelevant, immaterial and improper in cross-examination.

(Argument of counsel.)

MR. GODMAN: I think the question is proper; I think the committee should know on which side Mr. Wilson's sympathies are.

A. I think the question has been answered by a former reply—by former interrogatory, to which I replied: that from the beginning, my position has been strictly neutral, and I adhered to that throughout. There were circumstances surrounding the case that made it essential that I should occupy that position, and I have done that and adhered to that, strictly.

TESTIMONY OF THOMAS H. CAVANAUGH.

THOMAS H. CAVANAUGH, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: Q. What official position do you hold here in the state?
A. Surveyor general of the United States.

Q. State whether or not you are acquainted with Harry Clarke. A. I am.

Q. How long have you known him? A. I have known him since June, 1883.

Q. State whether or not you have had the means of knowing what his reputation has been here in the state for honesty. A. I have. I have known the young man, intimately, for seven years.

Q. What has that reputation been; good or bad? A. It has been good.

Q. Now, state whether or not you have had the means of knowing what his character has been, from personal observation, for honor. A. I have. It is good.

(Cross-examination.)

MR. HAINES: Q. You were on terms of intimate personal friendship with Mr. Clarke, were you not? A. Our acquaintance has been quite intimate; we have been friends ever since I came here.

Q. You are his warm, personal and political friend, are you not? A. I am his warm, personal friend, but we do not always agree in politics.

Q. In the late senatorial contest here, you agreed, however? A. Yes, we were both favorable to Mr. Calkins.

Q. And both active and earnest in carrying along his cause, were you not? A. Yes, sir.

Q. Your personal relations to Mr. Clarke have been close and intimate for several years, haven't they? A. Yes, sir.

MR. DOOLITTLE: Q. Would the fact that your relations have been close and intimate, and that he has been a warm personal friend, have any influence on your evidence here, or has it? A. It would not; no, sir.

TESTIMONY OF F. S. MUSSETER.

MR. F. S. MUSSETER, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: Q. Your first name, Mr. Musseter? A. Francis S.

Q. State whether or not you are acquainted with Mr. Clarke? A. I am.

Q. How long have you known him? A. Thirty years, about.

Q. State whether you have had the means of knowing what his reputation has been, and is in this state, for honesty. A. In this state?

Q. Well, during all the time you have known him? A. I have not known him over four years in this state.

Q. During all the times you have known him, have you had the means of knowing what his reputation has been? A. I ought to have had; I was raised with him, school-mates, and lived together—well, we were living in the same neighborhood very nearly twenty years; we have been in the same community nearly twenty years.

Q. You state then you have had the means of knowing what his reputation is for honesty. A. Yes, sir.

Q. What has that reputation been, good or bad? A. Well, I never heard of it being bad, but I have heard on repeated occasions that it was first-class.

Q. From your own personal observation, what do you say as to his character, whether that is good or bad for honesty? A. You could not make me believe it was bad at all—you could not convince me.

MR. GODMAN: I do not think that is material testimony—what he thinks.

A. What I mean to say is this, that until Metcalfe, of Stevens county, made this charge, I never even heard a whisper against his character from any source—Democrats, Republicans, or any one else.

Q. You say his character was good for honesty, from your own observation.

MR. HAINES: I object to that; the question is, what his reputation is, and that establishes his character.

(Argument by counsel.)

I think that a man's reputation proves his character.

Q. You state, Mr. Musseter, then, that his reputation for honesty has been good? A. I never have heard it questioned; on the contrary, I have heard it repeatedly stated that he could not be guilty of a dishonest act. I never heard it questioned. I remember the first man, distinctly, in this state, who made use of a statement of that kind of a character.

Q. Where do you reside? A. Seattle.

Q. How long have you lived there? A. I do not remember, but it is either three or four years. I was up late last night and don't just remember.

Q. What business are you engaged in there? A. Newspaper business.

Q. What newspaper? A. *Seattle Daily Times*.

(Cross-examination.)

MR. HAINES: Q. You are a warm personal friend of Mr. Clarke, are you not? A. Yes, sir.

Q. You are a man of strong friendship yourself; think a great deal of your friends. A. I think they would bear that out.

Q. And you are very slow to speak ill of the people you like, consequently. A. I do not think that is a fair question.

MR. DOOLITTLE: I object on the ground that it is not cross-examination.

MR. HAINES: If the witness thinks it is not a fair question I will not press it.

Q. Mr. Clarke is a man, so far as his reputation goes, is he not, of strong friendship, and a warm partisan in politics? A. And in every other way.

Q. And in every way? A. Yes, sir; although I am opposed to him politically.

MR. DOOLITTLE: Q. You say you are opposed to him politically. A. Yes, sir.

Q. He's a Republican and you are a Democrat. A. I have associated with the Democratic party since I have been in this state.

MR. HAINES: Q. How have you associated with the Democratic party; as a member of the party, or as a newspaper man?

MR. DOOLITTLE: I object as not being cross-examined.

MR. HAINES: I will leave it to Mr. Musseter; if he don't want to answer that question I will not press him.

MR. DOOLITTLE: I desire to leave it to the committee.

WITNESS: I don't care one way or the other.

MR. DOOLITTLE: I desire to have the ruling of the committee.

MR. GODMAN: I think, inasmuch as Mr. Musseter has been asked by counsel on the other side, whether he was Democrat or Republican, and he answered by saying he had associated with the Democrats, that the question ought to be answered.

WITNESS: It is a small matter anyway, and it won't affect the matter one way or the other. I was, until a few months, secretary of the State Democratic Executive Committee, secretary of the King County Central Committee, and secretary of the Jeffersonian League. I resigned these positions to support a Republican mayor of the city of Seattle.

MR. HAINES: The witness did not answer my question. He is not willing to state his politics; I will not press the question; I do not believe that Mr. Musseter would hesitate to answer. A. If the committee decided, I shall answer the question.

MR. GODMAN: As far as I am concerned it is immaterial; I don't think it cuts much figure in the case.

MR. HAINES: I will ask another question: Are you at present a Democrat or a Republican?

MR. GODMAN: I think that's the proper question.

MR. DOOLITTLE: I will withdraw the objection.

WITNESS: The *Seattle Daily Telegraph*, the organ of the Democratic party, has read me out of the party in an editorial.

Q. Was that with your consent? A. Neither with my consent nor knowledge.

MR. BARLOW: Which did you support, if you supported either, Calkins or Squire, in this contest; who was your preference? A. Knowing that I am a Seattle man, I think that question is unnecessary.

Q. I asked you if you were a Democrat or a Republican—the Democrats supported Tom Carroll. A. I did not support Mr. Carroll.

TESTIMONY OF THOMAS SMITH.

HON. THOMAS SMITH, a witness called on the behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: You are one of the state senators from Whitman county. A. Yes, sir.

Q. How long have you resided in the state? A. About twenty-five years.

Q. Are you acquainted with Harry Clarke, and if so, how long have you known him? A. I am acquainted with Harry Clarke, and have been since 1883.

Q. Have you had the means of knowing what his reputation has been in this state during the time that you have known him, for honesty? A. Well, not particularly, more than one man would know the reputation of another that he was acquainted with and that he had met.

Q. Will you say that you had had the means of knowing what his general reputation was for honesty in the state here? A. I think so.

Q. Now, you may state what that reputation has been, good or bad. A. So far as I know it has been good.

(Cross-examination.)

Q. You don't live in the same town. A. No, sir.

Q. How far do you live from the place where Mr. Clarke lives? A. From his present residence, I live about 80 or 90 miles.

Q. In a different county? A. Yes, sir.

Q. Your relations with him have been particularly intimate or close. A. Well, no.

Q. And have you heard people in Spokane Falls discuss his reputation for honesty and integrity? A. No, sir.

Q. Then, whether his reputation—that is, whether his repute among the people in Spokane Falls is good or bad you don't know, do you? A. I have met Mr. Clarke in Spokane Falls a number of times and I never heard his reputation questioned—never heard it particularly discussed.

Q. There being simply an absence of adverse criticism, or favorable criticism, you assume that he is a 'man of good reputation, upon the theory that a man is innocent until proven guilty. Is not that about the mental process by which you arrived at that conclusion? A. I have met Mr. Clarke a number of times since 1883, and I have met a good many other gentlemen who have met him, and I formed a favorable opinion of him, and I have never heard his honesty or integrity questioned. I thought that he was an honest man, and that is all I know about him.

MR. DOOLITTLE: Q. And what about your being acquainted generally with people in Spokane Falls, people who have resided there during a

considerable time, during the time you have been acquainted with him?
A. I am acquainted with quite a number of gentlemen in Spokane Falls.

Q. With all the older residents of Spokane Falls, and business men, are you not? A. No, sir; not all of them.

TESTIMONY OF EUGENE A. ROUTHE.

Major EUGENE A. ROUTHE, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: Q. What is your full name, Major? A. Eugene A. Routhé.

Q. Where do you reside? A. Spokane Falls.

Q. How long have you lived there? A. Nearly five years.

Q. You are acquainted with Harry Clarke? A. Yes, sir.

Q. You have known him about how long? A. I have known him about three or four years.

Q. Have you had the means of knowing what his reputation has been in Spokane Falls, in this state, for honesty? A. Yes, sir, I think I have by observation and by contact with him in business affairs.

Q. And by what people say of him? A. Yes, sir; and of his position in the community.

Q. Has that reputation been good or bad? A. Very good. I have always regarded him as an honorable, upright, conscientious, fair-dealing man.

Q. You and he have not been associated together in political matters; that is, working together? A. No, sir; he and I are opposed to each other.

Q. For what length of time prior to this date? A. Oh, five or six months.

(Cross-examination.)

MR. HAINES: Q. You say you were opposed to each other? A. Yes, sir.

Q. Were you opposed to each other in this senatorial contest just decided? A. No—why, yes; we were I suppose. I never asked Harry what his position was, but it was generally understood he was for Calkins, and it was always known that I was for Mr. Squire.

Q. You are not one of those whose leanings on that subject have become manifested since the election in regard to the choice of Senator? A. Well, I should think they were—it has been suspicioned that I was a very strong Squire man.

Q. That was known before this election? A. Yes, sir, before and since.

Q. How intimate has been your acquaintance with Harry Clarke? A. Well I was in his office off and on nearly every day for two or three years, and when he was engaged in the civil engineering business he was in my office as often.

Q. Do you now reside in Spokane Falls? A. Yes, sir.

Q. Has your acquaintance with him of late years been as intimate as it was formerly? A. No.

Q. Has your knowledge of his reputation continued to be as good up

to the present time, as it was two or three years ago? A. Well, I should think it is; he has been around very frequently. I have not heard any thing derogatory to his character.

Q. Do you take much interest in politics, sir? A. Yes, sir.

Q. Have you been a candidate for office during that time? A. No.

Q. Mr. Clark is an active politician, and always has been since you have known him? A. Yes, sir, very.

Q. A man that is very anxious to win, when he starts in to make a fight, is he not? A. Yes, he is a vigorous worker.

MR. DOOLITTLE: We object to that; I think that ought to be stricken out, I do not think that going into these matters will throw any light upon the matter under investigation.

MR. GODMAN: I think this testimony is admissible, motion to strike out will be disallowed.

Q. What is Mr. Clarke's business? A. I don't know, I suppose it is his old profession, civil engineering.

TESTIMONY OF C. G. AUSTIN.

HON. C. G. AUSTIN, a witness called in behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: Q. You are senator from Garfield county. A. Yes, sir.

Q. Are you acquainted with Mr. Clarke? A. Yes, sir.

Q. How long have you known him? A. Nearly three years, off and on.

Q. Have you had the means of knowing what his general reputation for honesty has been, since you have known him? A. Well, I became more intimately acquainted with him last winter, during the session of the legislature, for about five months, that would practically be the only means.

Q. You have had that means of knowing what his reputation was. A. Yes, sir.

Q. State what that reputation has been, good or bad? A. Good.

(Cross-examination.)

MR. HAINES: Q. How intimately have you known Mr. Clarke? A. Well, during the five months session we had last winter, we became quite intimately acquainted.

Q. Is that all the acquaintance you have had with him? A. Oh, no; I had known him before, but not so intimately.

Q. You were living in Spokane Falls. A. No, sir.

Q. Where have you been living for the last year? A. My home has been Pomeroy.

Q. Have you spent much time there? A. Not very much.

Q. Your time has been spent principally in the city of Seattle? A. No, sir.

Q. Whereabouts? A. On the road the majority of the time.

Q. Between Seattle and where? A. All over the eastern part of the state.

Q. How much of your time has been spent in Spokane Falls? A. Not very much.

Q. You are engaged, and have been, in the wheat business. A. Yes, sir.

Q. Your travels have been principally in the wheat fields and districts of Eastern Washington. A. Yes, sir.

Q. Mr. Clarke's residence and business has not been among those people during that time. A. I think not.

Q. They didn't raise much wheat in the city of Spokane Falls. A. Not that I know of.

Q. And that is not part of the business of civil engineer—that is, he has nothing to do with the wheat business in that part of the country? Not to my knowledge.

Q. And your testimony in regard to his reputation, simply relates to your personal intercourse with him. A. That is right, yes, sir; of course what I have heard connected with him—I never heard anything derogatory.

Q. You never investigated it at Spokane Falls. A. No, sir.

Q. Your official relations with him were pleasant, and for that reason you want to speak a kind word for him. A. I am not induced to speak a kind word any further than speaking of what I believe to be the common sentiment of the people where he lives, the people who knew him; and last winter gave me that opinion of him.

Q. Those were people who had been elected for office from that county, principally. A. Well, the whole senate you might say; he was associated a good deal with us, and we became quite intimate with the man in five months.

Q. You became familiar with his reputation through people who had been elected to office in that county and other counties— A. Well, whether that was ever brought up or not, I don't know.

Q. I know, but these were people from whom you derived this knowledge, representatives in the legislature. A. Yes, practically so.

Q. You knew that Clarke was an active and industrious politician in Spokane county, did not you? A. No, I did not know he was a politician.

Q. Well, that he claimed to be. A. He never claimed to be to me.

Q. You don't know that. A. No, sir.

Q. Do you mean to say that you do not know that Harry Clarke is a politician in Spokane county? A. I mean to say I don't know. I don't know that he ever ran for office.

Q. Do all politicians run for office? A. Well, nearly so. That has been my experience.

Q. There are politicians who do not run for office. A. Well, if they don't run, they want to.

Q. But they do not run. Now, don't you know that Harry Clarke had held office in Spokane county? A. No, sir.

Q. Did he not hold an office and run for office in the legislature in the State of Washington? A. Not that I know of.

Q. What was his position? A. Had an office in the legislature—that is as attache to the legislature, sergeant-at-arms of the Senate.

Q. Would not that qualify him, then, in your estimation, as a politician? A. No, sir, not at all.

Q. Then your definition of a politician is not that of a man that runs for office or holds office. A. That is not necessary either.

Q. What do you mean by politician? A. A man who is always in politics, either running for office or making speeches for his friends or party's nominees; making a business of it, is what I term a politician; but the man who has a separate business, a distinct business on which he depends for a livelihood, I do not consider, in the true sense of the word, a politician.

Q. Well, your definition of a politician would limit that class to a very few in this state, would it not? A. Yes, sir.

Q. Most everybody who has anything to do with politics has something else on which to depend for a livelihood. Now, take the term in a narrower sense, that is, a man who takes an active, ardent interest in politics, works in politics for his friends and against his enemies, would you not consider from your knowledge of the reputation of Mr. Clarke, that he was a politician? A. No, sir, I simply consider him a good citizen. I think every citizen should take an interest in the politics of his country.

Q. Don't you know he took an interest, a marked interest, in the politics of Spokane county? A. No, I do not.

Q. Your knowledge of his reputation never went that far. A. I had a limited passing acquaintance with Harry Clarke up to last winter.

Q. Did your knowledge of his reputation derived from the people who knew him, go sufficiently far to inform you that Harry Clarke is a Spokane county politician? A. No.

Q. I would like to ask you if you found yourself and Mr. Clarke on the same side of the senatorial contest, working together in this matter this year? A. The question has never been mentioned between Harry Clarke and I since I have been in the city.

Q. You have been active in the support of Calkins. A. Yes, sir.

Q. Do you not know that Harry Clarke was active in his support too? A. I had every reason to believe it, but the question was never mentioned between us.

MR. DOOLITTLE: Q. Has that fact had any influence on you whatever in your testimony before this committee? A. No, sir, not at all.

TESTIMONY OF SENATOR VAN HOUTEN.

SENATOR B. C. VAN HOUTEN, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: You are one of the senators from Spokane county. A. Yes, sir.

Q. How long have you resided in Spokane Falls? A. I have been in Spokane Falls most of the time since 1883.

Q. You are acquainted with Harry Clarke. A. I am.

Q. How long have you known him? A. I met him the first time in 1885, in the winter.

Q. Since you have been acquainted with him, have you had the means of knowing his general reputation for honesty up there at Spokane Falls?

A. Only as my business connections with him —

Q. What people say about the man generally; what his general reputation has been? A. Good, as far as I know.

Q. You have had the means of knowing. A. Only just —

Q. By living in that community. A. Yes, sir.

Q. What has that reputation been, good or bad? A. Good, as far as I know.

(Cross-examination.)

MR. HAINES: You do not mean to say that you have never heard anything bad said about Harry Clarke in Spokane county?

MR. DOOLITTLE: I object unless it is qualified as regards his honesty.

MR. HAINES: I will qualify that question—in regard to his honesty. You do not mean to say that you never heard anything said by anybody in Spokane county that reflected upon his honesty, do you? A. Well, I have heard people say things about him, at the time he was engineer—trifling matters I never paid any attention to, at the time he was connected with the department in some way. It is a matter so entirely from my mind that I do not recollect the facts.

Q. You have heard his honesty questioned in Spokane Falls in some manner, have you not? A. Well, I don't know; that is a hard question for me to answer. I do not know that I have heard the word honesty used about it, no more than he was a schemer—you can construe that. That is the only construction that I can give—

Q. That he was a schemer in business and politics both? A. Yes; I think that would refer mostly to business.

Q. It was not said in any complimentary sense, was it? A. Well, I don't know how they did; it was a sort of a general conversation.

Q. You did not regard it as complimentary though, did you? A. Well, that would hardly be a compliment; I should not regard it so, that is true, in any way.

Q. Have you not heard it said in Spokane Falls by people there that he was tricky in politics? A. I do not remember that I have; at this time I could not state any particular cases.

Q. Have you not heard charges made against him of dishonesty in his business? A. I do not remember that I have directly, or indirectly, I may say.

Q. Are you acquainted with Mr. Louis Zeigler, of Spokane Falls? A. I am.

Q. Ever talk with him about Mr. Clarke? A. I never have; no, sir.

Q. When you say that his reputation is good, you do not mean, do you, that you never heard anything against him in Spokane Falls? A. No, I mean in a general way.

Q. In other words, you have heard more good things said about him than you have bad things? A. I have.

Q. That is what you mean by your testimony, is it not? A. Yes.

(Re-direct Examination.)

MR. DOOLITTLE: Q. You are not able to recollect anything bad being said by any individual about his honesty in Spokane Falls. A. No, sir.

MR. HAINES: Q. You do remember that such things have been said as to his honesty. A. Well, I do not remember as to that. I think I have stated I have heard said he was a schemer. Of course a man can construe that as he likes.

MR. BARLOW: Q. Who did you support, Calkins or Squire for Senate? A. Senator Squire.

MR. DOOLITTLE: Q. You were on opposite sides as regards the political contest just closed. A. Yes, sir.

TESTIMONY OF L. F. THOMPSON.

SENATOR L. F. THOMPSON, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: Q. You are one of the senators in the state legislature from Pierce county. A. Yes.

Q. Are you acquainted with Harry Clarke? A. Yes, sir.

Q. Sergeant-at-arms of the Senate last winter. A. Yes, sir.

Q. How long have you known him? A. I think it was about the first of December I met him here, 1890.

Q. You may state since that time, what means you have had of knowing his general reputation for honesty here in this state.

MR. HAINES: I object to that; it should be confined to Spokane Falls. The legal inquiry is what his reputation is in the neighborhood where he resides.

MR. GODMAN: I think he may answer the question yes or no, if he has had the means of knowing.

Q. Well, have you had the means of knowing? A. Well, during the five months of the session, I was every day in his presence, and I had business with him almost every day; he always appeared to me to be like a very honorable man.

MR. GODMAN: Your knowledge of his reputation for being an honest man is confined solely to your knowledge of him in the legislature. A. That is as far as I know Mr. Clarke; it was just the intercourse that I had with him while I was in the legislature. I think I met him once at Gray's Harbor.

(Cross-examination.)

MR. HAINES: Q. His position here in the legislature was that of a subordinate officer in the Senate. A. Yes, sir.

Q. And you were a member of the Senate. A. Yes, sir.

Q. These officers were under the control of the Senate. A. Yes, sir.

Q. And were subject to removal at any time in the Senate? A. Yes, sir.

Q. And undoubtedly any officer would have been removed if their conduct had not been proper and honest, and such as an officer in that position should display? A. Well, yes, I suppose so.

Q. It was for their interest to keep straight. Your knowledge of his character is derived from intercourse you had with him in that position and situation, and the relations which you sustained toward him in that position? A. Yes, sir.

Q. You never lived in Spokane Falls? A. No, sir.

Q. Have you lived on the west side of the mountains ever since you have resided in this State and Territory? A. I have lived for forty years here.

Q. In the Puyallup valley? A. On the west side of the mountains.

Q. And your business has not been such as to throw you in contact with the neighbors, and business acquaintances of Mr. Clarke? A. No, sir.

MR. DOOLITTLE: Q. Mr. Clarke served during the whole of the session, didn't he, and was not discharged at all? A. No, sir, he was retained through the entire session.

Q. No complaint was ever made of him? A. No, sir, none that I ever heard of.

MR. HAINES: Q. Have you been here at all through the late Senatorial contest? A. I have been all through it.

Q. And you now live in Pierce county, do you not? A. Yes, sir.

Q. And you have been an active supporter of Judge Calkins? A. Yes, sir.

Q. You have been on the same side that Mr. Clarke has, have you not? A. Well, I never had any words with Mr. Clarke, I merely supposed he was for Mr. Calkins.

Q. You have not had any doubt on that subject? A. No, sir.

TESTIMONY OF N. H. OWINGS.

COL. N. H. OWINGS, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows.

MR. DOOLITTLE: Q. You reside in Thurston county? A. Yes, sir.

Q. You are one of the senators of this county to the present legislature? A. Yes, sir.

Q. Are you acquainted with Harry Clarke? A. Yes, sir.

Q. How long have you known him? A. I think it was in 1881, 1882 or in 1883—it was certainly about that time, my impression is that he came here in 1882. At that time he came to me with a number of letters of introduction, one was from Senator Teller, who was sent to the U. S. Senate from Colorado, stating that he had known Mr. Clarke for a great many years and that he was a very worthy young man and would take it as a personal favor if I would assist him in any way, or render him any service that I could.

Q. Since you became acquainted with him, have you had the means of knowing what his general reputation has been for honesty? A. Yes, sir.

Q. Well, now, what has that been, good or bad? A. So far as I know—I have had some personal dealings with him and found him a very upright man.

Q. I speak of his general repute, his reputation what every one says of him? A. I am well satisfied that his general reputation for truth and veracity is good.

Q. And for honesty? A. Yes, for honesty, my experience has been that.

(Cross-examination.)

MR. HAINES: Q. You reside in the city of Olympia, do you not, senator? A. Yes, sir.

Q. And have resided in that city ever since you lived in the territory and state. A. Yes, sir.

Q. Did Mr. Clarke ever live in the city of Olympia? A. Yes, sir.

Q. Through what years? A. Well, he made this his home until he went to Spokane Falls, I do not recollect when that was, but he published a paper here at one time.

Q. Did he practice his profession of civil engineer or surveyor while here? A. Yes, sir, I think that was what he was engaged in, that is my recollection, that he was engaged in public surveys.

Q. Connected with the surveyor general's office. A. Yes, of course, it was under the supervision of the surveyor general's office.

Q. Who was the surveyor general while Mr. Clarke was working under his supervision? A. Gen. McMicken, I think.

Q. Now residing here, is he? A. Yes, sir.

Q. You have taken some little interest in the recent senatorial election, haven't you senator? A. Yes, sir.

Q. And have been rather anxious to see Judge Calkins elected. A. Yes, sir, exceedingly so.

Q. You were working in harmony with Mr. Clarke to secure that end. A. Yes, sir.

Q. Mr. Clarke worked vigorously, actively and earnestly to secure that result. A. That was my understanding.

Q. That is the way he usually worked, is it not? A. Yes, sir.

Q. Just the way you do. A. Yes, that's right.

Q. Do you mean to say, Senator, that you have never heard any body make charges or attacks upon Mr. Clarke's character, either for honesty or truth, or veracity, prior to this investigation or what lead to this investigation, do you mean to say that? A. Yes, sir, not that would have any weight I think with a sensible, reputable man.

Q. But still the charges have been made. A. I do not now recollect. I have a vague opinion that I have heard some one say that he was bad, just as they do of every man, that there was something wrong about him, and I do not now recollect a single, solitary man that ever said that to me. There is a vague impression in my mind that some one, at some-time, has said something about him but I have no recollection who or when it was.

Q. Still you have that impression in your mind, that such charges have been made. A. Yes, sir.

Q. Do those charges relate to his conduct in the line of his profession? A. No, I think not.

Q. Did they relate to his conduct in politics? A. My recollection is that there was some fault found with him about things that he said about people, in the paper that he was connected with.

Q. Have you not heard his conduct as a surveyor, under the supervision of the surveyor general, criticised so far as its honesty was concerned? A. No, sir, I think not, I never heard that.

Q. Have you not heard persons say that he was tricky in politics? A. No, sir, I never did—well now let me see, perhaps I have, I do not now recollect who it was, or what date it was. I have heard that I think, about every public man perhaps in the state in a vague way, and perhaps he has not escaped any more than you or I.

Q. But he has gone in with the general proposition, that all politicians are alike. A. Yes, he meets with the same fate.

Q. Have you not heard people charge that he had used questionable means to obtain success in politics? A. No, I think not, I do not remember any charge of that kind.

TESTIMONY OF ALEXANDER WATT.

SENATOR ALEXANDER WATT, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: Q. You are one of the state senators from Spokane county. A. Yes, sir.

Q. Are you acquainted with Harry Clarke? A. I am.

Q. How long have you known him? A. About four years.

Q. Where has he lived since you knew him? A. Part of the time in Spokane Falls, the rest of the time I think he was on the Sound.

Q. Have you had the means of knowing what his general reputation has been for honesty? A. I never heard it questioned.

Q. Have you had the means of knowing what his reputation has been? A. Well, probably I have, yes.

Q. What has that reputation been, good or bad? A. Been good, generally; always been good.

(Cross-examination.)

MR. HAINES: Q. How far did you say you lived from Spokane Falls? A. About twenty-five miles.

Q. Do you mean to say, Senator, that you have never heard anything said about Mr. Clarke that reflected upon his honesty? A. Well, I say this, that during the campaign, the opposite party made some claim of that kind, but it was just such talk as occurs very frequently about any person—most any person.

Q. The talk was to the effect, was it not, that Mr. Clarke's methods in politics were not altogether honorable? A. I do not know that that was claimed in that light exactly; it was only claimed that he didn't give them a fair show in politics, or something of that kind.

Q. And haven't you also heard it claimed that Mr. Clarke would resort to means to secure success, that were not altogether honest or fair? A. I will say this, that this claim came from the democratic party—that is, just from a few individuals; it was not believed.

MR. DOOLITTLE: It is evident that the question is misunderstood by the witness, from his answer; I think the answer ought to be stricken out as not responsive to the question.

A. I will say this, it was made by individuals we placed no confidence in at all.

MR. GODMAN: Because it came from the democratic party, you did not believe it. A. No, it was members of the party who were talking at random.

MR. DOOLITTLE: The question is, as to whether these were claims that Harry Clarke was a dishonest man.

MR. GODMAN: We overrule the objection.

MR. HAINES: These claims being from democratic sources, naturally did not have very much weight with you; is not that the fact? A. That is the fact.

(Re-direct Examination.)

MR. DOOLITTLE: Now, Senator, in answer to the question as to charges having been made regarding Mr. Clarke's honesty or fairness, I desire you to state to this committee whether or not charges of dishonesty regarding money matters, or anything of that kind, has ever been made against Mr. Clarke, to your knowledge. A. No, sir.

Q. Now, when you speak of these charges having come from democratic sources, I wish you would state to this committee whether that makes any difference whether a reputable democrat tells you of a fact, or any one else, whether you have any bias or prejudice against his statement on the account of being a democrat or republican. A. It would be owing to circumstances.

Q. Please explain. A. If it was during a hot campaign, it would have little weight, for there is a great many things said that are not meant at all, otherwise in would be of the same weight.

MR. GODMAN: You mean to say that you would place more weight on what a republican would say about a democrat, than what you would on what a democrat would say about a republican during the campaign? A. No, sir, I think they are just alike.

Q. You think the republicans and democrats are just alike during hot campaigns? A. Yes, sir, I place them on the same footing.

MR. HAINES: Q. Is it a fact, Senator, that in politics you place republicans and democrats on the same footing? A. Well, when they are campaigning, they are very nearly alike in their methods.

Q. You regard the methods of both parties as always reputable and honest? A. As far as my experience in that line is concerned, I do.

Q. Then do you regard it as reputable and honest for people to make charges of this kind, unless they are true? A. I should not think it was quite reputable unless proven.

MR. DOOLITTLE: Q. There is never any thing of this kind been proven against Mr. Carke? A. No, sir.

MR. HAINES: Q. Was there ever a judicial investigation in which his conduct as a politician could have been proven to be one way or the other? A. No, sir, not until this one.

MR. DOOLITTLE: Q. There was never any necessity for that. A. No, sir.

MR. HAINES: Q. There is no necessity in your mind as a republican. A. No, sir, none that I know of.

Q. Don't you think that the democrats who made these charges might have thought that there was necessity for an investigation? A. I don't know what they thought, I know what they said.

MR. DOOLITTLE: Q. You have not been on the same side in this senatorial contest with Mr. Clarke. A. No, sir, I think not; I don't know exactly for I have not talked to Mr. Clarke about matters.

Q. You have earnestly been working for Senator Squire during the campaign. A. I have been a supporter of Senator Squire.

TESTIMONY OF A. V. RAGSDALE.

Hon. A. V. RAGSDALE, a witness called on behalf of Mr. Clarke, after being duly sworn testified as follows.

MR. DOOLITTLE: Q. Where do you reside? A. Spokane.

Q. How long have you lived there? A. About five years.

Q. Are you acquainted with Harry Clarke? A. Yes, sir.

Q. How long have you known him? A. I do not remember just how long I have known him — three or four years.

Q. Do you know what his reputation is at Spokane Falls, and generally here in the state for honesty? A. Well, do you have to have a direct answer to that question?

Q. The question is, whether you know what his reputation is? A. Well, I think I do.

Q. What is that reputation, good or bad? A. It is generally considered good.

Q. You and Mr. Clarke were working on opposite sides in this senatorial contest. A. Yes, I think so.

Q. You were for Squire. A. I am very sure I was for Squire.

(Cross-examination)

MR. HAINES: Q. How long have you lived in Spokane? A. It will be five years the first of next month since I went to Spokane.

Q. Has your business thrown you in contact with Mr. Clarke very much? A. I think we never had any business relations.

Q. You say that his reputation is generally considered good? A. Well, so far as I know it, I know nothing to the contrary.

Q. Haven't you heard it charged in Spokane Falls that Harry Clarke was tricky in politics? A. I think not, yet I am not an old war horse in politics.

Q. Have you not heard him charged with using unfair means in politics? A. Not that I remember of.

Q. Have you been so situated toward Mr. Clarke that it would be a matter of special interest to you to know whether his reputation was good or bad? A. No, I think not.

Q. Your life in Spokane would be just as happy and as comfortable if his reputation was bad, as if it were good.

MR. DOOLITTLE: We object; that is not cross-examination.

MR. GODMAN: Objection sustained.

Q. Was it of any interest to you whether it was good or bad? A. No more than any other citizen.

Q. Are you a member of the present legislature? A. Yes, sir.

Q. You and he were on the same side in the last campaign, in that county, were you not? A. Yes; however, I think that I came in there just about the time the campaign was over; that is, our last county and state election.

Q. I mean the election in which you were elected a member of the House. A. I don't think I ever had a moment's conversation with Mr. Clarke in regard to it. I could not have told him until he came down here, which side of the House I am on.

Q. Whether democratic or republican? A. I don't mean that.

Q. That's what I mean. A. As far as that's concerned we are on the same side.

Q. And in the campaign in which you were elected a member of the House he was an active worker for the success of the ticket on which you were. A. I think so.

Q. And he is considered quite an active republican politician, is he not? A. Yes, sir.

Q. A vigorous and earnest worker. A. Yes, sir.

(Re-direct Examination.)

MR. DOOLITTLE: Q. Do you know anything about the fact of Mr. Clarke being confined to his bed with typhoid fever during the last campaign? A. I do not. I met Mr. Clarke in the hall the other day, and noticed he was looking thin, and I spoke something about it, and then it occurred to me that I had known he was sick.

Q. You do not recollect meeting him, during the last campaign, in the field? A. No, as I said before, I do not remember meeting him, or having any conversation with him at all.

MR. HAINES: Q. Don't you remember he took a very active part in the primary election, just prior to the last campaign? A. Well, I don't remember; I was on the U. S. grand jury at the time, and was shut up for three or four days about that time, and I was not at the convention myself at all, only for about fifteen minutes one evening.

Q. Don't you know — haven't you understood that he was actively engaged in the primary election?

MR. DOOLITTLE: I object to that.

MR. HAINES: I will withdraw it.

Q. By being shut up, you mean shut up in the grand jury room. A. Yes, sir.

MR. DOOLITTLE: Q. While you were a member of the grand jury? A. Yes, sir.

TESTIMONY OF P. F. QUINN.

MR. P. F. QUINN, a witness called on behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: Q. Where do you reside? A. Spokane Falls.

Q. How long have you lived there? A. About two years.

Q. What official position, if any, do you hold there? A. City attorney.

Q. Are you acquainted with Harry Clarke? A. Yes, sir.

Q. How long have you known him? A. About two years.

Q. Have you had the means of knowing what his general reputation has been for honesty, at Spokane Falls, and generally in the state? A. Well, the same means that any other practitioner would have, a personal acquaintance with him in the city generally.

Q. Then you would say, you had the means of knowing what his general reputation for honesty was. A. Yes, sir.

Q. What is that reputation, good or bad? A. Good.

(Cross-examination.)

Q. How long have you lived there? A. About two years.

Q. Are you a republican in politics? A. No, sir, I am a democrat.

Q. You never heard any thing charged, against Mr. Clarke, to the effect that he was tricky in politics. A. No, sir, I never did.

Q. His reputation then as an honest party politician, is good with the democratic party. A. As far as I know, yes.

Q. You never knew him before you came there, two years ago. A. No, sir.

Q. Are your business relations with him at all intimate? A. Yes, I should say so; he was clerk of the court there, while I was practicing.

Q. For how long? A. I do not remember just how long.

Q. Were you ever his attorney? A. No, sir, I never was.

Q. Have any business relations with him at all, except as clerk of the court? A. No, sir.

Q. Have lived near him. A. We live in different parts of the city.

MR. GODMAN: Q. You say you have only been in Spokane two years. A. Yes, sir.

Q. And have been city attorney. A. I am city attorney now, and have been since last April.

MR. DOOLITTLE: Q. Mr. Clarke has resided there all this time. A. Most of the time.

Q. That has been his home. A. Yes, sir.

TESTIMONY OF W. C. JONES.

HON. W. C. JONES, a witness called on the behalf of Mr. Clarke, after being duly sworn, testified as follows:

MR. DOOLITTLE: Q. You are the attorney general of the state, Mr. Jones. A. Yes, sir.

Q. Have resided in Spokane Falls. A. I do.

Q. Are you acquainted with Harry Clarke? A. I am.

Q. How long have you known him? A. Since 1884.

Q. Have you had the means of knowing, during that time, what his general reputation has been for honesty? A. For the last four years I have been more intimately acquainted with him and his reputation in the community in which he lived.

Q. What has that been, good or bad? A. Good.

(Cross-examination.)

MR. HAINES: Q. Did you ever hear it questioned? A. I never heard anybody question his reputation for truth and veracity and honesty.

Q. Haven't you heard it charged against Harry Clarke, that his political methods were not altogether honest or fair? A. Not that I remember.

Q. You never heard the charge against him of political trickery? A. No, sir; I have heard it said that he was a good politician, if that is what you mean.

Q. He is regarded as a very earnest and active politician as well as a good one. A. Yes, sir.

Q. And regarded as a man who would resort to all means that good politicians usually resort to to attain success. A. I am not sure what you mean by good politicians in the sense you use it.

Q. I used it in the sense that you used it. A. Well, I would not say that I ever heard that particular language used about him. I know that his reputation as a politician was, that he was active and vigorous.

Q. And not apt to lose any points that a good politician would take up. A. I believe that's right.

Q. He was a supporter of yours in your campaign for the position you now hold, was he not? A. Let's see, he was not chairman of the central committee that year. I believe he was a supporter of mine; I assume he supported me; I never asked him anything about it. The reason I hesitated was because he was chairman of the central committee that year; I know it.

Q. You believe he supported you. A. Yes, sir.

Q. You feel friendly toward him. A. Yes, sir.

Q. Personally and politically. A. Personally and politically.

(Re-direct Examination.)

MR. DOOLITTLE: Q. He never has done anything to forfeit your friendship. A. Not that I know of.

Q. In answer to Col. Haines you said that he would use the means of a good politician. You do not, by that answer, intend to have the committee infer that they would employ disreputable methods? A. No, sir.

Q. Would it involve the use of money honestly? A. Yes, sir; it would. Money would be used honestly for the purpose of printing

tickets, and for the purpose of printing such literature as was necessary, to the hiring of hacks, etc. That's all the money I knew him to use.

Q. Would you consider it a dishonest use of money to pay it to a member of the legislature for the purpose of defraying his campaign expenses? A. Well, that might be a proper use of money, I could hardly say that that is a reputable use of money in the campaign, unless it was in connection with the general work. But where there was a common fund contributed and disposed of in that way, for the benefit of all of them, I think it would be; I know a portion of the expenses of my political campaign was paid by the central committee. I considered that was honorable for them to do so, for I incurred particular expenses for the entire ticket.

Q. Would you consider it dishonest for an individual to pay the campaign expenses for another individual who had been a candidate for the legislature? A. It might, or it might not be; if I had a friend running for office, too poor to pay the expenses, it would depend on whether it was for corrupt motives, whether it was dishonorable or not.

Q. You stated that you are a political friend of Mr. Clarke's; do you wish it to be understood by that, that you were on the same side as he on the senatorial contest? A. I do not.

Q. How was that? A. I was not on either side of this fight, both were personal friends.

Q. On the fence. A. No, sir; they were both personal friends of mine, and I told both of them frankly, long before the campaign started, that I could not help one, without doing an equal amount against the other.

Q. What I meant by on the fence, was, that you was on neither side of the fence. A. I did not consider it that way; they were both friends of mine, and I could not take sides against either one.

TESTIMONY OF JAMES O'NEIL.

SENATOR JAMES O'NEIL, a witness called on behalf of Mr. Metcalfe, after being duly sworn, testified as follows:

MR. HAINES: Q. Give your full name. A. James O'Neil.

Q. Where do you reside? A. Chewala is the last place of residence.

Q. What county? A. Stevens county.

Q. Are you joint senator from Stevens and Spokane? A. Yes, sir.

Q. How long have you resided in Stevens county? A. Twelve years, and a little over.

Q. Are you acquainted with John Metcalfe, the representative from Stevens county? A. Yes, sir.

Q. How long have you known him? A. I have known him personally about four months. I have known him ten or twelve months by reputation.

Q. How long have you known him by reputation? A. Ten or twelve months by reputation. That was the first I knew of him.

Q. Are you acquainted with his general reputation for truth and veracity, and for honesty, in the neighborhood where he resides? A. He

stands very good—very high, about Springdale; his place of residence is 18 or 20 miles from my place of residence.

(Cross-examination.)

MR. DOOLITTLE: Q. You say you have known him how long, Major?

A. About four months since I was introduced to him, at the time of the county convention.

Q. You never had known him prior to that time. A. Never had met him prior to that time.

Q. Now, you say that his reputation has been very good for honesty, and for truth and veracity. A. Yes, all that I have heard of him.

Q. How many people did you ever hear say that his reputation was good, for honesty? A. A good many, about election time, in his neighborhood.

Q. Now, have you heard that questioned on the other hand, that he was not an honest man? A. Never.

Q. Never heard that questioned by any one. A. Never, except within a day or two here.

Q. Now, have you ever heard any one say that he was a truthful man? A. I don't know that I have ever heard them use those words, that he was a truthful man. He had so many friends that they made him chairman of the county convention, when we went to make our nominations.

Q. How long had he been in that county? A. I don't know how long he had been there. I had heard his name mentioned only a year or ten months.

Q. Had he been living in that county, Major? A. I think about eight or ten months.

Q. He lived eighteen miles distant. A. Yes, sir; south.

Q. Did you have any business relations to any extent with people who lived near him? A. I was county auditor, I had a great deal to do in his neighborhood.

Q. Were you frequently in his neighborhood holding conversations with people, regarding this man's honesty, and regarding his truth? A. No, sir.

Q. Did you ever go over and make inquiries regarding it? A. I had no occasion to do that.

Q. No occasion to do that at all. A. No, sir.

Q. Now, Major, did you ever hear of this man's reputation in Spokane Falls, as to his going into saloons on Sunday's, and there playing cards and drinking liquor, and afterwards making complaint before a magistrate, and having these parties arrested in whose saloons he played cards and drank, on the Sabbath day? A. I never heard that at all until the other day here.

Q. If a man did that, would you consider him a man of good reputation and character?

MR. HAINES: We object.

MR. GODMAN: Objection sustained.

Q. Had you known that to be the case, suppose that was the case, would

you then—suppose you had known that to be the case, would you then have come here to testify that this man bore a good reputation?

MR. HAINES: We object.

MR. DOOLITTLE: If it is not connected, it may be stricken out.

MR. GODMAN: I think you should show that first.

MR. DOOLITTLE: I thought that Mr. Metcalfe admitted that on the cross-examination. He admitted that he went into saloons, in Spokane Falls, on Sunday, and there engaged in playing cards and drinking liquor, and afterwards went and made complaint in behalf of a good Templar's organization, or something of that sort, and had those parties who sold the liquor under these circumstances, on Sunday, arrested.

MR. GODMAN: If that is true, that is a question before this committee; if he has made that admission that is a question for this committee to take into consideration in regard to the honesty of the man; but it is not competent to call a witness here and say, "If that be true, would you believe him to be an honest man."

MR. DOOLITTLE: I ask him if these things were true, and had he known these things to be true before he came on the stand, would he then come on the stand and testify that he bore a good reputation.

MR. GODMAN: That is asking for an opinion of the witness.

MR. DOOLITTLE: This is on cross-examination.

MR. GODMAN: I think you may ask the witness if he knows or does not know, that Metcalfe did these things. He can answer that, yes or no.

Q. When you testify that this man Metcalfe has borne a good reputation up in Stevens county during the length of time that you have known him, you do not know that in the city of Spokane Falls and before he went to Stevens county, he went into saloons in said city of Spokane Falls on Sunday, and there engaged in the playing of cards and drinking of liquor, and afterwards complained of the proprietors of said saloons, and had them arrested and prosecuted.

MR. HAINES: We object because there is no such evidence. He did not testify to that. There is no evidence here that he played cards or drank liquor. The evidence is to the contrary. It assumes this is proven in the case when it is not. They asked him that question but he denied the drinking of liquor and playing of cards.

MR. GODMAN: I think Mr. Doolittle's question is the other way. He can ask the witness if he did not know this man did that. He can say yes or no.

Q. I ask him if he does not know that to be true—

MR. GODMAN: That he had done these very things.

(Question read). A. I never heard of that until yesterday here.

Q. I desire to ask the further question: Now, had you known it to be true that Metcalfe had so conducted himself, as mentioned in the last question, in Spokane Falls, would you consider his reputation to be good, either for honesty or otherwise?

MR. HAINES: I object.

MR. GODMAN: Objection sustained.

Q. The truth of it is, Major, that you knew nothing about this man prior to the time that he was a candidate for the office of representative up there. A. Nothing except hearing his name mentioned as being a farmer near Springdale.

(*Re-direct Examination.*)

MR. HAINES: Q. Stevens county is not very thickly settled, is it? A. No, not very. Most of our population—the increase has been principally within the last two years, since I have been auditor—is at Colville.

Q. You heard him spoken of as a farmer before that time, at Springdale. A. Yes, sir.

Q. You knew him by reputation. A. Yes, hearing different names of farmers in such and such a locality.

Q. Is Metcalfe a farmer? A. Yes, sir.

Q. Has he a family? A. I do not think he has. We were joking about that—he was making sour-kraut—a farmer making sour-kraut.

MR. GODMAN: Q. What is his financial standing; is he a wealthy man? A. No, I think he is a poor man, a very poor man. Always so considered.

Q. You say you never heard any charges against him. Did you ever hear the democratic party, the opposite party, make any charges against him in the campaign, of dishonesty? A. I did not, no, sir. They nominated the strongest man in the county against him, Mr. McMillan. A man who was in the legislature three or four years ago.

MR. DOOLITTLE: Q. What is the republican majority in your county? A. It has generally been democratic. Last year we gave in the election of Allen, we gave him about one hundred majority.

Q. Was not Randall from your county? A. Yes, sir.

Q. He was a republican, was he not? A. Yes, sir.

Q. What majority did he have? A. I have forgotten his majority; I guess it was over a hundred.

MR. GODMAN: Q. What was Metcalfe's majority at the last election? A. I have forgotten. It was very small.

MR. DOOLITTLE: Q. It was not a hundred. A. I think it was only seven majority, I know that they wanted to compel us to contest the election. They wanted us to contest Sunnyvale precinct.

MR. KENNEDY: Q. Have you heard it stated since coming here that Metcalfe was compelled to borrow money at Pasco on the way here? A. I have not. I know that he borrowed money of me here. He borrowed money here the second or third day after he got here. I know that I divided with him. I had nine dollars and I gave him five and kept four.

Q. You have taken a pretty active part in the senatorial campaign here. A. Yes, sir.

Q. You were for Squire; working for him. A. Yes, sir.

Q. Metcalfe voted the same way, did he not? A. I understood before we left home that he would vote for Squire.

Q. And you know that he did so. A. I know he did yesterday.

MR. HAINES: Q. His opponent, Mr. McMillan, was the strongest man in the democratic party. A. Yes, in the county.

Q. What majority was he elected by when he was elected before? A. I think that it was between one and two hundred. He was considered the strongest man in the county on the ticket.

Q. Is McMillan a man of means? A. Yes, sir.

Q. What was the result as to the balance of the ticket? A. Well, the probate judge and I as auditor and Mr. Stitzel as clerk of the county court were canvassing the returns, and the majority for Metcalfe was small—seven only—and the probate judge thought we had, in calling off the names in Colville precinct, made a mistake. Slater was running for county attorney and McMillan was one of the judges of election and one of the candidates, and another candidate for justice of the peace was inspector and another candidate for justice of the peace was clerk, and the candidate for county surveyor was one of the judges. But McMillan told me himself he did not think there was any mistake; and the inspector, a democrat, said there was no mistake. And at the last moment I telegraphed to the secretary of state if I should send on the returns without being signed by Slater, and he telegraphed to send them on.

MR. GODMAN: Q. Is that material?

MR. HAINES: No. The question was this, as to what the result was in regard to the balance of that ticket. A. The probate judge signed the returns.

Q. In regard to the other officers—were there any other officers to be elected? A. All of the county officers.

Q. What was the result, republican or democratic? A. There were two democrats elected.

Q. What offices? A. County attorney (Slater) and school superintendent.

Q. What were the other average majorities? A. Metcalfe's was small; mine was 130 odd in the county—165 in the county.

Q. About the other majorities, were they larger or smaller? A. One larger and the rest smaller. The county treasurer was the largest.

Q. Was the contest between McMillan and Metcalfe a spirited one? A. Yes, sir.

Q. And during that campaign you never heard any charges against his honesty, integrity or truthfulness. A. Nothing.

Q. You say you never heard any charges made against him at all, except within a day or two. A. Never.

Q. Did you ever hear of any prior to the time he produced this five hundred dollars in the house of representatives? A. No, sir.

Q. It arose out of that matter. A. Yes, sir.

Q. Now, in regard to his borrowing money of you, do you feel at all anxious about that matter? A. No.

MR. DOOLITTLE: Q. When was McMillan in the legislature? A. About four years ago. I was here in 1881, and Stitzel in 1884-5.

Q. Now, major, do you know anything about the mining interests up in that country—have anything to do with mining matters? A. Yes, sir.

Q. Don't you know that McMillan introduced some bills in regard to mining up there that were unpopular in that part of the country among certain people? A. I never heard of them being unpopular. There was one in conflict with the laws of the United States which did not make him unpopular.

Q. Did it not have the effect of making McMillan somewhat unpopular with his mining friends up there? A. Not at all, sir.

Q. You say that Metcalfe received the smallest majority of any republican that was elected. A. Yes, sir.

MR. HAINES: Q. But the hardest fight was made on him, was it not? A. Yes, sir.

MR. DOOLITTLE: Q. Why was the hardest fight made on this man Metcalfe? A. Because McMillan is considered the leader of the democratic party, and they were determined to elect him if possible.

TESTIMONY OF E. B. HYDE.

SENATOR E. B. HYDE, a witness called on behalf of Mr. Metcalfe, after being duly sworn, testified as follows:

MR. HAINES: Q. Where do you reside? A. Spokane Falls.

Q. How long have you resided there? A. About ten years.

Q. You are senator from Spokane county. A. I am.

Q. Are you acquainted with Mr. John Metcalfe, member of the house from Stevens county? A. I am.

Q. How long have you known him? A. I think about four years. I would not be positive.

Q. In what manner have you known him—are you well acquainted with him? A. Yes, I am well acquainted with him. He was stenographer in my brother's office, and then I knew him in the land office in Spokane Falls, was clerk about a year there.

Q. Did you see him frequently there? A. Yes, sir. I saw him every day when he was in the office as stenographer.

Q. Are you acquainted with his general reputation for honesty and for truth and varacity, in the city of Spokane Falls? A. I think so.

Q. Is that reputation good or bad? A. It has always been good as far as I know. I never heard anything against him there.

(Cross-examination.)

MR. DOOLITTLE: Q. Mr. Hyde, did you ever hear of the fact that he went into saloons on Sundays and drank liquor there, and played cards and things of that character, and then went and complained of the proprietors of the saloon and had them prosecuted for keeping open houses on Sunday in violation of the law, in Spokane Falls? A. I heard of him having prosecutions made on account of keeping open saloons on Sunday.

Q. Did you also hear of his testifying that he went in there and bought liquor for the purpose of entrapping these men after buying of them? A. I did not hear his testimony but I understood that he was a member of the Young Men's Christian Association and acting as a sort of detective for them.

Q. Decoy? A. I don't know whether you call it a decoy or not, but he was acting for them. This is only hearsay; I did not hear any of his testimony.

Q. Did you not hear also at the same time during this trial that he admitted on the stand that he went to houses of prostitution in the city as often as once a week, and that his health required him to do it about that often, and that he had not paid the bills? A. No, sir; I did not hear of that.

Q. You do not know whether or not it is true that he had also admitted that on the stand in this case? A. I don't know anything about that.

Q. Now, you say he was in your brother's office for about a year. A. I understood about a year.

Q. Was he working exclusively for your brother? A. There were others officing there.

Q. Did you ever hear anything said about his honesty or dishonesty; did you ever make inquiries whether he was an honest man or otherwise? A. I did not.

Q. Did you know he belonged to the Young Men's Christian Association in Spokane Falls? A. I heard he did.

Q. You do not know that of your own knowledge? A. No, sir.

Q. Did that furnish any presumption of his honesty because he belonged to the Young Men's Christian Association? A. I don't know whether it would or not. I would not think they would have a man in there if he was not. But then, I never heard anything against the man.

Q. Now, the truth of the business is, that you don't know very much about his reputation in Spokane Falls. A. I was not going around the streets inquiring about him.

Q. You don't know much about his reputation. A. Yes, I do.

Q. Did you make inquiries about it? A. I did not; I came in daily contact with him.

Q. He was not a man that you were interested in specially. A. No, sir.

Q. In any financial way or anything of that kind. A. No, sir.

Q. You are in no sense his guardian looking out for him. A. No, sir; I am not guardian for anybody.

Q. You had no interest in him as you would have in a friend—I mean as a personal friend; you do not so regard him. A. Not personal.

Q. Then, I say that the truth is, you do not know very much about the man's character or standing. A. No, sir; the truth is, I do.

Q. Did he have much character or standing of your own knowledge? A. According to my judgment he did.

Q. To what extent, by mixing with the business people in the city?

A. He was entrusted with one of the heaviest firms in Spokane as stenographer.

Q. To do mechanical work. A. Yes, and to do a good deal of looking up proof—a clerk in a law office.

Q. That is all you have testified to—about all you know about the man? A. Yes, sir.

(Re-direct Examination.)

MR. HAINES: Q. If Mr. Metcalfe had stated, according to the questions that have been asked, that he was in the habit of visiting houses of prostitution as often as once a week, state whether or not that would or would not have attracted your attention. A. I should have thought I would have heard of it. I heard about the case but did not hear about that.

Q. You heard nothing of that kind. A. No, sir.

Q. The case was reported in the newspapers. A. I think it was.

Q. You derived your knowledge principally from the newspapers. A. Yes, sir.

Q. You never heard anything of that kind until Mr. Doolittle asked you about the house of prostitution. A. No, sir; I did not.

Q. Was he in your brother's office at the time this prosecution was commenced? A. I could not say.

Q. But he was clerk in the land office and in your brother's office all the time he was in Spokane. A. I think so; I would not be certain; I think he was.

MR. DOOLITTLE: Q. You are not positive he made these admissions there on the stand; you would not undertake to swear to this committee. A. No, sir.

MR. HAINES: Q. You never heard of it.

MR. GODMAN: He says he did not hear the testimony.

MR. DOOLITTLE: Q. You do not know exactly what the newspaper reports were. A. I remember reading and hearing some street talk.

Q. You could not repeat any considerable portion of the newspaper article. A. I do not think I could.

Q. You do not know whether it contained that or not—these statements in regard to this prostitution business. A. I do not think it did when I saw it.

MR. GODMAN: Q. I will ask you, Mr. Hyde, if Mr. Metcalfe is an industrious man? A. He seemed to be when he was in the office.

MR. HAINES: Q. Do you know anything about his habits, whether he was a drinking man or a dissolute man? A. I never saw him take a drink; I do not know what he might have done.

Q. At the time of these prosecutions, was not there a combination of saloon keepers there who were defying the Sunday law? A. I think they got up a little pool there to test it.

Q. And they were keeping open saloons, contrary to the ordinances of the city. A. Yes, sir.

Q. And this Young Men's Christian Association was engaged in a crusade against the keeping open of saloons on Sunday. A. So I understood.

Q. And Metcalfe was acting in their behalf. A. That is the way I understood it.

MR. DOOLITTLE: Q. There was no combination of that kind among

the houses of prostitution to inveigle young men from the Young Men's Christian Association? A. I don't take in those houses.

TESTIMONY OF HENRY K. ADAMS.

HENRY K. ADAMS, a witness called on behalf of Mr. Metcalfe, after being duly sworn, testified as follows:

MR. HAINES: Q. Where do you reside? A. Spokane Falls.

Q. What is your business there? A. Newspaper work.

Q. What newspaper are you connected with? A. I am editor of the *Globe*.

Q. Is that a daily newspaper? A. Yes, sir; an afternoon daily.

Q. How long have you resided in Spokane Falls? A. A little over two years.

Q. Are you acquainted with John Metcalfe, member of the House of Representatives from the county of Stevens? A. Yes, sir; slightly.

Q. How long have you known him? A. I have known him personally I think, a little over a year. I have known of him a little longer than that.

Q. Did you know him when he resided in Spokane Falls? A. I do not think I knew him particularly at that time. I think I met him in Mr. Hyde's office once, but I did not get much acquainted with him.

Q. Have you known him since he has resided in Stevens county? A. I have met him frequently.

Q. Are you acquainted with his general reputation in the county of Stevens for honesty, truth and veracity? A. I think so, yes.

Q. Is that reputation good or bad? A. I think it is good.

(Cross-examination.)

MR. DOOLITTLE: Q. Have you ever lived in Stevens county? A. No, sir.

Q. How far does he reside from where you do? A. I think about sixty miles; I would not be positive.

Q. You never have been up where he lived? A. I never have been in Stevens county.

Q. You never asked any one in regard to his reputation for truth and veracity there. A. I never heard—

Q. (Interrupting) You never asked any one? A. I never had occasion to.

Q. You never conversed with any one regarding it. A. No, sir.

Q. Never heard anyone say whether it was good or bad. A. It never was questioned.

Q. Never talked with people about him, have you? A. Oh, yes; frequently.

Q. When? A. During the campaign.

Q. That is the only talk you ever had. A. Yes, sir.

Q. And they never reached the question of his moral character or conduct at all. A. I never heard it questioned at all.

Q. You never heard anything said about it, good or bad. A. No.

Q. Now, when he was in Spokane Falls, as a newspaper man, do you know anything about his having made a complaint against certain saloon keepers for keeping open houses on Sunday? A. I never heard that until about two days ago.

Q. You don't know whether he made admission up there on the stand in regard to his being in the habit of visiting houses of prostitution once or twice a week for his own lust and gratification, and refusing to pay his bills at these houses of prostitution—whether he admitted that on the stand, while he was a member of the Young Men's Christian Association—you have not heard anything of that kind, as a newspaper man? A. This is the first time I ever heard of it.

(Re-direct Examination.)

MR. HAINES: Q. As a newspaper man, if a statement of that kind had been made by a member of the Young Men's Christian Association, do you think that you would have been apt to have heard it and remembered it? A. I rather think if there had been any publicity in the matter, and made public, I would have been apt to have heard it as a newspaper man.

Q. That is, made in a public trial. A. Yes, sir.

Q. Now, was there a time when the saloonkeepers of Spokane Falls were leagued together for the purpose of resisting the enforcement of the Sunday law? A. Yes, there has been two occasions of that kind I understand. The first one was before I went there, and the other was last winter when I was at Olympia.

Q. You say that you have never heard his character questioned. A. I never heard his character called in question as a personal matter.

Q. Now, this campaign that he had there, was not this a rather spirited campaign as far as he was concerned and his opponent? A. I think it was, sir.

Q. And during that campaign you never heard any charges made against his personal integrity. A. I never did.

Q. And his general repute in that county was good. A. So far as my knowledge extended in that direction. I did not live in his county.

Q. But were you not familiar to some extent, with the way that the campaign was carried on? A. I frequently talked with people from that county—almost every day I met some one from that county.

Q. When this campaign was going on, would you hear Metcalfe's name mentioned frequently? A. Oh, yes.

Q. Mentioned in a favorable or unfavorable way. A. It was always mentioned favorably by republicans, I think, as far as I know.

Q. Did the democrats make charges against his personal character for honesty and truth? A. Not that I heard of.

MR. DOOLITTLE: Q. What neighbors were you acquainted with that lived in Stevens county in the neighborhood where this man did? A. Well, it would take a very long time to answer.

Q. You don't know that you are acquainted with any neighbor of his

up there at all, do you? A. I might not be because I never have been in the town he lives in.

At this time further proceedings were adjourned, subject to the call of the chairman.

SPOKANE FALLS, WASHINGTON, January 30, 1891.

Testimony taken at Spokane Falls, Washington, before a special committee of the House of Representatives of the State of Washington in the matter of the charge of bribery preferred by John L. Metcalfe against Harry A. Clarke.

Committee met at 9 o'clock A. M., this 30th day of January, 1891, pursuant to adjournment, at the Pacific Hotel, Spokane Falls, Washington.

PRESENT: Hon. W. K. Kennedy, chairman; Hon. M. M. Godman, Hon. D. M. Holt, Hon. Byron Barlow, Hon. E. S. Meany, clerk.

JOHN L. METCALFE appeared before said committee with his counsel, Col. J. C. Haines; Harry A. Clarke appeared in person and by his counsel, Mr. Geo. M. Forster.

C. B. EATON was duly sworn to act as stenographer for the committee.

The chairman called the committee to order, and thereupon proceedings were had and testimony taken as follows:

A motion by Mr. Godman was carried unanimously, that each side be limited to twenty witnesses as to character, seven more for Mr. Clarke, and seventeen more for Mr. Metcalfe; Mr. Clarke having already examined thirteen on that point, and Mr. Metcalfe three.

TESTIMONY OF CLARK WHITBECK.

CLARK WHITBECK, called as a witness for and on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

Questions by COL. HAINES: Where do you reside? A. Springdale, Stevens county, State of Washington.

Q. How far have you traveled to reach this point? A. It is said to be fifty miles from Springdale to Spokane.

Q. How far from Springdale do you live? A. I live at Springdale.

Q. What is your business? A. Carpenter by trade.

Q. How long have you resided at Springdale? A. A year last October.

Q. Are you acquainted with Mr. John L. Metcalfe? A. Yes, sir.

Q. How long have you known him? A. I have known him since a year ago last November.

Q. Did you live anywhere near where he has lived during that time? A. I think it is two miles, or such a matter, east, that he has his ranch.

Q. Have you been well acquainted with him during that time? A. Yes, sir; I have.

Q. Are you acquainted with the people, generally, in that locality? A. Yes, sir.

Q. Are you acquainted with Mr. Metcalfe's general reputation among the people of the neighborhood where he resides? A. Yes, sir.

Q. For honesty, integrity, truth and veracity? A. Yes, sir.

Q. Is that reputation good or bad? A. It is good.

COL. HAINES: Take the witness.

(Cross-examination.)

By MR. FORSTER: Q. You say you have known Metcalfe how long?

A. A year last November.

Q. You did not know about him until this election took place up there, did you? A. Yes, sir; I did.

Q. You lived how far from him? A. I think it is about two miles from his ranch to the town.

Q. You live in town and he lives on his ranch. A. Yes, sir.

Q. Have you known him ever since he came to Stevens county? A. Yes, sir; except for about a month.

Q. What has been his business during that time? A. He has been ranching.

Q. All the time? A. I think so; principally.

Q. Has he not had some other business that really engrossed more of his time than ranching did? A. Possibly he might have had, but I don't know that he did.

Q. Has he not been acting as an amateur detective up there during most of that time? A. Not that I know of.

Q. You never knew of his acting in the capacity of an amateur detective, did you? A. No, I never heard of it.

Q. Do you not remember about Metcalfe and George Squires having some parties arrested up there and brought down to Spokane on a charge of selling liquor without a license? A. I simply heard of that.

Q. You know the man that they brought down here. A. No, sir; I do not.

Q. You did not know anything about him. A. Well, I heard of him.

Q. You did not know what interest or object Metcalfe had in the matter, did you? A. No, sir; I did not.

Q. You don't know why he was prosecuting that man? A. No, sir.

Q. Do you know anything about Metcalfe acting with the school board up there? A. I believe Metcalfe was clerk of the school board there.

Q. Up to what time? A. Well, I don't know, sir; I could not tell you that.

Q. You don't know what time? A. No, sir.

Q. Is he clerk of it now? A. I don't know.

Q. You don't know his actions then— A. I don't know anything about that school board matter at all.

Q. All you do know is that Metcalfe's reputation is good for truth, veracity, honesty and integrity. A. I consider it good.

Q. And you know that of your own knowledge, don't you. A. Yes, sir.

Q. And you are speaking of that in testifying here? A. Yes, sir.

Q. From nothing else? A. That is all, sir.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. You know the people pretty generally there.
A. Yes, sir.

Q. And what they think of him. A. Yes, sir, somewhat.

Q. And in speaking of Metcalfe's reputation, you speak from your knowledge of what people think of him as well as from your own knowledge. A. Yes, sir.

Q. Now, in regard to this prosecution which has been spoken of, who is this man Squires whose name has been mentioned. A. He is the son of C. O. Squires.

Q. What position, if any, did he hold at that time? A. I have understood that he held the position of deputy United States marshal.

Q. You say you heard something about the arrest that was made. A. All this affair that you are getting at now transpired before I came there, certainly two or three months before I came there; I know nothing about it myself.

COL. HAINES: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. You say you are speaking now in regard to his reputation, a good deal from what other people think about him. If that is so, why did you answer me a minute ago that you were speaking entirely from your own knowledge of him? A. Well, I have known Mr. Metcalfe personally, and I have seen him for the past eight or nine months, at least once a week, right along, and I have talked with him a good deal about one thing and another; in fact the reason that we got together a good deal was that both of us belong to a Good Templars' lodge there in Springdale, and we got together in that way.

Q. I see your opinion of him comes largely from your association with him in that way. A. Yes, sir.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. There is one question I neglected to ask you, the senatorial contest having past and gone, and become almost forgotten; I want to ask you what your attitude was in this senatorial contest; on which side were you; were you for Senator Squire or Judge Calkins? A. Well, sir, I have not any sympathy for either side in that matter; I felt kind of neutral.

Question by MR. GODMAN: Q. Were you for Tom Carroll? A. No, sir; I was not.

Question by MR. FORSTER: Then you were for both or neither. A. For neither of them.

Examination of Mr. Whitbeck closed.

TESTIMONY OF MARK P. SHAEFER.

MARK P. SHAEFER, called as a witness for and on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Where do you live? A. At Springdale.

Q. How far did you travel to reach this point? A. About fifty miles.

Q. How long have you resided at Springdale? A. Since a year ago last June, or July.

Q. That is in Stevens county. A. Yes, sir.

Q. Are you acquainted with Mr. John L. Metcalfe, the gentleman standing here at my side? A. Yes, sir.

Q. How long have you known him? A. Well, I have known him fully two years, I think, I don't know how long I have known him; for two years, anyway.

Q. Did you know him while he lived in Spokane Falls? A. I knew of him. I was not acquainted with him.

Q. What was his business? A. Merchant.

Q. At Springdale? A. Yes, sir.

Q. What are your politics? A. I am a democrat, sir.

Q. Did you take any part in the last election other than as a voter? A. Yes, sir.

Q. What part did you play in that matter? A. I was candidate for state senator.

Q. Against whom? A. Senator O'Neil.

Q. The present senator? A. Yes, sir.

Q. Did you take part in the campaign? A. Yes, sir.

Q. Are you pretty well acquainted with the people in Stevens county? Yes, sir; I have lived there seven years.

Q. You lived in Spokane county, but you went over there. A. Yes, sir.

Q. You mean you have lived seven years in both counties together. A. Yes, sir.

Q. Did you have dealings and acquaintanceship with the people of Stevens county at the time that you lived in Spokane county? A. Yes, sir; and extensively.

Q. Are you acquainted with Mr. Metcalfe's general reputation among the people in the community where he resides, for honesty, integrity, truth and veracity? A. Yes, sir.

Q. Is that reputation good or bad? A. I believe it is good.

COL. HAINES: Take the witness.

(Cross Questions.)

By MR. FORSTER: Q. Whom did you ever hear discussing Metcalfe's reputation for truth and veracity? A. Well, no one in particular that I know of.

Q. Whom did you ever hear discussing his reputation for honesty and integrity? A. No one in particular.

Q. Do you mean that you never heard it discussed at all? A. Not that I remember of.

Q. Did you live in Spokane at the time that Metcalfe lived here, and at the time he and George Squires had Dick Squires arrested? A. Yes, sir; I lived here then.

Q. Did you not hear his reputation for truth and veracity discussed at that time? A. I hardly ever heard his name mentioned with that case; it was the Squires, and I wasn't acquainted with Metcalfe at that time.

Q. You know they were both in it. A. I knew of it since; I didn't at that time.

Q. You lived in Stevens county at the time that Metcalfe and George Squires had a party arrested who had come up there in the woods, and whom they took down to Spokane Falls on a charge of selling liquor without a license. A. I heard about that.

Q. Did you hear his reputation at that time questioned? A. Concerning that I heard considerable talk about it.

Q. It was discussed considerably, wasn't it? A. At that time.

Q. You knew the facts in that matter, did you not? A. Well, I heard a good deal about it.

Q. Metcalfe was acting as a sort of amateur detective in that matter, was he not? A. George Squires was, I believe.

Q. Were not he and Metcalfe together in the matter? A. They were associated together; they were partners in business there in logging and so on.

Q. And they were also associated together in the Dick Squires Sunday closing business down here, were they not? A. I understood so afterwards; I didn't know anything about it at the time.

Q. Well, this man that was arrested up there was brought down from Springdale by the two of them. A. Yes, sir.

Q. And an old man was brought down at the same time by them on some criminal charge. A. Yes, sir.

Q. And they were both turned loose when brought down here, were they not? A. Yes, sir.

Q. And the expense of bringing them down was never paid by either party, was it?

Q. COL. HAINES: We object.

Q. MR. GODMAN: Do you expect to show, Mr. Forster, that the charge made by Metcalfe was not founded upon fact?

MR. FORSTER: We expect to show that the charge was not founded upon anything; that it was simply a malicious prosecution and a malicious intermeddling by a party who had no right to intermeddle.

MR. GODMAN: Is the object of the question to show that, and to show that the costs were taxed up against Metcalfe?

MR. FORSTER: I think the United States paid these costs if they were ever paid. There is no law that they could be taxed against anybody, as it was a proceeding before United States commissioner.

Q. What was that party's name who was brought down here? A. His name was Castleman.

Q. How long had he resided in Stevens county? A. He came out of the Chloride country, I believe, and was cutting ties up there; as a matter of fact, he was a ——— there. I had just come up there. He came there afterwards. He had only been there a short time, but he remained there after that.

Q. You knew the fact that at that time Metcalfe and Squires went up to his tent in the regulation amateur detective line and undertook to buy some whisky from him, or undertook to buy some from the man who was there in charge. A. That is what the people said; I knew nothing about it.

Q. And they then had him arrested and brought him down to Spokane Falls for selling whisky without a license. A. That is what people said.

Q. And that this man Castleman was not present at all at the time they got the whisky, but this old man was there. A. Castleman told me afterwards that he was not present at the time.

Q. What official position do you hold in Springdale? A. Nothing but school director.

Q. You were a school director there, were you? A. Yes, sir.

Q. What official position did Metcalfe hold there? A. Clerk of the school board.

Q. What service did Metcalfe charge and receive pay for as clerk of the board of school directors? A. Well, sir, to tell you the plain truth, I do not think he got any more than he deserved.

Q. That isn't an answer to my question. A. I know that, and I am going to tell you the circumstances: there were very few of us to do anything, and he did all the work, and we were laboring under difficulties, and he was taking the census for the school district. We were forming a new school district, and he had the appointment to take the census, and make a report on a certain day to the school superintendent at Colville. The superintendent requested that the return should be there at Colville on a certain day, and I employed Mr. Metcalfe to do the business and make his report by that time, there, as we would have to have our report in by that time to get any public money for the schools.

Q. Do you know what mileage he charged for that? A. I don't know.

Q. Charged 190 miles, didn't he? A. I don't know. I never looked at the books.

Q. You audited his bill. A. Yes, sir. I just noticed the amount of the bill, and that was little enough.

Q. Is it not a fact that he charged for 190 miles, in that matter? A. I could not tell you unless I saw the books.

Q. You have no recollection of it. A. I have no recollection of it, because I never looked at it. I heard that he charged that.

Q. How far is it from Springdale to Colville? A. From Metcalfe's home, I guess it is about 50 miles.

Q. From Springdale to Colville? A. No, I guess about 40 miles from his home.

Q. He lives about 2 miles from Springdale, does he not? A. About 2 miles, I think.

Q. And how far do you say it is from Springdale to Colville? A. I think it is about 40 miles.

Q. How far is it from Springdale here? A. About 48 miles by the railroad; we call it 50 miles.

Q. Metcalfe's bill in that connection is \$49.00, is it not? A. That is for taking the census, and the milage, and everything.

Q. Well, it was \$49.00, wasn't it? A. In that neighborhood; something like that; I don't recollect now.

Q. That bill was never audited at any meeting of the school board, was it? A. I think so.

Q. You did not hold a meeting of the school board that summer, did you? A. Certainly we did.

Q. Just think a moment about that, Mr. Shaefer. Did you not say yesterday that you never held a meeting of the school board that summer? A. No, I did not say that exactly. I said that he done most of the work; it is not a fact that that bill was never audited before the school board. There was a certain and special meeting called in my office and Mr. Squires and I audited that bill.

Q. Mr. Ferguson was not called in or anybody else. A. Mr. Ferguson was not a member; it was Mr. Hastings. There was Squires and myself and Hastings, but the other member hardly ever met with Squires and myself, and the school superintendent appointed Mr. Hastings in his place, and Hastings never met with us at all.

Q. So you just met informally and signed that warrant. A. Just as we did all the time. We called a meeting; the clerk would notify them and we would meet at my place.

Q. There was no notification to all the other members at the time this bill of Metcalfe's was audited, was there? A. I presume no others but Squires and myself were notified; I forget now just who the other trustee was at that time.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COLONEL HAINES: Q. Mr. Metcalfe took the census for the entire school district, did he not? A. Yes, sir.

Q. Was the work well done? A. Yes, sir.

Q. Now, in regard to this mileage, you figured the mileage from your home to Colville. A. Yes, I suppose so.

Q. And how far is it from Springdale to Spokane Falls? A. About 50 miles.

Q. Was any objection ever raised up there to the amount Metcalfe charged for his services?

MR. FORSTER: We object.

THE CHAIRMAN: He may answer the question.

A. I heard no objection except by Mr. Ferguson, the new trustee, when he came to look the books over.

Q. Now, in regard to this arrest of Castleman, do you know where he is now? A. No, sir; and nobody else, I guess.

Q. He left the country, didn't he? A. Yes, sir; had too many wives.

Q. He married a girl up there in Stevens county, didn't he? A. Yes, sir.

Q. And afterwards it was ascertained that he was married to a wife east.

MR. FORSTER: That is objected to.

Q. Do you know when he departed from human view in this part of the country? A. Yes, sir.

Q. When was that? A. Sometime last fall.

Q. It was on account of this bigamy, was it not, that he had to leave the country? A. Yes, sir.

Q. In regard to this prosecution—do you know what position, if any, Squires occupied at that time? A. I said he was deputy marshal.

Q. Deputy United States marshal? A. Yes, sir.

Q. Do you know that Metcalfe was prosecutor in that case, or that he was witness? A. I could not say.

Q. In the discussion which arose incident to that prosecution against Castleman, did you ever hear Metcalfe's veracity questioned by the people? A. No, sir.

Q. You never did? A. No.

Q. You did hear Castleman's standing questioned somewhat, didn't you? A. Yes; and I questioned it somewhat myself.

Q. He was not a very reputable character, was he, at the time he was arrested? A. I think not.

COL. HAINES: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. You say in regard to this mileage, you did hear it discussed afterwards by a member of the school board? A. Yes, sir.

Q. As a matter of fact you allowed him 10 cts. a mile each way, did you not? A. As I said before, he made the bill out, and I supposed he knew what it was.

Q. And so you allowed him just what he asked. A. Yes, sir. I was satisfied the bill was not exorbitant for the service rendered, taking it all into consideration.

Q. But you did not take into consideration what the law allowed for the service. A. No, sir.

Q. And if he had charged 20 cts. a mile, you would have allowed it the same. A. I don't know that I would.

Q. You did allow him 10 cts. a mile each way, did you not? A. I believe so. I supposed the total amount for doing the work would be much larger, and that was reasonable, and allowed the bill.

Q. And you did not pay any attention at all to what the law allowed for the work. A. That is so.

Q. Now, all you know about Castleman was simply what you heard. A. Well, I had some dealings with him myself.

Q. The relation of debtor and creditor existed between you, and he has not paid you? A. No, sir; he has not paid me.

Q. He came up from Chloride about that time, and was camped there and cutting out ties for the Spokane & Northern, and was living in camp there at the time. A. Yes, sir.

Q. You knew nothing, did you, of what took place at the trial here? A. No, sir.

Q. Anything that you know that took place at that time is simply what somebody else has told you. A. Yes, sir.

Q. And when you testified as to his being a disreputable character a minute ago, you simply meant that he went away owing you money. A. Well, I made a remark about his going away perhaps because he owed me money and disappeared in the way he did.

Q. He never told you that he was going away on account of his having committed bigamy, did he? A. Of course not.

Q. You do know that, notwithstanding the testimony of Metcalfe and Squires, he was turned loose that time he was arrested, don't you? A. Yes, sir.

Q. Now, Metcalfe and Squires have been very intimate and close friends, always. A. Yes, sir.

Q. Both down here and up there. A. Yes, sir.

Q. And they were engaged in a little attempted shooting case up there, were they not, in regard to Squires' sister, and forcing a man to marry her there? A. Yes, sir; I believe Squires was.

Q. And was not Metcalfe connected with him in that same affair? A. I never heard that he was. I was away from home at the time, however.

Q. Did you not hear that he stayed by him as a fast friend should? A. I believe that I so heard at the time.

Q. You remember the facts about? A. I remember that there was something about something of that kind.

Q. About making a man marry Squires' sister at the point of a gun? A. I know that Squires did that; I don't know that Metcalfe had anything to do with it.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COLONEL HAINES: Q. This matter that you speak of about forcing this marriage, it was claimed, was it not, that this man that was forced to marry Squires' sister, had betrayed her? A. Yes, sir.

Q. And he was forced to marry her because he had done so. A. Yes, sir.

Q. You never heard anybody censure Squires or Metcalfe any for that, did you? A. I never heard anybody censure Metcalfe, no, sir, in any particular for that thing, but I have heard Squires censured.

Q. Now, in regard to that matter, haven't you understood that the sheriff and deputy sheriff were both present at the time the marriage took place and witnessed the marriage certificate?

MR. FORSTER: The witness has already said that he was not here at the time and knows nothing about it.

A. I was present in town the day the marriage took place, but a few days before when the fracas occurred, I was not there, and I know the deputy sheriff was there at the marriage.

Q. What was his name? A. D. P. Hyde.

Q. He witnessed the ceremony, did he? A. Yes, the deputy and probably the sheriff too, but I don't know that.

Q. In regard to this man Castleman, about his leaving the country, did he take with him the girl, Miss Steavens, that he married in Stevens county? A. I don't think he took her with him.

Q. She is still there. A. She is there and married again.

Q. And nobody knows where he is. A. No, sir.

COLONEL HAINES: That is all.

(Re-re-cross Questions.)

By MR. FORSTER: Q. How do you know nobody knows where he is? You mean you don't know? A. Well, I don't know, and I have enquired of most everybody. I want to know pretty bad.

Examination of Mr. Shaefer closed.

TESTIMONY OF CHRISTOPHER PASSONS.

CHRISTOPHER PASSONS, called as witness on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

Questions in chief by Col. Haines: Q. Where do you reside? A. Near Springdale, Stevens county.

How far have you traveled to attend this investigation? A. I suppose about fifty miles.

Q. How long have you lived in Stevens county? A. About eighteen months.

Q. Been living in Springdale all the time? A. Yes, and right close in, about two miles.

Q. What is your business? A. Farmer; working man; laborer.

Q. What are your politics? A. Democrat.

Q. Were you up there during the last election and throughout the campaign? A. Yes, I was around there.

Q. Are you acquainted with Mr. John L. Metcalfe, the gentleman sitting by my side? A. Yes, sir, I have been acquainted with him ever since I have been up there.

Q. Know him well? A. Yes, sir.

Q. Acquainted with his neighbors and with the people generally around there? A. Yes, sir, a few around there where I live, and in through the county.

Q. Acquainted with the people in that neighborhood. A. Yes, sir, a good many of them.

Q. Been living there eighteen months, you say. A. Yes, sir, about that time.

Q. Are you acquainted with Mr. Metcalfe's reputation, his general reputation, for honesty and integrity, truth and veracity in the neighborhood where he resides? A. Yes, sir.

Q. What is his reputation, good or bad? A. Well, it is good, so far as I hear.

COL. HAINES: Take the witness.

(Cross Questions.)

By MR. FORSTER: Q. Who ever told you that Metcalfe was honest? A. I could not really state.

Q. Did anybody? A. I never have heard anybody say any harm of him.

Q. Did anybody ever tell you that he was an honest man, anybody up there in that neighborhood, and if they did tell you, who was it, and when was it? A. I don't know that they did tell me so.

Q. Did anybody ever tell you so? A. Yes, sir.

Q. Who did you discuss it with? A. Mr. Squires.

Q. George Squires, was it? A. No, sir; the old gentleman.

Q. He told you that Metcalfe was an honest man, did he? A. Yes, sir; sometime ago that was.

Q. What led you to discuss his honesty? A. We were speaking about him.

Q. But how did it come up? He didn't just say right out, "Metcalfe is an honest man?" A. I could not really say how it did come around.

Q. That was C. O. Squires, was it? A. I suppose so.

Q. Was that about the time George Squires, his son, and Metcalfe had forced that fellow to marry Squires' daughter; was it about that time? A. No, sir; it was before.

Q. Who ever told you he was a truthful man? A. I don't know; I hardly understand how you want me to answer that.

Q. You have said that his general reputation up there for honesty and integrity, truth and veracity was good. Now, who told you he was a truthful man? Do you remember of anybody ever telling you about that? A. That is about all I remember, really, speaking about him.

Q. That is all that you have ever heard. You heard C. O. Squires say he was honest. A. That is about a year ago now that we were speaking one day.

Q. Then you don't know anything about his reputation for truth there at all, whether it is good or whether it is bad, do you? A. Well, I never have heard anything against him,

Q. You don't know anything about it, one way or the other, do you? A. Not so very much about it, no.

Q. How long have you known him? A. I have known him ever since I went in there.

Q. But how long is that? A. About eighteen months, I suppose.

MR. FORSTER: That is all.

Questions by MR. GODMAN: Is Mr. Metcalfe an industrious man? A. Yes; he has been for the last year, anyhow.

Q. Is he a rich or poor man? A. He is a poor man.

Q. What is his business? A. Well, working; I don't hardly know his business at all.

Q. Were you ever there during this last campaign? A. Yes, sir; I was up there, but I didn't attend the election and the campaign.

Q. Did you hear any charges made against Metcalfe's honesty during the campaign? A. No, sir; I did not.

Q. Did you hear any speeches on the side of the democratic party during that campaign? A. No, sir; I didn't attend any of them.

Q. Did you read any of the newspapers published in that vicinity? A. No, sir; I can't read.

MR. GODMAN: That is all.

(Re-direct Examination.)

By COL. HAINES: Q. You were asked questions as to Metcalfe and Squires having forced a man to marry the sister of Squires; do you know anything about whether Metcalfe had anything to do with that; whether he had anything to do with forcing the fellow to marry the young lady or not? A. That is the first that ever I heard that Metcalfe had anything to do with that.

Q. Who was it that did that? A. I heard that it was George Squires.

Q. The brother of the girl? A. Yes, sir.

Q. It was claimed, was it not, that this man ruined this girl? A. Yes, I believe that was the way of it.

Q. And he married her. A. Yes, sir.

Q. Was she the daughter of this C. O. Squires that you say was speaking about him? A. Yes, sir.

Q. Now, in Metcalfe's dealings with the people up there, have you ever heard his reputation for honesty and integrity, truth and veracity questioned? A. I have not heard any complaint about him.

COL. HAINES: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. You say his principal business is working; has he not been acting as an amateur detective up there? A. No, sir; I didn't hear of it.

Q. You know nothing about the Castleman matter, do you? A. I heard that George Squires did that.

Q. Don't you know that George Squires and Metcalfe worked together in all their affairs? A. I understood that Metcalfe was a witness.

Q. Don't you know that he was the complaining witness in the case? A. He was, probably, but I know very little about that. I was on the road working at the time.

Q. You are not intimately acquainted with Metcalfe, are you? A. Well, he has been living right close by me, within a mile or so, all the while, off an on, and has a ranch right there near me.

Q. All you know about it is that you have heard but very little about him one way or another. A. Yes, sir, very little; I don't know much about him; I have not inquired about him.

Q. You don't go out around much, and away from home much, do you? A. No, sir.

Q. You didn't even attend the political meetings up there. A. No, sir; I didn't bother myself about such things.

Q. So, as a matter of fact, about all you know about his reputation for honesty and integrity, truth and veracity, is that you know nothing about it, one way or another. A. (No answer.)

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. You say he lives close by you. How far does he live from you? A. His ranch is in the same section as mine.

Q. And you have dealings with him and with the people with whom he deals? A. Yes, sir; we have dealings back and forth, and that is about all I can say.

Q. And you have never heard his character and reputation questioned up there by anybody. A. No, sir; I have not.

Examination of Mr. Passons closed.

TESTIMONY OF STEPHEN GLASGO..

MR. STEPHEN GLASGO, called as a witness for and on behalf of Mr. Metcalfe, and having been duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. Springdale, or near to it.

Q. How far have you traveled to reach this investigation committee now present? A. Fifty-four or fifty-five miles, I guess.

Q. How long have you resided in Springdale? A. About two years; I think it is.

Q. What is your business? A. I have been burning lime most of the time since I have been here.

Q. Are you acquainted with Mr. John L. Metcalfe, the gentleman sitting at my side? A. Yes, sir.

Q. How long have you known him? A. About eighteen or twenty months.

Q. How near have you lived to him during that time? A. Well, from a mile to two or three miles.

Q. Are you acquainted with the people pretty generally throughout that neighborhood? A. Yes, sir.

Q. What are your politics? A. I am a democrat?

Q. Were you during the last campaign in this county? A. Yes, sir.

Q. Are you acquainted with Metcalfe's general reputation in the neighborhood where he resided for truth and veracity, honesty and integrity? A. Yes, sir; I think I was.

Q. Is that reputation good or bad? A. Well, it is good as far as I know.

Q. You are acquainted with the people there, generally, you say. A. Yes, sir.

Q. By reputation, I mean, of course; the people, generally, in that neighborhood. A. Yes, sir; I understand; what they say about him.

COL. HAINES: Take the witness.

(Cross Questions.)

By MR. FORSTER: Q. You say you are a democrat? A. Yes, sir.

Q. Are you not testifying, sir, to Mr. Metcalfe's reputation as to its being good on the general principle that the reputation of all republicans is good? A. Well, I don't know about that.

COL. HAINES: We will concede that.

MR. GODMAN: The committee will not.

Q. You say you have known Metcalfe, how long? A. Eighteen or twenty months.

Q. Who ever told you that he was honest? A. I don't know that anybody in particular said that he was honest or dishonest.

Q. You say, then, so far as that is concerned, you don't know what his reputation is. A. I don't know as I know what they think about it. They all speak of him as being a nice, good fellow.

Q. Are you a member of the same Good Templars lodge as he is? A. Do I belong to it?

Q. Yes, sir. A. No, sir; I don't belong to any of them.

Q. Has anybody told you he was a truthful man? A. Yes, sir.

Q. Who told you? A. I have heard Chris Passons and old man Dodson say so.

Q. Chris Passons was the witness here awhile ago. A. Yes.

Q. He told you he thought Metcalfe was truthful, did he? A. Yes, sir.

Q. When did he tell you that? A. Well, several times.

Q. When did he tell you that last? A. I don't know just when it was.

Q. Who else was present when he told you that Metcalfe was truthful?

A. I could not say as to that.

Q. Where was you? A. Well, I was at home, I guess.

Q. Your home or his home—Metcalfe's home? A. It was at my home.

Q. Was Metcalfe there? A. No, sir.

Q. How did you and Chris Passons come to be discussing the question of Metcalfe's truth and veracity? A. We just happened to be talking about him, is all I know.

Q. What was you talking about that brought out this discussion as to whether he was truthful and honest? A. I could not say what it was from.

Q. You didn't just start right out there, one of you, did you, and say, "Metcalfe is a truthful man?" A. We had something leading up to it.

Q. What was it that led up to that? A. I believe they was talking something about his getting out papers on land, and we was talking about how he was doing the business for him; we was just simply talking about him, you know.

Q. Was there any question raised in this discussion about his being truthful or not? A. No, I don't know as there was.

Q. One of you just broke right out and said, "Metcalf is a truthful man." A. Well, I don't know.

Q. You was discussing about his being truthful, or otherwise, were you not? A. Yes, sir.

Q. What was said about that? A. Well, we was getting out papers on the land. One of them was delayed a little, and there was a little danger of getting "jiggered," you know, and we didn't know whether he had sent in the papers or not, all right.

Q. And you was kind of doubting, was you? A. Well, he was a stranger there then, and we didn't know much about him, and he suggested that he thought that he was honest and truthful, and that he would do the square thing.

Q. And that is all you know about his reputation in that respect, is it not? A. I could not say as I know any more about it.

MR. FORSTER: That is all.

Questions by MR. GODMAN: Q. Were you there during the last campaign, when Metcalfe was running for the legislature? A. I was not in the city; no, sir.

Q. You was in the country. A. Yes, sir.

Q. Did you take part in that campaign? A. No, sir.

Q. You voted, didn't you? A. No, sir; I was burning lime, and had a kiln to fire, and could not leave it.

Q. Did you ever hear of any charges being made against Metcalfe's honesty in that campaign? A. No, sir.

Q. His opponent, the democratic nominee, was he a popular or an unpopular man? A. I could not say as to that.

MR. GODMAN: That is all.

(Re-direct Question.)

By COL. HAINES: Q. You found out in regard to this land business, that it turned out all right, did you, or otherwise? A. It turned out all right.

Q. Then Metcalfe was all straight and right in this matter. A. Yes, sir.

Q. You say you are pretty generally acquainted with the people there. A. Yes, sir.

Q. The general sentiment there is favorable to him in the respects about which you have been questioned, is it not? A. Yes, sir.

COL. HAINES: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. How do you know that the general sentiment is favorable if nobody ever expressed themselves on that fact to you except Chris. Passons. No one ever did express themselves to you but Passons, did he? A. No, sir.

Q. That was the only one. A. No, sir; Tom Dodson.

Q. Who else? A. Mr. Chlory.

Q. Are they witnesses here? A. I don't know.

Q. When did you hear them say that Metcalfe was truthful? A. It is about three or four months ago.

Q. Where was Tom Dodson when he said that? A. He was at home.

Q. Who was he discussing it with? A. Me.

Q. How did that question come up? A. I don't know how it was raised. I said I thought that Metcalfe was a pretty good sort of a fellow, and he said yes, he didn't think there was a better young fellow in the country.

Q. That is what you meant when you said awhile ago that he was a truthful man, that he was a "pretty nice sort of a fellow." A. Well, he said he thought he was truthful and honest.

Q. He used these words, did he, he said "Metcalfe is truthful and honest?" A. Yes, sir.

Q. Who else was there? A. I don't know.

Q. You spoke of some one else that had told you something; who was that? A. That was Mr. Chlory; I think his name is, or some such name.

Q. What did he say? A. He said he was a nice young fellow.

Q. What did he mean by that—that he was slick, nice young fellow, or simply a young fellow? A. I don't know what he meant. I know what I would have meant if I had said that.

Q. But you don't know what he meant. A. No, sir.

Q. You said that you never heard his honesty questioned during the campaign; you didn't attend the campaign meetings, did you? A. No, sir.

Q. And you don't know what was said at the meetings, do you? A. No, sir.

MR. FORSTER: That is all.

(Re-direct Examination.)

By COL. HAINES: Q. The reason you didn't vote was because your kiln was fired? A. Yes, sir; I could not get away at that time.

Q. During the campaign were the candidates discussed among the people individually; I mean outside of the public meetings, did they talk about them? A. I don't know; I was not around very much to know anything about that. I could not get away at that time.

COL. HAINES: That is all.

Examination of Mr. Glasgo closed.

TESTIMONY OF O. T. SMITH.

O. T. SMITH, called as a witness for and on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Mr. Smith, where do you live? A. Stevens county.

Q. How long have you lived there? A. A little more than a year.

Q. What is your business? A. I am selling meat.

Q. How far have you traveled to reach this place? A. I don't know exactly the distance from Springdale here.

Q. Are you acquainted with Mr. John L. Metcalfe, the gentleman sitting at my right? A. Yes, sir.

Q. How long have you known him? A. I have known him ever since I have lived in Springdale, a little better than a year.

Q. Are you well acquainted with the people in that vicinity, and in that neighborhood? A. I am tolerably well acquainted with the people. Those in my vicinity, I am.

Q. And in the neighborhood in which Metcalfe resides. A. Well, sir, it is all the same neighborhood up there.

Q. Are you acquainted with the general reputation of Metcalfe in the neighborhood where he resides, for honesty and integrity, truth and veracity? A. Yes, sir; I think so.

Q. Is that reputation good or bad? A. It has always been very good.

COL. HAINES: Take the witness:

(Cross Questions.)

By MR. FORSTER: Q. Are you a democrat or a republican? A. Well, I am not very political either way; I have generally been a democrat.

Q. Are there any republicans up there at Springdale, Mr. Smith? A. Yes, sir; I think so.

Q. Can you say how long you have known Metcalfe? A. It is over a year, I think; a year ago the 8th of November that I went there, and I have been acquainted with him from that time.

Q. You are carrying on the butcher's business there, are you? A. Yes, sir.

Q. Now, who did you first hear talking about Metcalfe's reputation for truth and veracity? A. I don't know that I ever heard his name mentioned in regard to being truthful, or anything of that kind.

Q. You don't know what the people think about it, do you, one way or another? A. Well, of course the impression was—

Q. You don't really know what they think about it. You have never asked anybody whether he was a truthful man or not, and if so, state who it was. A. I don't know that I can refer to any one in particular.

Q. Then you have never heard it discussed by any one in that respect. A. Yes, sir.

Q. Who has said anything about it; was it in regard to his truthfulness and honesty? A. I could not call to mind what has been said altogether. It seemed to be in regard, some, to this matter in the legislature.

Q. I am not referring to that; before that, and outside of that. A. Outside of that I never heard his name one way or another.

Q. They are somewhat divided as to his course in the legislature, are they not? A. Yes, sir.

Q. Then, as a matter of fact, Mr. Smith, all that you can truthfully say in regard to his general reputation for truth and veracity, honesty and integrity, is that you don't know what people say, then, about him in these respects, one way or another. A. I am hardly prepared to say what they think.

Q. You say you don't know; and, of course, you can't tell what you don't know. A. Well, that is about the amount of it.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. Were you there during the last political campaign? A. Yes, sir.

Q. Did you ever hear any charges made against his honesty, truth and integrity? A. No, sir.

Q. Ever hear it questioned among his neighbors and those with whom he did business? A. No, sir.

COL. HAINES: That is all.

Questions by MR. MEANY: Are you acquainted with Mr. McMillan, of Stevens county? A. No, sir; I never met him or saw him that I know of.

Q. You know that he run against Metcalfe at the last election. A. Yes, sir.

Q. Is Mr. McMillan a pretty popular man there among the democrats? A. Yes, I think he was square, so far as I know.

MR. MEANY: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. As a matter of fact, did not Mr. McMillan become very unpopular up there on account of some sheep legislation that he had advocated in the legislature? A. Now, that is a thing that I have never heard of. I don't know anything about it.

Q. Did you go around during the campaign and attend the political meetings? A. I did not.

Q. You were not at any of them. A. No, excepting what was held in our little town.

Q. How many people are there in Springdale, in the town? A. There is, perhaps, a hundred.

Q. How many voters are there living there, of all parties? A. I couldn't say.

Q. Are there 20? A. Yes, I should judge there were more than that.

Q. Was there, at the time of the last election, as many as 20 in the town? A. Yes, sir; I think there would be that many.

Q. Well, what was thought of Metcalfe around through the country during the campaign, and what was said about him during the political meetings, etc., you know nothing about? A. No, I don't know.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. Were these political matters discussed among the people around town? That is, as to the merits and demerits of the candidates of the different parties, talked about among the people of the town? A. Very little.

Q. I mean between the people, one with another, neighbors talking

with each other, you know. A. Oh, some. The people didn't take a very active part in the campaign.

Q. The great proportion of the population of that county has come in there, has it not, within the last year? A. I judge it has.

Examination of Mr. Smith closed.

TESTIMONY OF B. H. TAYLOR.

MR. B. H. TAYLOR, called as a witness on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. Springdale.

Q. How long have you resided there? A. About 18 months.

Q. How far have you traveled to reach this place? A. I guess it is about 50 miles.

Q. What is your business? A. Carpenter by trade.

Q. Are you acquainted with John L. Metcalfe? A. I am.

Q. How long have you known him? A. About the length of time I have been at Springdale—about 18 months.

Q. Are you acquainted with the people in the neighborhood of Springdale, the neighborhood where Metcalfe resides? A. I think I am, with the most of them.

Q. Are you acquainted with the general reputation of Mr. Metcalfe for honesty and integrity, for truth and veracity, in the neighborhood where he resides? A. Yes, sir.

Q. Is that reputation good or bad? A. Good.

COL. HAINES: That is all.

(Cross Questions.)

By MR. FORSTER: Q. What is your business? A. Carpenter by trade.

Q. What other business? A. No other business.

Q. You and Metcalfe have been very fast friends, have you not? A. We have been on friendly terms.

Q. You have been very intimate, have you not? A. It might be called intimate, socially.

Q. You have worked, planned and schemed together, have you not, in matters political and otherwise, up there at Springdale? A. Not to any great extent.

Q. But you have to a considerable extent. A. I worked some for Mr. Metcalfe to get him elected.

Q. You worked for Metcalfe? A. Yes; that is, I talked in his favor.

Q. You are a republican, are you? A. No, sir.

Q. You are a democrat? A. No, sir.

Q. Then you are neither. A. I don't belong to any political party; I am independent.

Q. You just go ahead in your own way in those matters; any way that it strikes you. A. I intend to vote for the good men.

Q. You belong to the same Good Templars lodge that Metcalfe does, don't you? A. No, sir; I don't.

Q. Then you don't belong to the organization at all. A. No.

Q. But you were working for him largely on account of his affiliations with that order, were you not? A. No, sir.

Q. Are you a member of the school board up there at the present time? A. I am.

Q. Metcalfe was the former clerk, was he not? A. He was.

Q. How was that election for the members of the school board held, as to the terms of the different members? A. Well, it was held so that all of the members were elected, or supposed to be, for one year.

Q. Is it not a matter of fact, that, after the election, you and Metcalfe got together and fixed the thing up so that you got the two years' term without the other members knowing about it. A. No, sir.

Q. Was not that done? A. I think it was done, but not by any particular plan on the part of Metcalfe and myself.

Q. You think, do you, that Metcalfe had nothing to do with it. A. It was left to Mr. Metcalfe.

Q. Left to him by you? A. Yes, as far as I was concerned.

Q. You left it to him and he gave you the two years' term. A. He did as he saw fit.

Q. He did as he saw fit, gave you the two years' term, and without any authority of law he portioned out the terms of the different members to suit himself. A. I think that is the fact.

Q. And that was done, was it not, entirely without the knowledge or consent of Mr. Ferguson, who was also elected. A. I can't tell about that; I don't know.

Q. It was not done by any consultation or arrangement with, or at any meeting of, the members elected, was it? A. No.

Q. Now, you say that Metcalfe's reputation for truth and honesty is good. Have you ever heard any one say that it was? A. Yes, sir.

Q. Who told you that? A. I think most of the people around Springdale.

Q. Tell us who they are. Who told you that Metcalfe was a truthful man? A. I can, perhaps, name a half dozen or so, that I talked with during the campaign.

Q. Well, name them. A. Mark P. Shaffer; Mr. Ferguson—

Q. Is that Mr. Ferguson the member of the school board? A. Yes, sir. Then I think there was—well, if I could remember the names I could call to mind all the inhabitants of Springdale, nearly.

Q. Nearly all of the inhabitants of Springdale have told you that Metcalfe was a truthful man. A. No, not particularly so far as truth was concerned; but they considered him a firstclass man.

Q. Now, sir, has anybody told you that he was a truthful man? If so, state when and where it was. A. I don't know as it was ever called in question, so far as his truth is concerned.

Q. Then why did you state a minute ago that Mr. Schaffer and Mr.

Ferguson had told you he was a truthful man? A. I don't know that I did state that. If I so stated I didn't mean that in particular.

Q. Then it is not true that they told you that. A. I know we discussed the matter during the campaign, and he was considered a No. 1 man.

Q. You discussed that matter considerably yourself, did you not? A. I was working for him and talked with the people about him, of course.

Q. And if you were working for a man, trying to get him elected, you would not be going around telling people that he was a dishonest and an untruthful man, would you? A. I certainly should not.

Q. As a matter of fact, you have never heard any one in that community say that Metcalfe was a truthful man, have you? A. Yes, sir.

Q. Who was it, when and where? A. Clark Whitbeck was one, and O. T. Smith the other.

Q. They have both been witnesses here. A. Yes, sir; that was since the matter came up about this investigation, you know.

Q. Do you mean that you have been discussing here among yourselves, what your testimony would be before this committee? A. No, sir. It was before we had any idea we were to be called as witnesses.

Q. This talk that you say you had, then, was since Metcalfe made his famous coup d'etat down there at the legislature, was it? A. I don't just understand the phrase, but I suppose that is what it means.

Q. Well, anyway, it was since he let go of that \$500, was it? A. Yes, sir.

Q. That was one reason you thought he was an honest man, because he gave up that \$500.

COL. HAINES: That is objected to as irrelevant.

Q. Now, do you think it was perfectly honest for Metcalfe to do, to induce somebody to pay him \$500 for his vote, and then give up the money?

COL. HAINES: That is objected to.

THE CHAIRMAN: The committee does not care for the opinion of the witness on that point.

Q. You know nothing about this matter except from talk that has come up since the trouble in the legislature, about his honesty and integrity, truth and veracity, sobriety and good conduct, generally? A. It was discussed generally during the campaign.

Q. Both pro and con. A. I think so.

Q. One side thought he was a pretty good fellow, and the other side thought the other way. A. I didn't hear anybody say that he wasn't a good fellow.

Q. And you didn't hear but one side of the discussion, did you? A. Yes, I went to hear both sides.

Q. You attended the meetings on both sides. A. Yes.

Q. And discussed the matter with parties on both sides. A. Yes.

Q. You were making speeches for Metcalfe during the campaign, were you? A. No, sir.

Q. You said you were working for him. What was you doing? A. I was simply talking in his favor.

Q. You did not distribute any arguments, other than words, in his favor, did you? A. No, sir. He didn't have any five hundred dollars to put up in his campaign.

Q. That was the reason, was it? (No answer.)

MR. FORSTER: That is all.

Question by MR. MEANY: Mr. Forster asked you, or rather intimated, that you would not go around the county telling the people that a man for whom you were working was not an honest nor truthful man, even if you knew that he was dishonest and untruthful. I desire to ask you, now, whether, if you had considered that Mr. Metcalfe was not an honest or truthful man, you would have gone about the country working for him?

MR. FORSTER: I object to that; it is immaterial what he thought about him.

MR. MEANY: As a member of the committee that is a point upon which I desire to be informed. You may answer the question. Please state whether, if you had considered Mr. Metcalfe not an honest or truthful man, you would have worked for him in that county in the last campaign? A. I would not.

Q. Do you know Mr. McMillan? A. No, sir.

Q. Do you know what his reputation is there in that county among the members of his own party? A. No, sir; I don't. I know very little about him.

MR. MEANY: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. You say you would not have been working for him if you had not considered him as an emblem of truth, honesty, sobriety and all that? A. I considered him to be such.

Q. You walk in such an upright and pure way through life that you would not have worked for him if you had not considered him a truthful and upright man, would you?

COL. HAINES: That is objected to.

MR. FORSTER: That is all, then.

Questions by MR. GODMAN: Did you ever hear any charges against Metcalfe's honesty made by the democratic side during the campaign? A. No, sir.

Q. Did you attend all their meetings? A. I attended all the meetings that was held there, I think. I think the democrats nearly all voted for Mr. Metcalfe.

By COL. HAINES: Q. Are the terms of the school board mentioned, the ones that are now being served? A. They are.

Examination of Mr. Taylor closed.

TESTIMONY OF G. E. SUTTON.

G. E. SUTTON, called as a witness for and on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COLONEL HAINES: Q. Where do you reside? A. I am stopping in Spokane now.

Q. What is your business? A. I am in the nursery business.

Q. How long have you resided in Spokane county? A. Six years and a little over.

Q. What are your politics? A. I am a democrat.

Q. Did you take any part in the last political campaign in this county? A. Yes, sir, I did.

Q. What part did you take? A. Well, I was nominated for representative in the second district.

Q. Who was elected for that district? A. David Lehman.

Q. Are you acquainted with Mr. Metcalfe, the gentleman standing by my side? A. I am.

Q. How long have you known him? A. Well, three or four years.

Q. Are you acquainted with his general reputation for truth, veracity for honesty and integrity, in the city of Spokane Falls? A. Well, yes, I know him.

Q. Do you know his reputation among the people and men here? A. Yes.

Q. Is that reputation good or bad? A. Well, I never heard anything bad against Mr. Metcalfe.

Q. What is the opinion of the people who know him and with whom he had dealings while he lived here, that is, so far as you are able to understand that feeling from what they have said and the manner in which they have treated him, and conducted themselves toward him? A. Well, I think he has been treated as an honorable man.

Q. And what do you say as to his reputation, whether you know his reputation in that regard or not? A. Well, I should say it was good; I never heard anything against him.

Q. And you say you have known him ever since he came here. A. I don't know just when he came here, but I have known him two or three years.

Q. Do you know what he was doing while he lived here? A. He was in the land office quite a while with J. M. Adams; I got acquainted with him there.

Q. Did you know him when he was in Hyde's office? A. Yes, I knew him, but not as well as I did in the land office.

Q. That was in Ganahl & Hagan's office, was it not? A. I don't know. I know he was in some office, but I was better acquainted with him after he left there and went into the land office.

Q. He was a clerk in the land office. A. Yes, sir.

COL. HAINES: That is all.

(Cross Questions.)

By MR. FORSTER: Q. You say you reside in Spokane county? A. Yes, sir.

Q. How long have you lived here? A. Something over six years.

Q. You have resided here continuously, have you not, during that time? A. Yes, sir.

Q. You are connected with the farmers' alliance, are you not? A. I am, sir.

Q. In what capacity? A. I am president of the farmers' alliance, organizer, lecturer and so on.

Q. Does Metcalfe belong to the organization? A. I don't think he does.

Q. Do you belong to any other society of which Metcalfe is a member? A. No, sir; I do not.

Q. None whatever? A. None.

Q. What business are you following now? A. I am in the nursery business; farming a little.

Q. But you are giving most of your time to this farmers' alliance business, are you not? A. No, sir.

Q. You have been in the newspaper business. A. I have been slightly connected with newspapers nearly all my life.

Q. You were conducting a newspaper here when you knew Metcalfe, were you not? A. No; It was mostly after that.

Q. What newspaper were you conducting? A. I was somewhat interested in the *Spokane News*.

Q. What other paper was conducted by you? A. No other paper.

Q. What kind of a paper was the *Spokane News*? A. It was a democratic paper.

Q. You are a democrat are you? A. I claim to be, yes, sir.

Q. You have not lived in Stevens county since Metcalfe lived there. A. No, sir.

Q. You know nothing about his general reputation up there except up there in that community where he resides, that is in Stevens county. A. Not personally, only what I have seen in the press.

Q. How long has he lived in Stevens county? A. I could not say exactly. A. I think it is about a year and a half.

Q. He has lived there over two years, has he not? A. I cannot say within a few months, it might be two years.

Q. You say you have known him three or four years, but since he has been living in Stevens county for the last two years you have known nothing of him save through the press. A. No, I have met Metcalfe very seldom since he moved into Stevens county.

Q. You don't know anything about what he has been doing there except what you have seen through the press. A. That is all, and what I have heard.

Q. Did you ever hear anybody discuss his reputation for truth and veracity? A. Yes, sir.

Q. Whom did you hear discuss it? A. Well, since this legislative trouble—?

Q. No, I mean before that. A. Well, I have thought so little about it

that I would have to take some little time to think to name the parties; I might name some if you want me to.

Q. Go ahead and tell us whom you heard say that Metcalfe was a truthful man, and what was the occasion of this being said. A. I have heard old Mr. Price say that he thought he was a truthful man.

Q. Who is Mr. Price? A. That is wrong, it was Rice.

Q. Who is Mr. Rice? A. He is an attorney here.

Q. He is dead now, isn't he? A. I think he is.

Q. Whom was he discussing the question with? A. Well, I think I talked with him about it.

Q. You and he were discussing the question whether or not Metcalfe was a truthful man, were you? A. I think we had some talk about it then.

Q. What was the occasion of it? A. I don't just remember now; I think Mr. Prither said something about it.

Q. Mr. Prither was a son-in-law of Judge Rice, was he not? A. I think he is some relation any way.

Q. What was the occasion that led you to discuss Metcalfe's truthfulness? A. I think it was when they had some racket here on the temperance question.

Q. You were connected with the temperance party at that time and so was Metcalfe. A. Well, they used to say I was, but I was always a prohibitionist, i. e., I was always for high license.

Q. Still you belong to the temperance party, do you not? A. No, sir.

Q. You always trained with the temperance people, didn't you? A. No, sir; some tried to make people believe it that way, but I never did; I am a high license man through and through, and have never been anything else.

Q. That is the way you came to discuss Metcalfe's reputation for truth, is it? A. It was discussed at different times.

Q. It was discussed frequently. A. Just at that time there was something said, yes.

Q. Did you discuss his reputation for honesty? A. Yes, I believe that question was brought up at that time.

Q. Whom were you discussing that with? A. I think Mr. Rice.

Q. Anybody else? A. Yes, there might have been some others.

Q. Who were they? A. I think Jonathan Edwards might have said something of the kind.

Q. Well, this was just the society of temperance people discussing this matter. A. No, everybody talked freely of it; saloonkeepers and everybody.

Q. Did you ever hear any saloonkeepers say of Metcalfe, that he was an honest man? A. I can't say that I have heard any saloonkeeper say they thought he was an untruthful man; they thought he was interfering with their business, of course.

Q. You were present at the trial when he testified as a witness in the prosecution of Jack Squires, were you not? A. I heard some of it.

Q. You know that he testified there, do you not? A. Yes.

Q. And you know that the jury by verdict discredited the testimony

of Metcalfe, do you not? A. I think it was a kind of butchery affair all around.

Q. The leading citizens of the town were on that jury, were they not?

COLONEL HAINES: That is objected to.

THE CHAIRMAN: That is immaterial.

MR. FORSTER: We want to show that that jury by their verdict discredit Mr. Metcalfe's direct testimony, and that the jury was composed of the leading citizens of this city.

MR. GODMAN: The committee thinks that that verdict cuts no figure in this case.

MR. FORSTER: That is all.

Questions by MR. MEANY: Q. Did you say you came from Spokane Falls, or Springdale? A. I live at Spokane Falls now; I was living at Spokane bridge for a while.

Q. Did you take any part in the senatorial contest just ended at Olympia? A. No, sir.

Q. Did you take any side one way or the other in that contest? A. No, sir, I don't think I did; I said very little about it.

Examination of Mr. Sutton closed.

TESTIMONY OF JONATHAN EDWARDS.

JONATHAN EDWARDS, called as a witness for and on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. At Walla Walla, just now.

Q. How far did you come to attend this investigation? A. I was here at the time and was summoned.

Q. Did you ever live at Spokane Falls? A. Yes.

Q. During what period? A. Until two months ago, I was here for nearly five years.

Q. What is your profession? A. I am a clergyman; am now connected with Whitman College. I am a teacher and financial agent.

Q. What profession were you following in Spokane? A. I was pastor of the First Congregational church.

Q. Are you acquainted with John L. Metcalfe, the gentleman standing at my right? A. Yes, sir.

Q. Did you know him while he resided in Spokane? A. Yes, sir.

Q. Did you know him all the time he lived there? A. I think so; I have known him three years at least.

Q. Were you acquainted with the people of the city pretty generally at that time? A. Yes, sir.

Q. Were you acquainted with Metcalfe's general reputation for truth and veracity, for honesty and integrity in this community? A. I think I am.

Q. Was that reputation good or bad? A. I think it was good.

COL. HAINES: Take the witness.

(Cross Questions.)

By MR. FORSTER: Q. When did you first know him, Mr. Edwards? A. I have just been trying to think when it was; I am not a good one on dates, but I just guess three years, a little more, possibly, or perhaps a little short of that.

Q. Was he a member of your congregation? A. I would hardly consider him a member of my congregation.

Q. I don't mean a communicant, you understand; but was he an attendant at your services? A. Not a very constant attendant.

Q. Was he a member of any other organization here of which you were a member? A. He was a member of the Good Templars of which I was a member.

Q. And you were associated here together in that matter, were you not? A. I met him there several times; my attendance there was very irregular, because other duties prevented.

Q. Were you and he members of that organization at the time they undertook to prosecute Dick Squires and others for keeping open on Sundays? A. Yes, sir.

Q. You and he were connected with that prosecution in connection with the organization itself. A. In connection with Metcalfe being identified with the organization, yes, sir.

Q. You remember that that organization, as an organization, by its members, went around and got up a large subscription of money for the purpose of prosecuting those cases. A. I don't know anything about any subscription, personally.

Q. And which was for the purpose of employing counsel and prosecuting those cases. A. I was at the meetings several times when propositions were made and things discussed, and I was at some meetings of committees, and probably that whole matter that you speak of was in the hands of the financial committee, and I may have been at a meeting of that committee.

Q. This prosecution was really conducted under the auspices of that organization. A. Yes, under the order of the Evangelical churches, too.

Q. The Jews had nothing to do with it. A. Oh, I don't mean that; but I want to impress it strongly that the prosecution was under the auspices of the Evangelical churches. There was a number of public meetings and we gave our pledge, as it were, as to what we would stand on in the matter.

Q. Those meetings were secret meetings, were they not? A. No, sir.

Q. And Mr. Metcalfe was selected as one of the parties who was to go as a sort of amateur detective, was he not, in obtaining evidence to sustain the prosecution? A. As to that I do not know.

Q. He did act in that capacity at that time, did he not? A. I am satisfied that he and others intended to obtain as much evidence as they possibly could.

Q. Do you not remember, Mr. Edwards, about Metcalfe and George

Squires going around to Jack Squires' saloon on Sunday morning and smelling of the beer that people were partaking' of on those Sunday mornings? A. I don't remember those particulars. I know they acted in the sphere of detectives in a manner that I should consider perfectly legitimate.

Q. Do you remember of Metcalfe acting as an amateur detective since he has been living in Stevens county? A. I know nothing about that.

Q. Did you ever hear anybody discussing Metcalfe's reputation for truth? A. No.

Q. You never heard anybody say he was a truthful man, did you? A. I had no reason to believe anybody doubted it.

Q. Just answer my questions. You never heard anybody say he was a truthful man, did you? A. I don't know that I ever heard anybody ask the question.

Q. Did you ever hear anybody say that Metcalfe was a truthful man? A. I don't know that I ever did.

Q. Did you ever hear anybody say he was an honest man, and if so, who was it? A. An honest man? I don't just see what you mean.

Q. You have been asked as to the general reputation of Mr. Metcalfe for truth and veracity, honesty and integrity, and you have said that it was good; I want to know if you have heard anybody say that Metcalfe was an honest man? A. Well, no; but it was never questioned that he was.

Q. Have you ever discussed with the people of this community the question whether Metcalfe was an honest and truthful man or not? A. I have discussed the question as to his honesty and integrity just on account of that affair you have referred to, and in that reference it was generally considered that he was sincere and a man of a good deal of conviction.

Q. Whom did you discuss that matter with; give us that name? A. That would not be proper; it would be very difficult, of course, for me to name the persons, because at that time he was a stranger to me, and it would be very natural to consider such a matter quite seriously; whether that thing was done and performed by moral convictions or by some other motive.

Q. You had already satisfied yourself on that matter, had you not, because you and the rest of the society employed him to do these very things. A. I don't know about employ; the matter was discussed what could be done to remedy the thing here; it certainly needed a remedy and reform.

Q. Well, after the first trial you dropped the whole business, did you not? A. I was not here at the time of the trial; there were efforts made afterwards I think.

Q. You knew, did you not, that he and Squires had warrants sworn out against a large number of people here which they never prosecuted at all?

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. Were counsel employed to prosecute these offenders on behalf of this organization? A. Yes, sir; I think so.

Q. Do you know who they were? A. I think it was quite an aged man who is dead now — Judge Rice.

Q. And were these prosecutions under his directions, that is, so far as the prosecution in court was concerned? A. He was consulted, I am quite sure.

Q. Now, in regard to Metcalfe being employed — was he employed in the sense of being paid? A. Oh, no, sir; not at all, sir. His services were gratis; I am pretty sure of that.

Q. And in regard to this prosecution — was there considerable interest excited in this matter? A. When this prosecution took place, in certain respects there was. A number of the young men were going a little faster in town here than some thought they ought to go at the time, and an effort should be made to stop them; and the efforts, desires and motives of the people who had this in hand, so far as they were understood, were appreciated. I think we all felt that if they could do something to help Spokane that we would be pleased.

Q. When these trials took place, then it was that you had these talks with the people about Metcalfe. A. Yes.

Q. And the testimony you got you say was uniformly favorable to him? A. Yes, sir.

COL. HAINES: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. The people you talked with were people interested in this movement, were they not? A. Yes, I suppose so; although I don't know that I made any special effort to find out anything in regard to that matter.

Q. You say that Metcalfe's efforts in the directions you have mentioned were voluntary. A. I say I did not attend the meetings regularly, and when I did, my talks to these young men, of whom Mr. Metcalfe was one, were considerably in the direction of warnings. I feared that they might be overzealous. I had had some experience in that line, and I told them, I think I used the expression that "they would burn their fingers if they were not careful;" but they were very earnest and enthusiastic and thought they had evidence enough to convict, and so they were very likely made a committee to see what could be done; and they would bring reports into the lodge and consult with the members before anything was done.

Q. Whom do you mean were likely made a committee? A. Metcalfe, Squires and Winters, I think.

Q. Is Squires still a member of the association? A. I don't know.

Examination of Mr. Edwards closed.

TESTIMONY OF H. WARNER.

H. WARNER, called as a witness for and on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

Stg. 25.—App.

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. In Spokane Falls.

Q. What is your business? A. I am a deputy clerk in Spokane county.

Q. How long have you lived in Spokane county? A. Since August, 1888.

Q. All the time since then your residence has been in this city? A. Yes, sir.

Q. You are acquainted with John L. Metcalfe, the gentleman standing at my right? A. Yes, sir; I am.

Q. Did you know him while he lived here? A. Yes, sir.

Q. Have you known him since he resided in Stevens county? A. I have.

Q. Are you pretty generally acquainted with the people of Spokane Falls? A. I think I am.

Q. Your duties bring you into contact with a great many of the people of this city and county, do they not? A. Yes, sir.

Q. Are you acquainted with the general reputation of Mr. Metcalfe in Spokane Falls for honesty and integrity, truth and veracity? A. I think I am; yes, sir.

Q. Is that reputation good or bad? A. It is good.

COL. HAINES: Take the witness.

(Cross Questions.)

By MR. FORSTER: Q. How long have you been deputy clerk? A. Since the first of September of last year.

Q. You and Metcalfe have been very intimate personal friends here in the city. A. Yes, sir.

Q. You have lived together here. A. Yes, sir.

Q. You have batched it together over across here? A. Yes, sir.

Q. And when he left the land office you got his job, didn't you? A. No, sir; I was in the land office when he left.

Q. Did not you succeed him there as contest clerk? A. I took charge of the special work that he had been conducting.

Q. You have been warm personal friends in any event. A. We have been good friends; yes, sir.

Q. Do you belong to any organization that he belongs to? A. I don't.

Q. You say you know his general reputation in this community for truth and veracity? A. I think I do; yes, sir.

Q. Have you heard it discussed? A. I have; yes, sir.

Q. You have heard it discussed pro and con. A. No; for the reason that I never heard it questioned.

Q. Who were they that were discussing it? A. Very frequently my friends and myself have been talking about Metcalfe.

Q. Would they say he was a truthful man; did anybody ever make that remark to you? A. I don't know that that remark was ever made in those words.

Q. Any discussion of the matter that you have heard was heard between you and your personal friends—people that you and Metcalfe both were intimately acquainted with. A. Yes.

Q. You never heard any talk in the general community about him for honesty or for truth, did you? A. No, I never had any talk with people that I don't know, and I think that people that did not know me did not talk to me about him.

Q. Is it not a fact that your acquaintances in the general community here is somewhat limited? A. I think it is, yes; that is, in general society. I don't go out much into general society.

Q. What I mean is, you have not talked with the people generally of Spokane Falls about Metcalfe's reputation, have you? A. No, not generally.

Q. Now, as a matter of fact you do not know what people generally think of him in that respect. A. No, not generally; that is, people I have not talked with about it, I don't know what they think about him, of course.

Q. How many people have you talked with about his reputation for truth? A. I say I don't think there is a great many.

Q. Did you ever talk with anybody? A. I have talked about Metcalfe with several people.

Q. I mean before this matter in the legislature came up? A. Yes, sir.

Q. Not exactly, I don't mean in regard to his character for truth and veracity or for honesty. A. Yes.

Q. Now, in regard to his honesty—whom have you ever heard say anything about that? A. I don't want you to understand that I have talked with anybody as to his honesty, because, as I said before, I never heard it questioned.

Q. Then, in testifying here, you are speaking of your own knowledge of Metcalfe? A. No, I have not been yet; I can if you want me to.

Q. The statements you have made here have generally been your ideas as to whether he was an honest and truthful man or not. A. To some extent, perhaps, but not altogether.

Q. Whom have you heard discuss the question? A. I can mention some of the names of men that I talked about Metcalfe before this question ever came up; Eugene Miller is one that I remember, and Mr. J. M. Adams, who used to be register of the land office; I can also name Mr. Edminton; he is another man that I now remember; I don't know that I could tell any more names of men with whom I have discussed Metcalfe generally.

Q. I am not asking about your discussing him generally, but merely in regard to his general reputation for truth and veracity, honesty and integrity; confine yourself to those things. A. I will try to, and will say this, that in the conversations I have had with the gentlemen I have mentioned, and I had conversations with others that I do not now recall, the question as to his honesty was never discussed because none of us questioned it, and I don't think that either of the gentlemen that I have heard talking about Metcalfe ever did question his honesty or integrity, and for that reason there was no special reason for discussing that phase of the question in connection with Metcalfe.

Q. Consequently in these conversations you never discussed him either

as to his honesty or veracity. A. I can answer that by saying that the result, rather than the substance of the conversation, would certainly show that it was good; that question must have been brought out if there was any question about its being good, and so I would say that inferentially we have discussed that question although we never did directly.

Q. That is merely your inference, and not something that was said.
A. Well, I think so, and think probably that is true.

MR. FORSTER: That is all.

By MR. GODMAN: Q. You say you are deputy clerk, now. A. Yes, sir.

Q. And you are acting in that capacity at this time. A. Yes, sir.

Q. Of Spokane county. A. Yes, sir.

By MR. HAINES: Q. Was Metcalfe contest clerk before he left here, in the land office? A. Yes, sir; he was contest clerk of the land office when I came out here in 1888, and he stayed in the land office all the time that I stayed there, until the spring or early part of summer of 1889, when he moved out to his ranch in Stevens county, then I took charge of his branch of the work.

COL. HAINES: That is all.

By MR. FORSTER: Q. Are you a republican or democrat? A. I don't know as I can answer that question; is an answer required?

Q. That question has been asked of you with the idea of getting an answer. A. Well, I am a republican; I will qualify that, however, by saying that although I am a republican, I think there are some things about the policy of the republican party that I would not care to follow; I suppose that is the case with nearly every republican, and democrat too, for that matter; that is, there are some phases of a party policy that we do not consider just right, perhaps.

Q. What you mean is that you have a leaning toward the republican party. A. Yes, sir, and a decided one.

Q. Whom did you favor in the late senatorial contest, Senator Squires or Judge Calkins? A. I had no favorite whatever.

Q. You didn't care who got there, or how he got there. A. No, sir; it was nothing to me.

MR. FORSTER: That is all.

By COL. HAINES: Q. I think you did not understand the last part of Mr. Forster's question; he asked you if you cared who got there, or how he got there, and you said no. A. Well, I care how he got there, of course; I think he did not ask me the question in that way.

Q. I suppose you would not have any objection to having Tom Carroll get there. A. No, I don't think I would; he would probably make a good senator.

COL. HAINES: That is all.

MR. FORSTER: That is all.

Examination of Mr. Warner closed.

On motion the committee adjourned to meet at half past one, of the same day, and at the same place.

SPOKANE FALLS, WASH., Friday, Jan. 30, 1891, 1:30 P. M.

PRESENT: All the members of the committee. Mr. Harry Clarke, with his counsel; Mr. Metcalfe, with his counsel.

The taking of testimony continued pursuant to adjournment.

TESTIMONY OF MR. EDMISTON.

MR. EDMISTON, called as a witness for and on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COLONEL HAINES: Q. Where do you reside? A. In Spokane.

Q. How long have you lived here? A. Three years and one-half.

Q. What is your business? A. Financial agent.

Q. For whom are you acting? A. For Scotch companies.

Q. Loan and Investment companies? A. Yes, sir.

Q. Are you acquainted with Mr. John Metcalfe, the gentleman sitting at my right? A. Yes, sir.

Q. How long have you known him? A. Ever since I came to this town; more particularly since March, 1888.

Q. What work was he engaged in at that time? A. He was in the land office, the adjoining office to mine.

Q. Are you acquainted generally with the people of this city? A. Yes, sir.

Q. Your dealings are quite extensive here in the way of loaning money. A. Yes, sir; quite extensive in my line.

Q. Are you acquainted with the general reputation of Metcalfe in this community for honesty and veracity, for truth and integrity? A. I am, sir.

Q. Is that reputation good or bad? A. Favorable; yes, it is good.

COLONEL HAINES: Take the witness.

(Cross Questions.)

By MR. FORSTER: Q. Where is your office? A. In the postoffice block now.

Q. Your office used to be in the same building where Metcalfe was employed. A. Yes, my office used to be in the old land office building; when the land office moved, I moved to the postoffice building.

Q. And your business is that of loaning other people's money on a commission, is it? A. Yes, sir.

Q. You have known Metcalfe how long? A. Ever since I came to this town; more particularly since March, 1888.

Q. Have you been very intimate with him during that time? A. Yes, as a friend.

Q. You belong to the same societies, do you not. A. Which society do you mean?

Q. Do you belong to any society that he belongs to? A. Do you mean the same social society, or secret society?

Q. Oh, anything. A. Well, I don't belong to any secret societies.

Q. Do you belong to any society that he belongs to that is not secret?

A. That question would have to be refined down. I know but one society; I consider that there is only one society in the human race.

Q. What is that, republican or democratic? A. I would consider that neutral.

Q. Well, are you a republican or a democrat? A. I don't take any interest in politics whatever; I vote for the best man.

Q. You didn't vote for Metcalfe, did you? A. I wasn't in his county, or I should.

Q. Were you in favor of Judge Calkins or Senator Squire for senator? A. I didn't consider that matter at all.

Q. Didn't you and Metcalfe belong to the same temperance organization? A. No; I never belonged to any temperance organization.

Q. And you don't belong to any other organization or association of any kind. A. No, not now; I used to belong to the Knights of Pythias up to four years ago.

Q. But you and Metcalfe never did belong to the same association or organization. A. No.

Q. You just used to run in the same crowd as he. A. Well, I was familiar with him both in regard to business—his honesty in regard to business transactions and in private life.

Q. When you speak of his honesty, are you speaking of your own knowledge? A. Why, yes; what I know and what his reputation has always been in all the company I have been in.

Q. Did you say that your association and knowledge of people here is somewhat circumscribed, and limited mostly to the people you have been doing business with? A. Yes.

Q. You don't want to be understood, do you, as swearing as to what the people of this community, generally, think of Metcalfe? A. No; only what I think of him myself and what I hear.

Q. Whom have you ever heard question his honesty or talk about him?

A. Well, I have never heard any one talk about it at all, any more than what I saw in the papers.

Q. All you really know about it is what you know and what you have heard. A. Yes.

Q. And you have never heard anything. A. I have not heard, prior to the time this matter came up, any one say anything about it. There would be no reason to doubt his honesty, and then there is no reason yet, and I have never been in any society that the point of the question of his honesty had come up.

Q. So you never heard anyone say anything about it, is what you mean; that is, you never heard anybody say anything about his honesty or dishonesty, did you? A. No, not directly; but if a man is dishonest, everybody knows it.

Q. We will not argue that point just now; you answer my questions;

now you never heard anybody say anything about it, one way or the other, did you? A. Yes, I did hear of it.

Q. Whom did you hear say anything about it? A. When you come down to direct points of questions about his honesty—

Q. Just answer my question; whom did you ever hear speak about it; about his honesty or dishonesty? A. Well, you ask a direct question that covers the whole field.

Q. That is a direct question, and I want you to answer it; whom did you ever hear speaking of his honesty or dishonesty; you say you heard someone, now tell me who it was. A. You ask me if I ever heard anything against him.

Q. I ask you if you ever heard anyone speaking of his honesty or dishonesty; you have said you had; now, do you wish to take that back?

COLONEL HAINES: I don't think he said that.

Q. Well, did you, or did you not, ever hear anybody say anything about his honesty or dishonesty? A. No, I never did.

Q. Consequently you have never heard anybody say what they thought about him in that respect in this community. A. In a general manner, yes.

Q. Whom did you ever hear speak about it in a general manner? A. Just rumors around town; I can't call to mind the names of fifty or one hundred people that I may have talked to about it.

Q. If you ever heard fifty or one hundred people talk about it, you can certainly give us the name of one. A. Well, it was in my own office.

Q. Just name one man whom you ever heard speak of Metcalfe's honesty or dishonesty. A. I refuse to do that.

Q. Who did you ever hear speak of his truthfulness or untruthfulness in this community prior to this trouble in the legislature? A. I cannot call any one to mind.

Q. Now, as a matter of fact, you do not know anything about his honesty or dishonesty except what you know of your own knowledge. A. From my knowledge and from those people who have had business transactions with him, both in a business way and in a so-called way.

Q. By what peculiar motive did you gain information as to what other people think about him, when you say you never talked with them about him? A. The positions he held, and the way he was treated. Things of that kind.

Q. Do you know anything outside of what you know yourself about his reputation? A. No; no one could.

Q. You don't know what people think of him in Stevens county, do you? A. No; I had no reason to inquire.

Q. And you don't know? A. No.

MR. FORSTER: That is all.

(Re-direct Examination.)

By COL. HAINES: Q. Now, in speaking of reputation—in saying that you know his reputation, I wish you would state to the committee what you understand a man's reputation to mean. A. I understand by a

man's reputation, his strict honesty and integrity in purpose and his truthfulness in doing everything. Truthfulness in all things without regard to what other people may consider right or may think of it.

Q. Now, you say you have some opinion in regard to that by your own observation and some by common report; state whether, during the time you have known him, your knowledge has been general in that regard as to what the common estimation in which he was held was; whether you had a general knowledge of that or not. A. Yes; I was meeting him every day, in his walks of life and in his business—that is, his business and my business is connected and I would meet him every day, and my experience is that a man conducting himself in the way in which he has done for the last three years could not be anything but an honest man. Nothing has been ever said to me in regard to his dishonesty.

Q. Did you ever hear his truth and veracity questioned prior to the time of this legislative trouble? A. No; it never was questioned.

Q. You stated that you refused to answer a question upon your cross-examination; state your reason for that. A. It was merely because I do not want to implicate any others.

Q. Implicate them in what? A. I do not wish to use any other people's names without having the privilege of doing so from them first.

Q. Is there anything that you want, or desire, to conceal from the committee? A. No, sir.

COL. HAINES: That is all.

Questions by MR. GODMAN: Q. You meant to say that you did not want to give the names of parties that you have heard speak of Metcalfe; is that what you meant when you said that you refused to give the names of persons that you have heard speak in regard to his honesty? A. I do not remember distinctly of any point coming up in regard to his honesty or dishonesty. I have never heard anything against Metcalfe up to this moment; those who I have ever talked to, talked favorably of him.

Q. And it is the names of those people that you do not want to give? A. No, not that, exactly; I can name several people, but I do not wish to bring up any men's names here without first having permission from them to do so.

Q. That is what I want to get at; it is merely delicacy on your part. A. Yes.

Q. Not a desire to conceal anything from the committee. A. That is so.

By COL. HAINES: Q. Did those people say anything against Mr. Metcalfe? A. No, not at all.

By MR. FORSTER: Q. You only know of your own knowledge and common report, I understood you to say in answer to Col. Haines' questions, as to the reputation of Mr. Metcalfe; now, I understand you to say in answer to my questions that you know nothing from common report whatever. A. Well, any man that lives in this city and comes in contact every day for three years with a man in a business way, and in a social way, knows that man just pretty near as well as he knows himself.

Q. And you are going entirely on what you know yourself. A. Yes, sir; of course no one knows of other people only what he hears.

Q. Do you mean to say that you have been in daily contact with Metcalfe for three years? A. For nearly that, when he was in the land office, it was.

Q. Was he in the land office three years? A. Well, up to the time he went to Stevens county.

Q. When was it he went up there? A. That was nearly two years ago.

Q. He has not been in this country for over three years, has he? A. All the time he was in the land office, I knew him personally, and met him every day.

Q. As a matter of fact he was in the land office less than a year. A. Oh, no; more than that, I think.

Q. You did business in the land office, and he treated you nicely, and so you think he is a good man; is not that about the size of it? A. He never treated me at all; I just attended to my own business.

Examination of Mr. Edmiston closed.

TESTIMONY OF EUGENE MILLER.

EUGENE MILLER, called and sworn as a witness on behalf of Mr. Metcalfe, testifies as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. Spokane Falls.

Q. How long have you lived here? A. I came here first in February, 1884, but I was out of the territory for two years. I came back the last time in May, 1887, and have been here continuously since then.

Q. Are you acquainted with John Metcalfe, the gentleman sitting at my right? A. Yes, sir.

Q. How long have you known him? A. I got acquainted with him shortly after he came here in the winter of 1887 and 1888, probably in January of 1888. It might have been in February.

Q. Are you pretty well acquainted in Spokane Falls? A. Not so well now as I used to be. Strangers come in so fast, it is hard to keep up the acquaintance. I used to think I knew pretty near all the business men of Spokane Falls.

Q. How is it now? A. I would consider myself pretty well acquainted now with the people; I have been rustling real estate, and we get pretty well acquainted with the people in the city in that business.

Q. What are your politics? A. I am a democrat.

Q. Are you acquainted with the general reputation of Mr. Metcalfe in the community in which he resided while living in Spokane, for honesty and integrity, for truth and veracity? Confine yourself to the time preceeding the legislative trouble that we are investigating now. A. I never heard a question before this came up.

Q. What I want to know is, whether you are acquainted with his general reputation. A. You see I know the local status of that thing,

and my answer would be no good to the question as you put it, because I never heard it questioned.

MR. FORSTER: Then we object to any testimony from the witness upon the subject.

WITNESS: Unless you will admit that the negative testimony that I can give, gives me a knowledge as to his reputation.

Q. What I was trying to get at, is this: You say you are pretty well acquainted with the people here, and were while Mr. Metcalfe lived here, and you knew him. A. Yes, sir, I knew him intimately; I used to meet him frequently, I was acquainted with the register of the land office where he worked, and all of the clerks, and if you will take my negative testimony, it means something.

Q. Now, are you acquainted with the estimate that was placed upon him by the people with whom he dealt and who knew him here, so far as that knowledge could be derived from what was said, and the way they conducted themselves towards him?

MR. FORSTER: That is objected to as not a proper question.

Q. Are you acquainted with Metcalfe's general reputation in the neighborhood where he resided while you knew him and while he lived in Spokane Falls for honesty and integrity, for truth and veracity? A. You do not admit, then, that I am to take into consideration the actions of the people of that community towards him, but insist that I should only consider their words?

Q. I mean his reputation in the community where he resided; his acquaintance—by the manner, not only in which the people spoke of him, but also the manner in which they conducted themselves towards him. A. As shown by actions, it was good; I never heard it discussed in words.

MR. FORSTER: I ask that the answer be stricken out. This question must be answered yes or no before he can explain what he means, or cross-examine upon it. If he knows what his reputation is, he can testify; if he does not, he cannot.

WITNESS: I will state I do not know his reputation from having heard anybody talk about it.

MR. FORSTER: Then I object to his giving any testimony about it.

WITNESS: I do know with respect to the men that he has dealt with; as you say the people with whom he associated, how have they treated him?

COL. HAINES: I will repeat the question this way: Q. You are a lawyer, I believe? A. By profession. I have not practiced for the last three or four years, as I can make more money in real estate.

Q. If you will just answer this question—whether you are acquainted with the general reputation in the community where he has resided during the time that he lived in Spokane Falls and you have known him—I think we can get along with this.

MR. FORSTER: I submit that he has answered that question and that he said he did not know.

WITNESS: I do not know his general reputation because the people do not talk about it. It is too good to be talked about, in my estimation, among those who knew him, of course.

COL. HAINES: I will submit upon that answer. That is all.

MR. FORSTER: We have no questions.

Examination of Mr. Miller closed.

TESTIMONY OF S. C. HYDE.

S. C. HYDE, called and sworn on behalf of Mr. Metcalfe, testifies as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. Here.

Q. How long have you lived in Spokane Falls? A. Over ten years.

Q. How long have you lived in the state and territory of Washington?

A. About 13 years.

Q. What other cities have you resided in in this state? A. I have been very fortunate in my residences in this state, I consider. I resided on the Sound for three years. Of that time, I resided two years at Tacoma, and one year at Seattle, and I have resided in Spokane Falls for ten years. I consider that I have been very fortunate in my residences in this state. I have resided in three of the brightest towns in the United States, and think I am very fortunate in that particular.

Q. Have you practiced your profession in all three places? A. I have. That is, if it would be lawful for me to say there was a Tacoma there at the time I resided there; it was a very small place then.

Q. What official position have you held, if any, since you resided in the state? A. I never held any official position in my life, except that of prosecuting attorney. I held that office here.

Q. For how long? A. For six years.

Q. Are you acquainted with John Metcalfe, the gentleman sitting at my right? A. Yes, sir.

Q. How long have you known him? A. I knew him about two years while he was here, and then I lost track of him, and didn't know much about him until this fall.

Q. Then he was in Stevens county? A. Yes.

Q. What business was he engaged in in Spokane Falls? A. He was a stenographer and typewriter here.

Q. Whereabouts? A. For about a year, I think, I couldn't be sure about the time, he was employed in the office of Ganahl & Hagan, in the Hyde Block. I was in the office next to him at that time. He was employed both as a stenographer and a clerk, and did some out side work. Some of the time he worked for me. A portion of the time he was up in Wardner with Mr. Hagan, and was there on and off. After he left their employ he was employed by the United States land office, and I knew him there. I had some practice there and knew him in connection with it. This was before Mr. Adams, the register. I had some business before the register at that time, and Mr. Metcalfe was the stenographer there.

Q. Is Mr. Adams living now? A. I think not.

Q. Where are Messrs. Ganahl & Hagan? A. Mr. Ganahl is here every few weeks. His headquarters are in Idaho.

Q. Is Mr. Ganahl a resident of this state? A. He moves about a great deal; he has his residence here; he owns property here, but he is only here a portion of the time, and whether he is here now or not, I do not know. His practice is a mining practice, and he is up in the mines a good deal of the time.

Q. Are you pretty well acquainted with the people of Spokane Falls? A. As well as one man can be; the town has grown very rapidly, and a good many people have come in that I don't know.

Q. Have you a general acquaintance here now? A. Yes, sir.

Q. Are you acquainted with the general reputation of Mr. Metcalfe in Spokane Falls for honesty and integrity, for truth and veracity? A. I think I am.

Q. Is his reputation good or bad? A. Good.

COL. HAINES: That is all.

(Cross-examination Questions.)

By MR. FORSTER: Q. Was it you or Ganahl & Hagan who employed Mr. Metcalfe here as stenographer? A. It was Ganahl & Hagan.

Q. You have not known much about Metcalfe since he lived here, that is, for the last two years. A. No, except last fall.

Q. Prior to his going to the legislature, you do not know what his reputation was. A. No, sir; that is, no more than I have not heard it questioned.

Q. You did not hear anything about him until then. A. No, not since he has lived up there; I knew him very intimately while he was here.

Q. Did you know his associates, and the people with whom he associated? A. While he was here, I did.

Q. Were they generally first class people? A. Yes, sir; that is, I knew Ganahl & Hagan and Mr. Adams, and another stenographer that he associated with.

Q. Do you know George Squires? A. No, I never saw him until this fall.

Q. You didn't know anything about him. A. No.

Q. You did not know anything about his being an associate and intimate of Metcalfe's. A. No, I did not know anything about it. This fall was the first I knew anything about such a person.

Q. You speak more particularly in this matter from your own knowledge; that is, more from that than you have heard other people say. A. It is a good deal so, and yet a good deal from what Ganahl & Hagan said to me about him at times.

Q. But outside of that, you have not discussed his reputation in the general community? A. No.

Q. What the general community said of him then or think of him now, you do not know. A. Yes, I have heard it discussed lately a good deal; that is, since this matter came up in the Legislature. Yes, sir.

Q. But prior to that? A. I have not heard much said about it in this community. I have in Stevens county. I was up there where he lives, and heard it discussed there in that neighborhood. I made a speech up there, and heard him make one.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. Did you hear his reputation for truth and veracity, honesty and integrity talked about in the canvass in Stevens county? A. No, sir.

Q. You were up there during the canvass. A. Yes, sir; I spoke at Springdale.

Q. Was the contest up there, at which he was elected, an earnest and spirited one? A. Yes, sir.

Q. Do you know the man against whom he ran? A. Yes, sir; I know him very well.

Q. Was he a popular or an unpopular man? A. A very popular man; that is, he ran ahead of his ticket several times.

Q. Are you acquainted with that community up there generally? A. Yes, sir. Mr. Metcalfe ran way ahead of his ticket in the precinct of Springdale, and I heard nothing about him while I was there.

Q. And from the earnestness in which that canvass was carried on, state whether or not if anything could have been said about him up there, it would have been brought out.

MR. FORSTER: We object.

COL. HAINES: We simply want to show that it was an earnest and vigorous campaign.

A. Yes, sir.

COL. HAINES: That is all.

(Cross Questions.)

By MR. FORSTER: Q. Almost all canvasses are earnest, are they not? A. Oh, yes; they are if I have anything to do with them.

Q. As a matter of fact, you did not hear any discussions, pro or con, up there during the campaign, did you? A. Yes, I did. I think Metcalfe stands exceedingly well there.

Q. You heard a discussion of it, did you? A. Yes, sir.

Q. Some arguing one way and some the other. A. No, sir; I did not hear anybody say anything against him.

Q. As a matter of fact, around Springdale, the democrats all voted for him, didn't they? A. Nearly all of them, I think; that was largely owing to his residing in that locality.

Q. Did you mean to say that the speech you made out there had anything to do with that; that is, was not very much help to him? A. Well, my speeches don't, generally.

Q. You spoke about Mr. McMillan running ahead of his ticket, &c., he was elected before, was he not? A. I believe he carried that county against Gov. Loughton.

Q. Is it not a fact that Mr. McMillan fell down and became very unpopular in the Legislature by reason of some sheep legislation that he advocated? A. I do not think he fell down this last election; he ran up very close to Metcalfe. I think Metcalfe was elected by only seven votes, and all that saved Metcalfe was his own popularity in his own precinct.

Q. Especially among the democrats. A. It appears to have been so, but Mr. McMillan lives at the other end of the county, and that may have had something to do with it.

MR. FORSTER: That is all.

Question by COL. HAINES: Q. You spoke about McMillan running ahead of his ticket. Did Metcalfe run ahead of his? A. Down in his locality he did.

MR. FORSTER: There is one question, Mr. Hyde, that I would like a little information about, and that I think the committee would like to be informed in regard to, although it is somewhat of a personal matter: But, are you a republican or democrat? A. I am a republican, sir.

Q. In this late contest at Olympia, was you in favor of Squires or Calkins? A. I was heartily in favor of Squires, and the only reason I was not there fighting for him was because my wife was sick, and I was unable to leave her. No one has ever any doubt as to where I stand, politically.

Examination of Mr. Hyde closed.

TESTIMONY OF W. H. TOWNSEND.

W. H. TOWNSEND, called as a witness on behalf of Mr. Metcalfe, having been first duly sworn, testifies as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. Spokane Falls.

Q. How long have you resided there? A. Since October, 1887.

Q. What is your business? A. I have been clerk in the United States land office; I am at present deputy clerk in the superior court.

Q. Are you acquainted with Mr. Metcalfe, the gentleman sitting at my right? A. I am, sir.

Q. How long have you known him? A. Since the early part of 1888, about January or February.

Q. You have known him ever since. A. Yes.

Q. Have you known him well, or otherwise? A. Not so very well; only as I knew him in the office.

Q. Was he in the land office at the same time you were there? A. Yes.

Q. You are pretty well acquainted in Spokane Falls, are you not? A. I have a general acquaintance; yes, sir.

Q. You were in the land office how long? A. I was there until Mr. Adams went out last spring, some time in April.

Q. When did you go in there? A. I went in there in the early part of 1887, shortly after I came here.

Q. Are you acquainted with the general reputation of Mr. Metcalfe in the community in which he lived while he resided in Spokane Falls, his

general reputation for honesty and integrity, for truth and veracity?
A. Yes, sir.

Q. Was that reputation good or bad? A. It was good.

COL. HAINES: That is all.

(Cross Questions.)

By MR. FORSTER: Q. Do you know anything about his general reputation other than what you knew of him in the land office? A. That is all the knowledge I had of him.

Q. All you knew about his reputation was what you knew of him in there. A. That is all I knew of him.

Q. You are speaking then of your own knowledge entirely and not from what the public say of him there. A. Not at all.

Q. Then you don't know what his general reputation is. A. Perhaps not.

Q. You only know what you knew of him yourself. A. That is all; I never heard anything against him.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. Was you acquainted with the people he dealt and associated with while he was there? A. I don't know that I was.

Q. Were you acquainted with the people he came in contact with? A. He was a stenographer.

Q. He was a stenographer of the proceedings in the land office. A. Yes, sir.

Q. Was he the contest clerk? A. Yes, sir.

Q. His duty was to report and transcribe the testimony in the land office cases. A. Yes, sir.

Q. And that testimony is the testimony upon which the rights of the parties are settled as to any contest. A. Yes, sir.

Q. State whether or not, there was a great deal of that work to do while he was there. A. Yes, sir; there was a great deal; he worked very hard.

Q. It was a responsible position, was it not? A. Very.

Q. And you say, during all that period you never heard his reputation questioned. A. I never heard it questioned; he always attended to his duties in a very satisfactory manner.

Q. State whether the services he performed gave general satisfaction to the public or not.

MR. FORSTER: That is objected to as immaterial.

THE CHAIR: The objection is overruled.

A. I never heard any complaints. I can't say that I ever heard any commendation of him either.

Q. But you say you never heard any complaints. A. No, sir, I never did.

COLONEL HAINES: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. You were not present in the contest-room during the trial of any of these cases. A. No, I had charge of the counter.

Q. You could not know, of your own personal knowledge, could you, whether he took that testimony down correctly or not. A. Of course I couldn't.

Q. You do not know anything about that, do you? A. Oh, no, I don't.

Q. Have you never talked with any of these people who came there and had this contest work done, as to whether it was taken down properly or improperly, did you? A. Certainly not.

Q. And those people who had these contests were living clear out of town, were they not, out in the country? A. Some were, and some were not.

Q. But most of them were. A. Yes, sir.

Q. As a matter of fact, you never talked publicly about his reputation at all, did you? A. No.

Q. All you know is what you saw in the office. A. Yes.

Q. And all you can testify is what you saw yourself. A. No, sir, I never heard anything against him, I can testify to that.

Q. But you never discussed the matter, and never heard anything said for him, did you? A. No.

Q. There might have been a great deal of unfavorable comment and you know nothing about it in the community, could there not have been? A. There may have been, I could not say.

MR. FORSTER: That is all.

(Re-re-direct Questions.)

By COLONEL HAINES: Q. If his reputation had been discussed so far as the people who had business at the land office are concerned, if they had made complaints to the land office about the way he discharged his duties, state whether or not, you would have known of such complaints.

MR. FORSTER: That is objected to as immaterial.

MR. GODMAN: I think the witness has stated that he never heard anything in commendation of him, and probably that is all he knows about it.

Q. You say you were at the counter. A. Yes, outside where the general public comes in to make inquiries in regard to land, get up papers, and so forth.

Q. That was the general reception room, open to the public. A. Yes.

Q. And you had charge of that. A. Yes.

Examination of W. H. Townsend closed.

TESTIMONY OF L. B. NASH.

Hon. L. B. NASH, called as a witness on behalf of Mr. Metcalfe, having been duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. Reside at Spokane Falls.

Q. How long have you resided in the city of Spokane Falls? A. Since the fall of '79.

Q. How long have you resided within the state or territory? A. In the state and territory since '73.

Q. What is your business at present? A. I am practicing law.

Q. Have you ever held any official positions in this state? A. Yes.

Q. What positions? A. Both military and civil.

Q. What civil positions? A. Judge of the court.

Q. What court? A. I was judge of the fourth judicial district under the territorial government.

Q. In what years? A. I have forgotten the dates, but it was about two years ago.

Q. What are your politics, Judge? A. Exceedingly democratic, of the strictest sect.

Q. Are you acquainted with Mr. Metcalfe, the gentleman sitting at my right? A. I am.

Q. How long have you known him? A. I have known Mr. Metcalfe ever since he came here, as I understood it from the time he was stenographer for Mr. Ganahl and Mr. Hagan, who were attorneys here.

Q. Did you know him during the time he was in the land office? A. Yes, I knew him all the time he was in the city.

Q. Did you have business for the parties by whom he was employed, while he was in the land office? A. Frequently, and I saw him frequently while he was occupying the position of stenographer for Ganahl & Hagan. I had almost an adjoining office to theirs.

Q. Were you acquainted with his general reputation for honesty and integrity, for truth and veracity, in the community in which he lived while he resided in Spokane Falls? A. I think I was.

Q. Was that reputation good or bad? A. I should say good.

COL. HAINES: That is all.

(Cross Questions.)

By MR. FORSTER: Q. You have not known much about him for the last two years, have you, Judge? A. Scarcely anything.

Q. And while he was in the land office you was on the bench most of the time. A. I think I was.

Q. So you have not come much in contact with him? A. I have not.

Q. You live in a different part of the town from what he did? A. I don't know where he lived while he was here.

Q. You live in Ross Park, do you not? A. Yes; I have lived for over two years there.

Q. Were you ever intimately associated with his associates outside of his employers? A. I don't think I was.

Q. You did not know any of them, did you? A. In fact, I will say right here that I do not know who his associates were. I knew him in a business capacity, and that is about all.

Q. All you know of him is in his business capacity as clerk for Ganahl & Hagan, and afterwards in the land office. A. In his business here as a stenographer is all I know.

Q. Do you know George Squires, the son of C. O. Squires? A. I think I know C. O. Squires, but I don't think I know his son; I don't recollect it now, anyway.

Q. Were you present at the time Jack Squires was arrested for violation of the Sunday law? A. I was here, but I was not present.

Q. You was here in the city. A. No, sir.

Q. You did not know that George Squires had, in connection with Metcalfe, made the complaint in that case. A. No; I don't know anything of the merits of that controversy.

Q. Have you ever discussed with the public, generally, in this community the general reputation of Metcalfe for either truth or veracity, honesty or integrity, outside of his employers? A. I don't think I ever did.

Q. Did you ever discuss it with his employers? A. I think that Ganahl & Hagan, in a general conversation that took place between us, stated that he was a very worthy and reliable young man, and I gave him such business as I could, as stenographer, on the strength of that.

Q. That was about the time they imported him from Chicago, was it not? A. I think he had not been here a great while. I know nothing of his importation from Chicago by anybody.

Q. Well, he was a newcomer here at that time, was he not? A. He was when he first came here, I suppose.

Q. I am referring to the time that you had this conversation with Ganahl & Hagan. A. I know they spoke of it, generally, that they had a worthy young man as stenographer, a good man, and wished me to cast such business as I could in his direction. They recommended him very highly. I do not know how long he had been here at that time.

Q. They recommended him as a good stenographer. A. Yes, sir; a man of integrity, as I understood it; a safe man for that business.

Q. He was with them for about a year, was he not? A. I don't remember as to that.

Q. As I understand you, you are testifying almost entirely from your own knowledge of him, and from your knowledge acquired of him in the capacity he occupied there as a clerk. A. Very largely.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. Would you consider a person who was untruthful and whose word was unreliable, a good or safe stenographer?

MR. FORSTER: That is objected to.

CHAIR: The objection is sustained. We think the testimony of the Judge as already given, is a sufficient answer to the question.

Q. You say in answer to a cross-question that you speak from your own personal acquaintance with him in a business capacity. State if in your answer you included anything more than that—anything outside of that? A. I think I said that I had heard Ganahl & Hagan speak of him very highly, when they recommended him to me as a man of integrity,

and a safe man. I suppose they were speaking of it in connection with his business.

Q. Did you ever hear any one say anything against his honesty or integrity, his truthfulness or his veracity? A. I never did; for that reason I supposed he was a democrat until he was elected to the Legislature this fall on the republican ticket. I never heard anything against him except that he was a republican.

COL. HAINES: That is all.

(Re-cross Questions.)

By MR. MEANY: Q. Did you take any part in the recent controversy in this county, or Stevens—I refer to the fall elections? A. I took a part for Carroll, a very clean, upright man; yes, sir.

Q. Did you stump Stevens county for Carroll? A. No, I could not fill my appointments there. I did not go up there during the canvass at all.

Q. You did not take any part in the canvass up there. A. None at all; I should have been glad to do so if I had been able; but I was not able at that time.

Examination of Judge Nash closed.

TESTIMONY OF ROBERT ABERNATHY.

ROBERT ABERNATHY, called as a witness on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Q. You reside in Spokane. A. Yes, sir.

Q. How long have you lived here? A. Seven years.

Q. What is your business? A. Real estate.

Q. How long have you been in the real estate business? A. Three years.

Q. What were you doing before that time? A. I had a tin shop here; I was in the tin business and galvanized cornice business.

Q. Are you acquainted with John Metcalfe, the gentleman sitting at my right? A. Yes, sir.

Q. How long have you known him? A. Don't know exactly how long; about three or four years.

Q. That was when he lived here. A. Yes.

Q. Did you know him after he went to Stevens county? A. I have only met him once or twice since he went up there.

Q. How is your acquaintance in Spokane, general or otherwise? A. We had an intimate acquaintance.

Q. I mean among the people living there. A. Yes; it is quite general.

Q. Were you acquainted with Metcalfe's reputation for honesty and integrity, truth and veracity in the community in which he lived while he was in Spokane Falls? A. Yes, sir.

Q. Was that reputation good or bad? A. Good.

COL. HAINES: That is all.

(*Cross Examination.*)

By MR. FORSTER: Q. You have not known much about him for the past two years. A. No, I have not.

Q. You do not know whether his reputation was good or bad for the last two years. A. No.

Q. Have you ever discussed his reputation for truth and veracity with anybody here, and if so, who was it? A. Several years ago I was quite intimate with him and inquired about him.

Q. In what connection did you inquire about him? A. We belonged to the Good Templars lodge here, and we used to be together a good deal in that way.

Q. You were working together in some matters at that time. A. No.

Q. You were working with him to help to select him to do detective work when Jack Squires was arrested. A. No, sir.

Q. You belonged to the Good Templars there. A. Yes.

Q. Was not that organization instrumental in that prosecution? A. I do not know that it was.

Q. Jonathan Edwards was a member of that organization, was he not? A. Yes.

Q. You were all working together at that time. A. At the time that prosecution was going on I did not attend the Good Templars very much. I understood that Mr. Metcalfe, Mr. Squires and me were appointed on a committee, and then they dropped my name.

Q. What was that committee to do? A. I do not know; they never reported to me; I just heard that on the outside.

Q. They were to get evidence, were they not—to get evidence against Jack Squires to convict him for selling liquor, and did detective work in that matter? A. I understood it was to get evidence against parties for selling liquor on Sunday; I did not know anything more than that.

Q. Were you a subscriber to the fund that was raised to prosecute that case at that time? A. I do not remember anything about that.

Q. You know George Squires very well. A. I met him, but did not know him as well as I did Metcalfe.

Q. He was a member of the organization, was he not. A. Yes, sir.

Q. They were very intimate at that time; close friends, and have been ever since. A. I do not know.

Q. He is the same George Squires that lives at Springdale, is he not? A. I do not know that.

Q. Who ever told you, if anybody, that Metcalfe was a truthful man? A. Well, it was among the Good Templars.

Q. Who was discussing it? A. I can't remember now, but it was talked about among us a good deal.

Q. They used to get together and talk about one another, did they? A. No, sir; but if a new member came in there, he was inquired about, where he came from, what his standing was, and what people knew him before; all this was gone into before he was taken into intimate acquaintance, and that was the way of it.

Q. So you were discussing Metcalfe's reputation for truth and veracity,

were you? A. No, sir; we were inquiring as to his standing before we admitted him as an associate, etc.

Q. You were deciding that question then. A. We discussed it in that way, and if anybody knew about him in regard to his standing and respectability.

Q. He was almost a total stranger at that time, was he? A. I think he was.

Q. Were you also discussing his reputation for honesty and integrity? A. Not in particular, just his general standing.

Q. Your testimony is based mostly upon what you know of him yourself. A. Yes, mostly.

Q. You do not know about his reputation since that time. A. I know he was reported well among the people; they generally had a good opinion of him.

Q. Did they ever tell you so? A. I do not know that they ever told me so, in so many words.

Q. Then how do you know that he was so considered? A. The way they received him.

Q. How was that, did they open their arms to him? A. They received him in a very pleasant way.

Q. So you think they spoke well of him. A. That is my style of doing, yes, sir.

Q. You receive a good many friends pleasantly, that you do not think very highly of. A. I do not receive them into my home, and I know he was received here among the Good Templars, and I think they are about as good people as there was in town.

Q. Your acquaintance was mostly in the Good Templars' line then, was it? A. Mostly.

Q. What are your politics? A. I am a prohibitionist.

Q. And so was he. A. No, sir, he was a republican, and that is the worst thing I ever knew about him.

Q. You was a republican before you became a prohibitionist. A. No, sir, I was not.

Q. Did you take any interest in the last senatorial contest? A. No, sir, I did not; I thought one side was about as bad as the other.

Q. You were a candidate yourself for an office, were you not? A. Yes, I was the prohibition candidate for congress last fall, and I think the people ought to have elected me, too.

By MR. MEANY: Q. Did you go up to Stevens county during your canvass? A. No, sir.

Q. Did your friends canvass that county for you? A. I do not know, I think there were not very many prohibitionists up there.

(Re-direct Question.)

By MR. HAINES: Q. Were you at all familiar with the contest in Stevens county, as between the democrats and republicans; did you keep any track of it? A. No, sir.

Examination of Robert Abernathy closed.

TESTIMONY OF WILLIAM H. SMILEY.

WILLIAM H. SMILEY, called as a witness on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Q. Where do you reside? A. In Spokane Falls.

Q. What is your business? A. I am now connected with a bank.

Q. What bank? A. With the Traders Bank.

Q. How long have you lived here? A. Very nearly 15 years.

Q. How long have you been connected with the banking business? A. Two years.

Q. Are you acquainted with John L. Metcalfe, the gentleman sitting at my right? A. Yes, sir.

Q. How long have you known him? A. Nearly four years.

Q. Have you been well acquainted with him during that time? A. Yes, sir.

Q. During the time you have been here, has your business been of a character to make you generally acquainted with the people of the town? A. Yes, sir.

Q. Are you acquainted with Metcalfe's general reputation for truth and veracity, for honesty and integrity in this community during the time he has resided here? A. Yes, sir.

Q. Is that reputation good or bad? A. Good.

COL. HAINES: That is all.

(Cross-examination.)

By MR. FORSTER: Q. Are you speaking of your own knowledge, Mr. Smiley? A. Yes, sir.

Q. And from that exclusively. A. Yes, sir.

MR. FORSTER: You may stand aside.

COL. HAINES: That is all.

Examination of Mr. Smiley closed.

TESTIMONY OF THOMAS C. GRIFFITTS.

THOMAS C. GRIFFITTS, called as a witness on behalf of Mr. Metcalfe, and having been first duly sworn, testified as follows:

(Questions-in-chief.)

By COL. HAINES: Q. You reside at Spokane Falls. A. I do.

Q. Your profession is what? A. Attorney at law.

Q. How long have you resided here? A. Since January, '84.

Q. Have you been practicing your profession continuously since that time, in Spokane Falls? A. Yes.

Q. Have you a general acquaintance in Spokane Falls? A. I think so, yes, sir.

Q. What is your politics? A. I am a democrat.

Q. You have been one ever since you lived here? A. Been one all my life.

Q. And you were a candidate for congress on the democratic ticket at the election held a year ago, were you not? A. I think I was; I have tried hard to forget it, but have not been able to do so.

Q. You are acquainted with John L. Metcalfe. A. Yes, sir; I know him.

Q. How long have you known him? A. I should think three or four years; I cannot fix the exact date.

Q. Was it while he resided in Spokane? A. Yes, sir.

Q. Are you acquainted with his general reputation in the community where he resided in Spokane Falls, for honesty and integrity, for truth and veracity? A. Yes, sir.

Q. Is that reputation good or bad? A. Good.

COL. HAINES: That is all.

(Cross Questions.)

By MR. FORSTER: Q. You have not known much about him for the last two years, have you? A. I do not know when he left here; I think it was not that long.

Q. But you do not know when he did go away, do you? A. No.

Q. He stole quietly away and nobody missed him. A. I do not know as to that.

Q. You never heard anybody say that his reputation was good or bad, did you? A. Yes, sir.

Q. Who did you hear say that; was it a professional man? A. When I first became acquainted with Mr. Metcalfe he was a stenographer or typewriter, or clerk or something in Hyde & Hagan's office. I then only used a stenographer semi-occasionally, and did the balance of my work myself. I had an occasion to employ a stenographer, and hearing of this young man, I spoke to Mr. Hagan and Mr. Hyde about him. Mr. Hagan especially recommended him as a reliable, truthful and fairly competent person. Mr. Hyde also spoke of him highly. Then when he was contest clerk, I think it was up here at the United States land office, I had an occasion, one time in particular, to ascertain who the contest clerk was; it was in a very important case—I think the Snyder contest for over 160 acres of land up here near the city; in that case, we were allowing the testimony to be taken down in shorthand and the witnesses came in and signed it afterwards, and I was particular to find out who the man was, that was taking it, and all about him, and I found that he enjoyed the fullest confidence of Mr. Adams, the register, and the other officials, and that man was Mr. Metcalfe; knowing him in that way, I trusted him to the fullest extent.

Q. When you first heard Mr. Hagan and Mr. Hyde speak of him, it was shortly after they had imported him from Chicago, was it not? A. I could not say, it was along about the time I first knew him; I think he had not been here a great while at that time.

Q. You were talking to them simply in connection with his business as a stenographer, with a view of employing him. A. I understood he was not employed by them all the time, but that he had a position in their

office, and that they were helping him to get outside work; I do not know whether they had known him before he came here or not.

Q. They did not use the words "that he was a truthful man," did they?

A. Yes, one of the points about which I was particular in inquiring concerning Mr. Metcalfe, with the possible view of employing him, was in relation to his truthfulness; if he was a truthful and reliable person; I wanted to give him employment in my office, and I always reserve the privilege of doing the lying for my office myself.

Q. You did not assume, then, Mr. Griffiths, that he was a reliable, truthful man, from the fact that he was a republican. A. I do not think that I knew his politics at that time, and if I had, that might have been an element of suspicion that caused me to make this inquiry. I will say further, that my impression is, that when Metcalfe came here he was not very rich; he boarded down here at Carsons, and I have heard Carsons say frequently, that he was one of those kind of fellows, that when he made a little money he came around and paid up; kept his promises and paid his debts.

Q. You did know something about the prosecution of Jack Squires and about his doing a little detective work in that case, did you not? A. Yes, I knew about it principally from you, I think; that he had appeared as a sort of a prosecutor in the case; I think he appeared in the attitude of a lawyer, and that the fellow named Squires, in the attitude of a witness.

Q. Do you not remember that Judge Rice was the lawyer? A. I do not remember that.

Q. Do you not remember that Metcalfe went around to Jack Squires and smelled of people's beer, that he could testify that it was beer? A. I do not think I ever heard the details of that prosecution.

Q. You do not remember then, that he appeared in the role of an amateur detective in that case. A. Well, I heard that he was connected with the temperance alliance, or some other organization that was trying to limit this "wide open system" that they were running here every Sunday, and that he got left on it, as most any man will who goes into that; that is what I heard, and I think I heard it from you.

Q. Well, anyway, these saloons are still wide open on Sundays. A. I think they are.

MR. FORSTER: That is all.

(Re-direct Questions.)

By COL. HAINES: Q. You have never heard his honesty or veracity questioned, have you? A. I certainly never heard his integrity questioned, and I do not think I ever heard his veracity questioned; the sole instance where I possibly could have heard it, would have been in this prosecution, and I do not recollect having heard that he was a witness; my recollection was that his attitude was not that of a witness, but of a lawyer; that is the way I heard it; I was not present at the trial and got my information principally from the attorneys who defended Jack Squires in that case.

COL. HAINES: That is all.

(Re-cross Questions.)

By MR. FORSTER: Q. Do you not recollect now that he was the informer and principal witness for the prosecution, and notwithstanding his direct testimony, the jury brought in a verdict for the defendant? A. Those may have been facts, but I did not hear it that way; my recollections are, that I heard that Squires was the prosecutor, that Metcalfe was helping Judge Rice, a special prosecutor.

Q. You know this George Squires, don't you? A. I did not know him at that time, but I have known him since.

Q. He did not have a very savory reputation, did he?

COL. HAINES: We object to that.

CHAIRMAN: The objection is sustained.

Examination of Mr. Griffiths closed.

The following witnesses were called upon behalf of Harry A. Clarke.

TESTIMONY OF ARTHUR J. SHAW.

ARTHUR J. SHAW, called and sworn as a witness on behalf of Mr. Clarke, testified as follows:

(Questions-in-chief.)

By MR. FORSTER: Q. How long have you resided in Spokane Falls? A. Three years.

Q. Do you hold any official position now? A. Postmaster.

Q. Did you hold any other official position under the government? A. Yes, sir; I was receiver of public moneys for four years at Lewiston.

Q. What positions other than official ones have you held in this city?

A. I was associate editor of the *Review*.

Q. Do you know Mr. Clarke? A. I do.

Q. How long have you known him? A. Three years.

Q. In what community have you known him? A. Here in Spokane Falls.

Q. Have you known him intimately? A. Yes, sir; rather intimately.

Q. Do you know the people he has associated with in this community?

A. Yes, sir.

Q. Are you pretty well acquainted in this community? A. Yes, sir.

Q. Do you know Mr. Clarke's general reputation in this community for truth and veracity, for honesty and integrity? A. Yes, sir.

Q. Is it good or bad? A. Exceptionally good.

Mr. FORSTER: That is all.

(Cross Questions.)

By COL. HAINES: Q. What are your your politics? A. I am a republican.

Q. In the senatorial contest which has just closed, which of the two republican candidates did you favor? A. I took no part whatever.

Q. I know that; but with which were your sympathies? A. I took no part whatever; I had nothing to do with it.

- Q. You had no sympathies. A. No, sir.
- Q. Being postmaster you thought that sympathies were out of place.
- A. I simply attended to my duties here.
- Q. Mr. Clarke was friendly to your appointment, was he not? A. I don't think Mr. Clarke knew anything about it.
- Q. You don't think he did? A. I am certain he did not.
- Q. What makes you certain of that? A. Because I didn't know anything about it myself.
- Q. Then you think that everything Clarke knew, you would necessarily know? A. Yes, sir.
- Q. You are quite intimate friends I should judge. A. Not exceptionally so; I know him as a citizen of Spokane, but I have no intimate acquaintance with him; I know him as a business man, and a man that I meet on the streets perhaps once or twice a week.
- Q. How long has he lived in Spokane Falls? A. With the exception of the time he has been over on the Sound, he has been here all the time for the last three years since I knew him; he has been sergeant-at-arms to the Senate, a year ago, I think that was.
- Q. He has been away a good portion of that time. A. No, sir.
- Q. He was for four months sergeant-at-arms, was he not? A. I think he was.
- Q. His business has been in Spokane Falls. A. Yes.
- Q. With whom was he in business? A. The firm was Ashley & Clarke, surveyors.
- Q. He has been engaged in making surveys for the government. A. I do not know as to that.
- Q. You say his general reputation is good. You mean by that, I suppose, that so far as your own personal knowledge of him is concerned, you found him honest and truthful. A. Yes, sir, and I mean his reputation in the community.
- Q. What do you mean by general reputation? A. I mean a man's standing in a community for honesty and integrity, truth and veracity.
- Q. Did you ever hear any body say he was honest or truthful? A. I never heard it questioned in any way.
- Q. Did you ever hear any body say that his reputation was good. A. I don't think I ever did; I don't think there was any occasion for it.
- Q. You go on the assumption that until it was proven otherwise it is good. A. No, a person has a certain knowledge as to the character of the men he meets, even though he does not hear people say that he is honest; he knows it himself.
- Q. I suppose that it is about this way: That not hearing anything questioning his reputation you assume that it is good, because it has not been questioned to your knowledge. A. It is not a matter of assumption on my part; it is a knowledge of the man.
- Q. You have a personal knowledge of him from your dealings with him. A. Yes, sir.
- Q. And that is favorable to him. A. Yes, sir.

Q. And then you say that you have no other knowledge as to his standing. A. Yes, sir.

Q. That knowledge, outside of your own personal knowledge from your relations with him, is based upon the facts that you have not heard his character, in those respects, assailed; is not that it? A. Yes, sir; in part that is true.

COLONEL HAINES: That is all.

(Re-direct Questions.)

By MR. FORSTER: Q. Has Clarke ever held any official positions here? A. He has been chairman of the republican county central committee; and he was also clerk of the court here at one time.

Q. State as to whether or not it is a fact that both of those positions brought him in contact with many people. A. It is a fact.

Q. You knew him during those times. A. Yes.

Q. You know the people that he came in contact with. A. Yes.

Q. You knew him and them at the same time. A. Yes.

Q. And still you never heard his reputation for truth and veracity, for honesty and integrity questioned at any time? A. Never.

By MR. GODMAN: Q. Were you living at Lewiston when you were appointed receiver, or did you come there under appointment? A. I came there under appointment from President Arthur.

By MR. MEANY: Q. Did you take part in politics in this county prior to your appointment? A. I used to write an editorial once in a while.

Q. Did you ever hear any of the parties opposing Clarke say anything derogatory to his character at such times? A. No, sir; I never did.

Examination of Mr. Shaw closed.

TESTIMONY OF J. M. ARMSTRONG.

J. M. ARMSTRONG, called and sworn on behalf of Mr. Clarke, testified:

(Direct Questions.)

By MR. FORSTER: Q. Major, how long have you resided here? A. Since September, 1883.

Q. Did you ever hold any official position here? A. I was register of the land office here up to August, '85; before that, I was in the general land office at Washington; I was chief clerk and acting commissioner there.

Q. Do you hold any official position here? A. I am county clerk of Spokane county, elected at the last election.

Q. Do you know Mr. H. A. Clarke? A. Yes, sir.

Q. How long have you known him? A. Personally since '84.

Q. How long in Spokane Falls? A. I knew him in Olympia in '84; he was conducting a newspaper there during that campaign, and then he came here, I don't know just when, and established himself as a civil engineer and surveyor.

Q. Was he a member of any firm? A. The firm was Ashley & Clarke; Ashley is the present county surveyor.

Q. Did Clarke hold any official position here? A. He was the clerk of the district court here.

Q. Do you know whether he held any position other than that? A. At one time he was chairman of the county committee.

Q. Are you pretty well acquainted in this community? A. I think so; yes, sir.

Q. Do you know the people pretty well, who know Clarke, and with whom he has been brought in contact in this city? A. Generally speaking, I do.

Q. State whether or not these different positions have brought him in contact with a great many people in this community? A. I should say they must have.

Q. As a matter of fact, he was acquainted with pretty near everybody in the county. A. I should judge so, from the positions he held here.

Q. Major, do you know Mr. Clarke's general reputation in this community for truth and veracity, for honesty and integrity? A. Technically, I could only answer that question in this way: That, as I have stated, I have known Clarke since '84; I knew him in Olympia, and knew him here and during that time I have never heard his conduct called in question in any way, shape or manner; and I should say, from the positions he has held, that that is sufficient to establish his reputation as the very best.

Q. You say you have never heard his reputation in those respects questioned in this community. A. Not at all. If I can make an explanation of that, I might say that I am going upon this theory: That it is very rarely that you ever hear a good man's reputation questioned; but when a man has done something wrong, there is a chance for his reputation to be discussed.

Q. So far as you know, and can learn from personal observation, his reputation in those respects, has been good in this community. A. It has.

(Cross Questions.)

By COL. HAINES: Q. You simply say his reputation is good because you have not heard people assail it. A. Yes.

Q. And on the principle that if a man's reputation is bad, you will hear something about it from somebody, and you have not happened to hear anything bad about Clark. A. No, as I said before, I never heard his reputation called in question at all.

Q. Are you a republican in politics? A. Yes.

Q. Did you take any sides in the senatorial contest? A. None, whatever.

Q. You were certainly on one side or the other. A. I will say this: That the campaign in this county was conducted on the principle, as I understood it, that Senator Squire was the choice of the party in this county, and I acquiesced in that.

Q. That was the sentiment of the county. A. That is what I understood from those who were in the campaign.

Q. You have understood that a good deal of the feeling between Calkins and Squire was a feeling between Pierce and King counties. Have you any feeling in this matter arising out of anything that you heard to

the effect that in this controversy between Senator Squire and Judge Calkins, the people of King county were very earnest in there advocacy of Senator Squire, and the people of Pierce county just as earnest for Judge Calkins, and that it was to a certain extent, a contest between the two counties in that regard? A. No, sir; I simply knew that from newspaper reports; but I had no personal feeling in this controversy.

Q. Have you not a friendly leaning towards Pierce county, rather than towards King? A. I don't know that I have.

Q. You were candidate for delegate to congress at one time. A. Yes.

Q. Is it a fact that your opponent received a very large majority in King county, and that you received a very large majority in Pierce county? A. Yes, sir.

Q. Mr. Voorhees received over 2,500 majority in King county. A. Yes.

Q. And it was on that account that you were defeated. A. Yes.

Q. Did that not influence your feelings against King county? A. No, sir; I never tried to take that into consideration, because it would be a very small thing to do.

Q. Your opinion of Clarke's character is derived principally from your own personal intercourse with him. A. From my intercourse and observation.

Q. Have you not heard some question raised in regard to Clarke's integrity as a government surveyor? A. No, sir; not a word.

Q. Have you not understood that the surveys made by him for the government have been hung up in Washington, and that he has not been able to get his pay because it was claimed they were fraudulent? A. No, sir. I have not even heard it charged.

Q. You heard about it. A. It was so incidentally that I didn't pay any attention to it, and don't know what I did hear about it; the only thing I remember is, that there was some controversy between the surveyor general and Clarke, and I think Clarke told me that himself.

Q. You understood that the surveyor general claimed that his surveys were incorrect. A. All I can say in regard to that is, that it was Clarke who told me; Gen. McMicken never said a word to me in regard to the matter; Clarke claimed he had not received proper treatment from the general; it was a casual matter, and I never paid any attention to it.

Q. Did you ever hear that the surveys were improper, and that the government refused to pay him for his services because they were not honest surveys? A. No, sir.

Examination of Major Asmstrong closed.

TESTIMONY OF JOHN F. PICKETT.

JOHN F. PICKETT, called on behalf of Mr. Clarke, and sworn, testified.

(Questions-in-chief.)

By MR. FORSTER: Q. How long have you lived in Spokane Falls? A. Since July, 1883.

Q. What business are you engaged in? A. At present, real estate; formerly civil engineer.

Q. How extensive is your acquaintance in this city? A. I know almost everybody.

Q. Do you know Mr. Clarke? A. I have known him since the spring of 1887 intimately.

Q. Do you know that Clarke was chairman of the county commissioners, and clerk of the district court here? A. Yes; and he was also a member of the firm of Askley & Clarke.

Q. Do you know the people that Clarke has associated and come in contact with, both in business and social way? A. Yes.

Q. Do you know Clarke's reputation for truth and integrity, honesty and veracity in this community? A. Yes.

Q. Is it good or bad? A. Good.

(Cross Questions.)

By COL. HAINES: Q. What are your politics? A. Democrat.

Q. Do you take an active part in politics? A. I was a candidate for the legislature in the fourth district last fall.

Q. Do you say that you never heard anybody say anything that would reflect either upon his honesty or veracity? A. Yes, sir.

Q. Haven't you frequently heard it said that Clarke was a man who was tricky in politics? A. I never have.

Q. And that Clarke was a man who would use questionable means in politics to attain success. A. I have not.

Q. You mean if those charges have been made, you didn't hear of them. A. I never heard of them.

Q. Have you not heard charges made about Clarke's surveys for the government not being proper or correct? A. No.

Q. Did you ever hear anybody speak well of him as regards his honesty? A. I never heard anybody say anything against him, and of course he has a good many friends who speak well of him, but I don't know that I could say who it was.

Q. You never heard anybody say he would tell the truth? A. It is not very customary for anybody to be going around saying that a certain man is honest or otherwise unless there is something wrong about him.

Q. Then you go on the estimation that because you never heard anybody say anything about his honesty or veracity, that his reputation is good in those particulars. A. If he was dishonest to any alarming extent, it would come out, and I would know something about it.

Q. Or, if he was untruthful to any alarming extent, you would know something about it. A. Yes, sir.

Q. And you base your opinion on that. A. Yes.

By MR. GODMAN: Q. When Ashley & Clarke were civil engineers for the city, did you ever hear any complaints made about the firm and their work? A. Not at all.

By COL. HAINES: Q. Did Ashley or Clarke do the work? A. I was not in the city at the time Ashley was city engineer; Clarke never was city engineer.

Q. Ashley was the responsible man. A. Ashley was the city engineer. Examination of Mr. Pickett closed.

TESTIMONY OF S. A. WELLS.

S. A. WELLS, called and sworn on behalf of Mr. Clarke, testifies.

(Direct Questions.)

By MR. FORSTER: Q. State your residence and business. A. I reside in Spokane Falls, and I am deputy clerk of the United States circuit and district court.

Q. How long have you resided here? A. Since the first of May.

Q. You have been here frequently, and were acquainted prior to that. A. Yes, sir.

Q. Have you held any official positions in this State? A. I was a member of the Legislature in 1885-6.

Q. Do you know Mr. Clarke? A. I have known him for six years.

Q. Do you know the people who come in contact with him, and who are acquainted with him? A. I know a good many of them.

Q. Do you know Clarke's reputation in this community for truth and veracity, for honesty and integrity? A. I think I do; I have never heard it questioned.

Q. Is it good or bad? A. I should say good.

(Cross Questions.)

By COL. HAINES: Q. You are a republican. A. Yes.

Q. How did you become acquainted here in this city with the people generally? A. I have done considerable business here, and I have been here a good many times purchasing goods; we done a good deal of our purchasing here.

Q. You were carrying on a store at Ritzville. A. Yes. I closed out my business there in 1886, and was practicing law there after that.

Q. Do you think as a lawyer, that you say that you know Clarke's reputation, or that you knew it prior to the time you removed here? A. I do sir. I was here very often, and met a great many of his friends.

Q. Who did you hear say he was an honest man? A. I never heard any man say that he was either honest or dishonest, or truthful or untruthful.

Q. You didn't take any great pains to find out. A. I never did.

Q. Your personal relations were satisfactory. A. Yes, sir.

Q. You say you was a member of the Legislature in 1885-6. Were you a candidate subsequent to that time? A. Yes, sir, and I was not elected. The district was very different from the one I was elected in before.

Q. And the result was very different too. A. Yes. The district I was elected from was a republican one, and they changed it, and made it strongly democratic.

Q. Did you ever have any business relations with Clarke? A. No, sir.

Q. You have known him as a politician. A. Yes.

Q. Haven't you heard it charged that Clarke was rather tricky in politics? A. I never did.

Q. Never heard it charged that he would resort to any method to obtain success. A. I never did.

Q. Did you take any part in the late senatorial contest? A. None at all.

Q. Were your sympathies with any one in this canvass? A. My sympathies were with Squire.

Q. But you did not manifest them by any work in his behalf. A. No. Examination of Mr. Wells closed.

On motion the committee arose to meet at 10 A. M. Saturday, January 31, 1891, at the same place.

SPOKANE FALLS, WASH., 10 A. M., January 31, 1891.

PRESENT: The same as yesterday; proceedings continued pursuant to adjournment.

TESTIMONY OF J. J. L. PEEL.

J. J. L. PEEL, called and sworn on behalf of Mr. Clarke, testified:

(Questions-in-chief.)

By MR. FORSTER: Q. State your residence and occupation. A. I have lived in Spokane since '84, and I am the present auditor of this county; and before that, I was register and collector of the city water department; before that, I was postmaster of this city.

Q. Do you know Mr. Clarke? A. I have known him since the summer of '86.

Q. In this city? A. Yes; we used to live near neighbors on Second street.

Q. Do you know the people pretty well that he has associated with, and who know him, and are you pretty well acquainted in this county? A. Yes; I presume I know about as many people here as any other one man in connection with being postmaster and the other positions I have held.

Q. Do you know Clarke's reputation in this community for truth and veracity, honesty and integrity? A. I do.

Q. Is it good or bad? A. It is good.

(Cross Questions.)

By COL. HAINES: Q. Did you ever hear any one say he was an honest man? A. I never heard any one say that he was dishonest; I don't remember of any particular conversation in regard to his being honest or dishonest.

Q. Did you ever hear any one say he was a truthful man? A. I could not name the particular person who said it; I don't know that the matter was discussed very much.

Q. You speak largely of your own personal knowledge of Mr. Clarke? A. Yes; there are no particular persons that I have heard express themselves; I have heard opinions expressed recently.

Q. I am referring to times before this trouble. This is about the way it would be in your mind: Your own personal knowledge of him being favorable, and not having heard any one say anything to the contrary, you presumed he was considered favorably by everybody. A. Yes.

Q. You know, I suppose, that Clarke was a partner of Ashley's, and that Ashley was city surveyor. A. Yes.

Q. Now, have you not heard some criticism in regard to the conduct of that firm in city affairs? A. I never did.

Q. Don't you remember that there was considerable controversy as to the estimates that had been submitted by that firm for street work? A. I don't know anything about it.

Q. You heard about it. A. I don't remember that I did.

Q. Don't you remember that there was a good deal of discussion in the city council over it? A. No, I do not; I was not present at its meetings, although I read the proceedings.

Q. Now, Mr. Peel, do you not remember that there was a good deal of criticism at that time as to the honesty of the estimates made by the firm of Ashley & Clarke for city work, grading, etc., which had been done by contractors?

MR. FORSTER: That is objected to. Ashley was the city engineer; Clarke was his partner, but not in the city's work; he received no part of the salary, and had nothing to do with this whatever.

Objection overruled

A. I did not hear of it.

Q. Now, I will ask you if you have not heard, as a matter of fact, that these estimates were fraudulent and dishonest?

Same objection, and same ruling.

A. I would not have been apt to have heard about it, perhaps, if it had been so; I was in the postoffice up to September, '89, and while there, worked almost night and day, and scarcely read a newspaper even, and in November, '89, I took charge of the water office, and Ashley has never been connected with city matters since; while I was in the postoffice, I didn't know much more about what was going on here than I did what was going on in Seattle.

Q. You were not in a position to know if those rumors had been circulated. A. I was not in a position to know anything about it at that time.

Q. What are your politics? A. Democrat.

Q. Ever taken any part in city politics? A. Recently, yes.

Q. Did you while Clarke was chairman of the county committee? A. No, I didn't take any particular part, but I watched Clarke's course closely.

Q. And you were satisfied that it was a perfectly honest and upright course. A. Well, from a democratic standpoint, I considered Clarke a very bold fellow, aggressive, unrelenting republican, but I did not consider that there was anything dishonest about it.

Q. He would go to great length to win. A. Yes; he was one of the best organizers that was ever in the county.

Q. He went in to win. A. And I suppose that is the way to go in.

By MR. FORSTER: Q. When he went in to win, he went in to win by honorable means. A. As far as I know, he did.

Q. You never heard that questioned. A. No, sir.

Q. You say you never heard any body call Mr. Clarke's reputation for honesty and integrity, or for truth and veracity in question at all. A. Never at all.

Examination of Mr. Peel closed.

TESTIMONY OF J. M. KINNIARD.

J. M. KINNIARD, called and sworn on behalf of Mr. Clarke, testified.

(Questions-in-chief.)

By MR. FORSTER: Q. Judge, state your residence and occupation. A. I have resided in Spokane Falls for seven years, and am a lawyer.

Q. What, if any, official position have you held? A. Judge of the superior court here, up to the 12th of this month.

Q. Do you know Mr. Clarke? A. I do.

Q. You know the official positions he had held. A. Yes.

Q. You are pretty well acquainted here in the city. A. Yes.

Q. Do you know the people generally that Clarke has become associated with? A. I presume I know a great many of the same people.

Q. Do you know Clarke's general reputation in this community for honesty and integrity, truth and veracity? A. I know it as an inference from the fact, that I have never heard it questioned. Knowledge may be acquired by inductive reasoning, as well as by direct knowledge of the facts.

Q. What is that reputation, good or bad?

COL. HAINES: We object.

A. Well, I would say it was good.

(Cross Questions.)

By COL. HAINES: Q. You don't consider that you know very much about this, do you Judge? A. I know it in the way I have stated.

Q. You know it because you don't know anything to the contrary. A. I know it because human experience teaches that if a person's reputation is not called in question, it must be good; ordinarily, you never hear anything about the reputations of nine out of every ten people, and human experience teaches that if a man's reputation is not bad, it is not called in question.

Q. Does not that depend, Judge, to a great extent, upon your acquaintance with the people with whom the person comes in contact? A. I presume so.

Q. And you are not acquainted with all the people that Clarke comes in contact with in his business and social life. A. I don't suppose I am.

Q. All you mean to say is, that so far as your acquaintance with those people goes, you have not heard them criticise him. A. In my entire experience with the people of Spokane Falls, I never heard him criticised.

Q. Are you acquainted with all the people of Spokane? A. No, sir; a

man would have to spend all his time, unless he was very industrious, in making acquaintances.

Q. You never heard anybody say he was honest or truthful. A. I don't know that I ever did.

Q. You are a republican. A. Yes.

Q. You knew that Clarke was a partner of Ashley's, and that Ashley was city engineer. A. I don't remember whether Clarke or Ashley was city engineer; I knew the firm had some connection with it.

Q. The fact is that the two men were so closely connected, that it was hard to tell which one was engineer. A. I don't know about that; they were partners, and I don't know which one was city engineer.

Q. Now, was not that firm and both Clarke and Ashley very severely criticised for their action in reference to city work? And was it not claimed by the city council, and by the newspapers, that the estimates submitted by them were dishonest? A. I don't remember any such a claim.

Q. Don't you remember such a discussion in the council? A. If I ever heard it I don't recollect it now.

Q. Which side of this senatorial contest was you on? A. I took no part in it whatever.

By MR. FORSTER: Q. You know, as a matter of fact, that Clarke's business and official position has brought him in contact with a great many people in the city. A. As clerk of the court, of course he would naturally see a great many people.

Q. You, as judge of the court, was constantly thrown in contact with a great many people that he came in contact with as clerk. A. He was not clerk of the court while I was judge.

Q. But litigants and officials about the court house remain the same. A. The bailiffs and attorneys would remain the same; but it could not be inferred that the litigants would be the same. Some of the county officials were the same.

Q. Now, I understand you to say, that of all the people you know, and of all the people you know that know him, you have never heard his reputation called in question by any of them. A. That is true; yes, sir.

By MR. GODMAN: Q. A large majority of the republicans here were neutral, and took part in the senatorial contest. A. I don't know how that was among the people generally, but it seems that a large majority of the people who voted on the question were not neutral.

By COL. HAINES: Q. You don't mean to say that the same people who brought suits while Clarke was clerk, brought suits while you were judge? A. Certainly not. I don't know who the litigants are, as a general thing, and I certainly don't know whether they have ever had suits there before or not.

Examination of Judge Kinnaird closed.

TESTIMONY OF A. W. STRONG.

A. W. STRONG, called as witness on behalf of Mr. Metcalfe, and duly sworn, testified.

(Questions-in-chief.)

By MR. FORSTER: Q. How long have you lived in this county? A. Since '83; in the city since '87.

Q. How long have you known Mr. Clarke? A. I think about four or five years.

Q. How intimately have you known him? A. I have known him very well, indeed.

Q. What, if any, official position do you hold now? A. I am register of the United States land office at this place.

Q. You knew Clarke when he was chairman of the republican county committee. A. Yes, sir.

Q. Were you a member of that committee? A. No, I was not at that time.

Q. You were quite an active worker in the political ranks on the right side, however. A. I done what I could.

Q. Were you thrown into close connection and intimacy with Clarke that time? A. I saw him very frequently.

Q. Was your acquaintance pretty general here in the city? A. Yes.

Q. Do you know the people generally who know Mr. Clarke; the people with whom he comes in contact? A. I know a great many people who know Mr. Clarke.

Q. Do you know Clarke's reputation in this city for truth and veracity, for honesty and integrity? A. Yes, sir; I do.

Q. Is that reputation good or bad? A. I consider it very good.

MR. FORSTER: That is all.

(Cross Questions.)

By COL. HAINES: Q. Did you ever hear anybody say that he was an honest man? A. I think I have.

Q. Who? A. I don't know that I could give the name.

Q. I wish you to confine yourself to a time prior to this controversy. A. I did so in answering your question; I hardly know that I could give the names of particular individuals who have discussed the matter, but I have heard the matter debated frequently.

Q. Was the decision in those debates in Mr. Clarke's favor, generally? A. Yes.

Q. These debates, in regard to his honesty, have occurred recently; that is, not in connection with this matter, but during the latter years that he has resided here. A. Yes.

Q. Did they arise in regard to his course in politics? A. They did.

Q. Did you ever hear anybody say he was a truthful man? A. I don't think I remember of ever hearing the matter discussed.

Q. Your relations with him having been satisfactory in that regard, and you not having heard anybody make any question as to his truthfulness, you consider that his reputation is good in that respect. A. No, that does not wholly cover the case. There was at one time some question raised among some gentlemen who were connected with matters political in this county as to Mr. Clarke's reliability and his in-

telligent use of some funds that had been contributed for the printing and distribution of ballots, and one thing and an other of that kind; and the matter was discussed at considerable length, and the result of it was, that every one who was there present discussing it, gave him credit for having used them intelligently and in a very honest and upright manner.

Q. And in a very effective manner, also. A. I don't think that was brought up, no, sir.

Q. But there was a discussion. A. Yes. The question was as to whether some newspapers had received larger amounts of money for printing some documents that it was considered desirable to have printed than should have been paid the newspapers; and finally his course was approved, and the bills were regarded as within proper limits, and correct.

Q. Was that discussion in committee? A. No, it was not in committee.

Q. How long was he chairman of the republican county committee? A. I think only one term.

Q. And how long is the term of that office in this county, for life, or during good behavior? A. Usually two years; but my impression is now, that the chairman of the committee resigned, and that Clarke was put in his place for the remainder of the term.

Q. He filled an unexpired term. A. That is my recollection.

Q. Was he again chosen to preside over the destinies of the politics of this county? Did he succeed himself? A. No, sir.

Q. Who succeeded him? A. I think it was Mr. Redpath.

Q. Have you not heard Mr. Clarke's honesty questioned by some of the common council and by some of the people in connection with certain estimates for work that was done for the city, grading, etc., made by the firm of Ashley & Clarke? A. No, sir; I have not.

Q. Was there not some controversy over that matter here? A. Well, I really don't know; there is all the time, and I don't recollect whether there was at that time or not.

Q. When you say there is a controversy all the time, you mean over that class of work. A. Yes.

Q. The people generally regard it as questionable as regards its accuracy and honesty. A. Well, all of us who paid grade taxes think there is something a little embarrassing about it.

Q. And they are apt to question the honesty of the estimates somewhat and think the city engineer is standing in with the contractor.

MR. FORSTER: We object to that; Clarke was never city engineer in his life, and never made any estimates for the city.

(Objection sustained.)

COL. HAINES: That is all.

(Re-direct Questions.)

By MR. FORSTER: Q. Do you not remember that Clarke was appointed clerk of the fourth judicial district, and that he resigned as chairman of the committee, and Alex. Watt was elected in his place to fill the

unexpired term, and that he was still clerk when Mr. Redpath was elected? A. My recollection was when I answered the question that Watt was chairman and resigned; but I recollect now that Clarke resigned.

Q. Did he resign at the time that he was appointed clerk? A. I think so.

Q. Was he not still clerk at the time Redpath was elected? A. Yes.

Q. How near did you reside to Clarke in this city? A. For a considerable length of time I lived next door to him.

Q. And his neighbors were your neighbors. A. Yes, sir.

Q. And the people that he knew, largely, were the people whom you knew. A. Yes, sir.

Q. And during all the time that you have known him, you have never heard his reputation questioned at all as to either truth or integrity. A. No, sir.

Q. I understood you to say those who discussed and investigated the matter that you spoke of on your cross-examination were unanimous in saying that Clarke had used the funds in his hands honestly and intelligently. A. Those were the conclusions of everybody who took part in the matter; yes, sir.

MR. FORSTER: That is all.

(*Re-cross Questions.*)

By COL. HAINES: Q. Did that include the whole town? A. No; those who were present at the meeting.

Q. How many were there? A. I think five or six gentlemen.

Q. How long did they discuss this question? A. The gathering together of the men lasted for some considerable time. I think the discussion on this matter was brief; it was the aftermath of a very successful campaign in this county.

Q. And the luster of success sort of made people less exacting in regard to the manner in which the money had been expended, than they would have been if they had been defeated. A. I think everybody present was very well satisfied with the result; I believe we did not have any of the dissatisfied members present.

Q. They thought this money had been used intelligently, and effectively. A. And in a perfectly legitimate manner.

Q. That is, from a political standpoint. A. No, sir; from the standpoint of men interested in the advancement of Spokane, and in making a bigger place of it than you have got or ever will have over on your side of the mountains.

Q. From that standpoint they thought it was all right. A. Yes, sir.

Q. You are a republican, are you not? A. Yes, sir; I am open to that charge.

Q. And you have been open to that charge for divers and sundry years, I suppose. A. Ever since I have had any political convictions, sir.

Q. Did you take sides in this senatorial campaign? A. No, I did not; I held aloof.

Q. Did Clarke ever run for any office, to your knowledge, in Spokane county? A. I think not.

Q. The offices that he has held have been appointed offices. A. Yes. Of course he was elected chairman of the committee by the members.

Q. So far as your preference went in this senatorial contest, who were they for? A. My preference was for Squire.

Q. Did you express yourself in that way? A. Yes, sir.

Q. But you did not take any part in the contest. A. I did not find it convenient to go to Olympia.

COL. HAINES: That is all.

By MR. GODMAN: Q. Was Clarke chairman of the committee through the campaign here? A. Yes.

Q. Are there not a good many hard things said about the chairman of county committees during the campaign on both sides? A. Among some gentlemen, yes.

Q. Have you not heard a great many things said about Clarke and the chairman of the democratic committee at that time? A. I do not think that I heard the actions of the chairman of the democratic committee criticised at all; the only comment that I ever heard was that he bit off more than he could chew.

Q. And did you hear that Clarke had chewed all he bit off? A. He got away with it all right.

Q. You say you had a discussion regarding the proper use of the funds while Clarke was chairman, and you came to the conclusion that he distributed them legitimately, honorably and properly. A. Yes, sir.

Q. Was there some one questioning the manner in which they were distributed? A. One of the gentlemen, who was a candidate in this county at that time, expressed himself that there was one or two bills paid that were exorbitant; in the delivering of the ballots, a precinct had been neglected; it was an oversight of the committee, and required very prompt action, and the payment of a gentleman for his time, and the employment of a conveyance to take him to the precinct, which was a very small one, and quite isolated, and the expenses of the gentleman were thought to be a little high; but when the matter was explained, that it was urgent that he should leave the city late in the evening in order to arrive at the polling place and deliver the ballots before the polls opened in the morning, and that it was difficult to find the man who could go, and who knew the roads in the night; it was considered all right, and everybody was satisfied.

Q. That gave rise to a discussion in regard to the use of the funds by Clarke, and it was decided that Clarke had acted properly in the matter. A. Yes, sir.

By MR. FORSTER: Q. Never was any question raised as to his having expended the money. A. No, sir.

Q. Was that all you ever heard against Clarke as affecting either his integrity or truthfulness, what you have already stated? A. There was much discussion in regard to Clarke by some gentlemen who desired to

control matters, that came under Clarke's control as chairman of the committee.

Q. I am speaking now of any discussion which affected either his reputation for truth or honesty. A. The questions that were discussed with reference to Clarke had nothing to do with his integrity or honesty.

By COL. HAINES: Q. Were not charges in regard to Clarke's methods in politics, that they were not honest or fair, made in this community by members of the democratic party? A. I do not think that there are any charges that I have ever heard made by gentlemen who were of that political persuasion which were as to his integrity at all.

Q. But was it not claimed that his methods in politics, that is, the manner in which he carried on the campaign, were not legitimate, were not honest? A. No, I don't think they made that claim at all; at least not in my presence or in my hearing; they made many other charges against him.

Q. What charges did they make against him? A. Well, that opens a very broad field, indeed. They charged him with being very active, and said that if they had had a man who was equally active, their success would probably have been greater; they complained that he was on his feet all the time, day and night; that they could do little or nothing, but that Harry was aware of it. They were all charges of that nature, and I think they were true in every particular.

MR. MEANY: Q. Did you ever hear any democratic politicians say that Mr. Clarke would buy voters, the same as he would buy sheep or cattle? A. I certainly have no recollection of ever hearing anything of that nature.

By COL. HAINES: Q. Do you not remember of a charge being made against Clarke, of the use of money at the polls in an election here—the direct use of money? A. No, sir; I do not.

Q. Do you not remember of its being charged that he was detected in the act of paying money at the polls for political purposes? A. No, sir; I never heard that.

Examination of Mr. Strong closed.

MR. FORSTER: I believe that completes our quota of witnesses.

COL. HAINES: If that is the case, we do not care to offer any more testimony.

At this point Judge H. E. Houghton appeared before the committee and said:

Mr. Chairman, I ask leave to be permitted to make a statement of my connection with this dirty job at some time.

THE CHAIRMAN: You may be sworn now if you desire.

TESTIMONY OF H. E. HOUGHTON.

H. E. HOUGHTON, having appeared voluntarily before the committee, and having been first duly sworn, gave testimony as follows:

JUDGE HOUGHTON: Will I be permitted to make a statement, gentle-

men, or would you prefer to question me? I desire to proceed as you see fit.

MR. GODMAN: You may make any statement that you desire.

JUDGE HOUGHTON: On Sunday before this senatorial election (that date would be the 18th, I think,) about eleven o'clock in the forenoon, I was walking in the corridor of the Olympia hotel, a group of gentlemen were sitting together in chairs, and the church bells were sounding and that brought out some talk about Sunday and about church going, etc. I stopped in my walk in front of them and joined in the conversation, and that being closed, passed on. I was going to the room which was occupied by Judge Calkins' headquarters as a refreshment room, and which I occupied, having no room at the hotel; that is, my satchel was in there and I slept there a part of the time, and part of the time exchanged with Dr. Herrick, who had a room and would change off with me about every other night so that I could get better rest; and I walked along towards that room. As I was walking down, Mr. Metcalfe appeared, at least he was at my side; he was there without my knowledge, not at my invitation, not at my solicitation; in fact, I don't know how he was there. The first I noticed him he was walking at my side. He commenced a conversation with me by referring to the dullness of Olympia on Sunday, and to the fact that a fellow who was a stranger had a lonesome time of it. We were walking along together and, of course, I coincided with his view of the case. We were then within perhaps eight or ten feet—quite near, and walking towards these rooms that were known as the Calkins headquarters. Out of common politeness I asked Mr. Metcalfe if he would take a glass of Appolinaris. He said yes, he would be glad to take something. We stepped into the Calkins refreshment room and took a glass of Appolinaris each, and then we turned around and came out. The door of one of Calkins' rooms was directly opposite the door of the room where the refreshments were set; the door stood open and I said to Mr. Metcalfe, "Won't you step in and sit a while?" He said yes, and we stepped in. The door of this room was not closed at any time while I was in there. Mr. Metcalfe sat down, and the first remark that I can remember coming from Mr. Metcalfe was this—he said to me, "You have not bored me on the senatorial question any, Judge." I said, "No, I have not." I said, "I have not bored anybody on the senatorial question who I knew to be a Squire man." In fact I did not solicit the votes; had not then, of any member of this legislature on the senatorial question, except three of the Spokane members, Mr. Gandy, Mr. Powell and Mr. Reinhardt. I told him that, and it was entirely true; the only three men whom I had solicited in any manner were those men. I took those men together into a room and talked to them about a matter connected with Spokane Falls. I told him that I supposed I was familiar with the circumstances of his nomination and election and from them I concluded that he must be a good solid Squire man; he said that he was; that that was the arrangement and that I had the correct idea of it. He said, however, that those fellows might find themselves mistaken; that he was a man of independence, or an independent man, something

of that kind, and since he had been over here he had been looking over these candidates, and he was quite satisfied as to which one was the best man for the place. I told him I was pretty well satisfied on that subject myself, and from that I immediately began to extol Judge Calkins, and set forth his good qualities, and depreciate the qualities of Mr. Squire, just the best I could; when I got all through with it, he said that that sounded all well enough, that was all right, but that I knew as well as he did, or that he knew, or that he had found out—I can't remember the corresponding expression he used, but it was to the effect that he knew and I knew that there was nothing in politics except what there was in it, and he said, that, of course, under his condition, in his situation there, that he would be termed a traitor and that every other sort of trouble would come upon him if he were to cast his vote for Calkins; he said that he believed that Calkins was a great deal the best man; I said to him that I thought that was quite true; that I did not believe that a man could commit so great a treachery as to become a traitor to his constituents and his convictions; I said that if it was true, and he admitted it, that Calkins was the better man of the two, he ought to vote for him, and if he did not do it, he would be a greater traitor than if he held to his promises to certain individuals to vote for Squire. He said then that he had found out very quick after he got here, that those fellows seemed to regard him as fixed and as a sort of chattel, and that they seemed to think that it was not necessary to pay any attention to him; that they only thought it necessary to court their enemies. I told him after that a good many things—undoubtedly made a good many remarks and passed some uncomplimentary criticisms upon the men he was with, and told him they were the wrong set of fellows for him; that he hadn't struck the right men at all, and told him if he would come down to Calkins' headquarters that he would find that the men there gave just as warm a welcome and just as cordial a reception to the men already pledged as they did to the men they were seeking to get; that the people in the Calkins' headquarters were working on a different principle altogether than the other fellows; that they were a set of men who had volunteered to work together to accomplish their objects. He said, of course, it would be the end of his political career if he should make any change of that kind. I said to him that Squire was a man that did not appreciate favors like Calkins did; that Squire was a man who did not remember pledges like Calkins did; that Calkins was a great, big, good hearted fellow, and recompensed his friends, and that if he gave his vote for Calkins that he would get such remembrance, such favor and such recompense as he could not possibly get out of Squire, because Squire did not remember and did not pay any attention whatever, to his friends or his pledges. Of course, the members of the committee will recognize the fact that when a man is making an argument of that kind, he will make many extravagant statements that he would not want to say at other times and in his cooler moments, under different circumstances.

And in speaking this way of this crowd of men around the Calkins

headquarters, the name of Harry Clarke occurred to me; I supposed that Mr. Metcalfe knew Harry Clarke, and as Harry Clarke was the only man from Spokane who was around the headquarters at the time, and as I knew that Metcalfe had lived in Spokane, and supposed of course that he knew Clarke, I said to him, in this same connection, "of course you know Harry Clarke, of Spokane;" he says, "I do not." Then I says, "I will be glad to introduce you to him; he is a first-class fellow in every way, and will do you a whole lot of good." Then I spoke to him about the rest of our fellows, mentioned some of the different men who would be found there, and said to him, "I wish you would come down here and make these rooms your headquarters and get acquainted with these men — make yourself at home here, and you will find things better here than anywhere else." Now, it is desirable to say, here, that I have read in the public prints, a statement made by Metcalfe, in which he said something to the effect that in this conversation I said to him that there were two men in Spokane Falls who had obtained a thousand dollars for their votes. If such a statement was made by Mr. Metcalfe, as having been said in that conversation, it was not true; I did not say that; and in the same statement I have read that Metcalfe says that I winked at him in a very significant manner. I wish to say in respect to that, that if I did wink at him, which I may have done, as I have been told many times that I do that in conversation, that it was entirely involuntary on my part, and that if I did it, I did it unconsciously, and that it had no significance in the world, so far as I am concerned.

I also read in the public prints (these things may not have been said by Mr. Metcalfe; I never have seen his testimony, except as reported through the press, and these statements appeared in that way), that I said to Metcalfe that two men, or members from Spokane Falls, had received a thousand dollars and gone home, something in effect of that kind. I wish to say that I made no such statement; that I know of no grounds whatever for such statement; that I know of no such thing ever occurring, and have no reason to believe that such a thing ever did occur.

I do not remember any further conversation that took place between us; I made no distinct arrangement about introducing Metcalfe to Harry Clarke, or anybody else, no special arrangement and no arrangement at all, except as I have stated here. This conversation occurred before lunch; I saw Harry Clarke and Tom Payne, who were very active members of the Calkins outfit there, and told them that I thought this man, Metcalfe, had been slighted in some way up in the Squire rooms; that I had put him up to be one of these sort of sensitive, resentful dispositions; that I thought they had slighted him up there; that he had got mad and taken offense, and that I thought that if he was worked all right, that his vote might be got.

I think about four o'clock in the afternoon of that same day I was walking in the corridor of the Olympia Hotel, and a group of men stood together talking; as I remember it, Judge Calkins, Mr. Clark of Port Townsend, Harry Clarke and Metcalfe were in the group, and as I came along there they were engaged in light conversation. Judge Calkins was

telling a story or something of that kind, and I joined them and immediately introduced Mr. Metcalfe to the group of men. That is all there was about it—that is all I can remember about the affair now.

By MR. GODMAN: Q. Was Clarke in this group of men that you introduced Metcalfe to? A. That is the way I remember it. I think those four men stood there together—Clark of Port Townsend, Judge Calkins, Harry Clarke and Metcalfe; that is my recollection of how the group stood there. I wish to say right here that I made no arrangement for, and never heard of, any money being paid in any way to Metcalfe for his vote; never heard of it at all until some gentleman came down from the House and reported the scene in the House. I made no arrangement with Metcalfe for the purchase of his vote or for the sale of his vote, or used any corrupt influence save what might be implied from my talk with him, that Calkins would take care of him in good shape in a political way, and solely and purely in a political way.

By THE CHAIRMAN: Q. You say you first met Metcalfe in the corridor leading from the Calkins sideboard. A. Yes, sir.

Q. That you were not aware of his approach until he was at your side? A. Yes, sir.

Q. By what means did you become aware of his approach—through his speaking to you, or how? A. He was simply by my side; I was walking very deliberately, as I had nothing to do, and Metcalfe was simply at my side with the remark that it was very dull in Olympia on Sundays—that was the opening of the conversation. He had made some remark in this group of men before that about Sunday, but my remarks were not addressed to him then, nor his remarks to me; it was just a conversation between four or five men sitting around talking about Sunday. I did not see him get up from his chair and do not know how or when he did get up from it.

By MR. GODMAN: Q. Did I hear you state that you heard nothing down there about money being used in the senatorial contest? A. No, sir; I did not say that; that I said in reference to Mr. Metcalfe; I hear a great deal about money being used there.

Q. On both sides? A. Yes, sir. I am very sure that I heard about money being used very freely, and all that sort of thing. I wish to say that I desire to make the statement, and emphasize it, that I was not soliciting votes there for Calkins; that the only men that I talked to at all were these three men from the Spokane delegation and I took them into a room together and told them that I had a proposition to submit on behalf of Spokane Falls. I told them that I could get sixteen votes to locate the scientific school and agricultural college at Spokane Falls, which was a matter in which I was greatly more interested than I was in any other contest that was going on there.

Q. Do you mean that if these three men in the Spokane delegation would vote for Calkins that you would give them in return for the three votes, sixteen votes to locate the scientific school at Spokane Falls? A. That I could get sixteen votes for three; yes, sir.

Q. That was the only offer that you made? A. Yes, sir.

Q. Who were these three men? A. Dr. Gandy, Mr. Reinhardt and Mr. Powell; I got all three of the gentlemen together in a room and made that proposition to them.

Q. I suppose they assured you that they could get more from some other source. A. No, sir, they did not; they simply took the matter under advisement and concluded not to do it.

By COL. HAINES: Q. Judge, you were at Olympia during the whole of this senatorial campaign. A. I went there on the Tuesday succeeding the organization of the Legislature.

Q. That was regarded as the opening of the campaign. A. Yes, sir.

Q. When did you leave? A. I left there on Friday afternoon after the election.

Q. On the two o'clock boat. A. Yes.

Q. Your business there was as a friend and supporter of Judge Calkins. A. That was a part of my business, although my more important business was to endeavor to secure the location of that school here.

Q. You are one of the gentlemen who had charge of Judge Calkins' campaign. A. Yes, sir.

Q. And you, in connection with some five or six gentlemen, published a card in several of the daily newspapers on the Sound to that effect. A. Yes, sir.

Q. And you used your best efforts to secure the election of Judge Calkins. A. Yes, sir. I would have been very glad to see him elected.

Q. And you worked in that line as faithfully as you knew how. A. Yes, sir.

Q. Now, Judge, do you wish the committee to understand that notwithstanding the high position that you held in the ranks of Judge Calkins' adherents and your anxiety to secure his election, that you never solicited a vote from any one except the three gentlemen from Spokane by way of trade? A. I do, sir, at that time. Now, I wish to make an explanation: I had a talk after that with Senator Parkinson in regard to his voting with us; that was after I had the talk with Metcalfe; at the time I spoke to Metcalfe my statement was strictly true.

Q. Up to that time you had never solicited a vote from any one. A. No, sir; never had personally solicited a vote from any member of the Legislature.

Q. And the only vote you solicited after that was that of Senator Parkinson.

MR. FORSTER: We object.

JUDGE HOUGHTON: I am perfectly willing to answer the question; that is true.

Q. That the only vote after that was Parkinson. A. Yes, sir; Parkinson's and Metcalfe's.

Q. Is that the way you usually carry on a campaign for a man in whose success you are very much interested? A. I am not in the business of carrying on campaigns, Colonel.

Q. But you were one of the managers of that campaign. A. Yes, sir.

I was frequently called in consultation with the other members; we discussed many propositions, a great many votes were solicited, and all that sort of thing, but you understand that I am speaking now of my own personal efforts.

Q. Your acquaintance was not confined to the three Spokane members and Senator Parkinson. A. Oh, no, sir.

Q. You had a large acquaintance among the members. A. Yes, sir.

Q. Then what reason was there for your not soliciting their votes? A. I have a particular kind of sentiment in that matter; when I think a man is pledged to vote for a man I let him alone, that is my position.

Q. Was every body in that legislature pledged to vote for either Squire or Calkins? A. As far as my acquaintance went, and as far as I had information, they were.

Q. You never asked them to find out. A. No, sir. I don't want any misunderstanding about this thing; of course, there were old acquaintances of mine that I talked with; for instance, I had a talk with Senators Vestal, Clough and others on the general senatorial question, and it run right in the line of this proposition: that they were Squire men, that they were going to vote for Squire. Now I never undertook to persuade those men, never solicited them to get them away and go back on their pledges.

Q. You would not consider that good political management, would you Judge, to persuade a man to break his pledge? A. Yes, sir, first rate, and I would get somebody else to do it if I could.

Q. Now, why is that? Do you consider that dishonorable? A. No, sir, but the fact is I haven't got the gall.

Q. You are a lawyer by profession, are you not? A. Yes, sir.

Q. How long have you practiced law? A. Thirty years.

Q. And you have not acquired the gall, after thirty years active practice to ask a man for his vote? A. Well, no, not in that way.

Q. Now Judge, inasmuch as you were one of the six managers of Calkins' campaign, what part did you take in the management except talking to the three gentlemen from Spokane and trying to get them to trade three votes for sixteen? A. Nothing more than general conversation; and frequently there would be only two or three of the boys who had the thing in charge there together, they were not generally all there at once, and they sort of came to me for consultation on different matters, telling me what they thought could be done and how it could be done with this fellow or the other fellow; how the Port Townsend delegation could be reached in this way or in that way, and asking my opinion about all sorts of things of that kind.

Q. Then you gave them simply the benefit of your judgment and not your active personal efforts in getting votes. A. Yes, sir; my special part was to get three members off the Spokane delegation; I told them I was going to get them and at one time I thought I was.

Q. What sixteen votes were you to give them? A. I do not care to say. I will simply say, that I had the promise made to me down there; I didn't see the members themselves, but the management told me that if I got those three votes I could have sixteen. You know how those things are, Colonel.

By MR. GODMAN: Q. What management told you that? A. The Calkins men.

By COL. HAINES: Q. Did you try to trade those sixteen votes to anybody but these three men? A. No.

Q. Why didn't you? A. Because I regarded the rest of our delegation as pledged; it was understood on the streets here in Spokane before I went over, that our whole delegation was pledged except Gandy, Powell and Reinhardt. When I went over and got them together and told them that was the report here and they said that was the fact, I said, "That being true, gentlemen, I want to see you; I want to talk to you all together; I want to talk to you three men together." The reason that I took these three was that I understood the rest were pledged and these gentlemen said they were not; that they were at liberty to vote for Calkins or anybody else.

Q. To persuade them you meant to make this trade? A. Yes, sir; you may put it in that way if you choose.

Q. Mr. Lehman did actually vote for Calkins, didn't he? A. Yes, sir.

Q. Didn't you have a talk with him? A. Never a word until after the election, and then he told me that the reason he did so was because they would not postpone the vote until after the report of the investigating committee.

Q. Did you send any of your lieutenants out to make this trade with the Spokane delegation and to talk with other people in regard to making this trade? A. No, sir.

Q. This refreshment room, of which you speak, is immediately connected with the other rooms occupied by Judge Calkins as headquarters. A. Yes, sir; there is a little hall in between the two.

Q. Was there anybody in this refreshment room at the time you had this first talk with Metcalfe except himself and yourself? A. I believe there were others sitting there, but I don't remember who they were.

Q. Was Harry Clarke there? A. Oh, no.

Q. Your argument with Metcalfe in regard to the excellencies of Judge Calkins and the demerits of Senator Squire was, I believe you said, somewhat highly colored. A. Yes, sir; it was extravagant, I have no doubt, in both ways.

Q. That is, you painted Judge Calkins a little better than he ought to be and Senator Squire a little worse? A. I have no doubt I did.

Q. How long did this conversation last in this refreshment room? A. I don't know; I should say twenty minutes, perhaps.

Q. Was it joined in by any other person? A. No, sir.

Q. Where was Judge Calkins at that time? A. I don't know; I think he was in the building but he was not present.

Q. When did you next see Metcalfe? A. Well, I don't remember; I saw him around but I had no further talk with him until Monday night, the night of the caucus. What night was that?

Q. I did not ask you about that; I asked you how long before you saw him again that day? A. I should say about 4 o'clock in the afternoon; about four hours afterwards, I guess.

Q. Did you not state to Metcalfe that at a time and place that you then named, that you would introduce him to Harry Clarke? A. I did not.

Q. Did you not name the time when he was to meet Harry Clarke? A. I did not.

Q. Did you not name the place where he was to meet Harry Clarke? A. I made no appointments whatever with him; made no arrangements with him except in the general way I have stated, that I would be glad to introduce him.

Q. You were anxious to have him meet Harry Clarke, were you not? A. Yes, sir.

Q. This Tom Payne that you have spoken of was another of the gentlemen who had charge of that campaign. A. I think he was there.

Q. Was he not one of those who signed the card? A. I think he is; I believe so; he was a very active man there for Judge Calkins.

Q. Did Harry Clarke sign the card? A. No, sir.

Q. But he was quite as active as Mr. Payne, was he not? A. I should think so; fully as active.

Q. And he was more active than you were, was he not? A. Yes, sir; there is no doubt about that; he is a good deal better man than I am at that.

Q. Where was Clarke when you introduced Metcalfe to him? A. He was on the corridor there, to the best of my recollection, standing with this group of four men.

Q. And those men were Judge Calkins, Tom Payne— A. No, Judge Calkins, Mr. Clark, of Port Townsend, who was there I think in the interest of Judge Calkins, although I am not sure about that; but I met him there, and I know he was a very friendly man, indeed.

Q. Was he one of Judge Calkins' managers? A. Not one of the managers in the sense in which you have put it; but I think he was there in Judge Calkins' interest.

Q. Is he a relative of Harry Clarke? A. Not that I know of.

Q. Then you think these three persons stood together when you introduced him to Clarke. A. I think the four stood together.

Q. Did you introduce Metcalfe to Clarke at that time? A. I did introduce him to all the gentlemen who were there.

Q. They were engaged in a common conversation when you came up, were they not? A. Yes, sir.

Q. And what necessity was there for an introduction? A. It was simply this way: After my very recent talk with Metcalfe I desired to be very complimentary to him, and desired to coach him a little, and flatter him.

Q. And so, although he was acquainted with the gentlemen, you thought it would flatter him to introduce him to them again. A. I do not know whether he was acquainted with them or not; I know he was standing there talking; I remember when I introduced him to Judge Calkins, the Judge said he had met Mr. Metcalfe, but the others did not say so.

Q. What time was it then, do you remember? A. I think it was about four o'clock.

Q. Was the lobby of the hotel deserted at that time, or was it crowded with people, as it was during the latter days of that contest? A. It was moderately deserted.

Q. I suppose the politicians who were usually there had mostly gone to church at that time. A. I presume so from the talk that they had in the morning about Sunday.

COL. HAINES: That is all I desire to ask the Judge.

By MR. GODMAN: Q. Was Harry Clarke one of Judge Calkins' managers? A. No, sir; he was not one of the managers, but he was there, very actively engaged.

Q. Did you understand, Judge, that the managers of Judge Calkins' campaign were perfectly willing to trade off the institutions of learning of this state for votes for senator? A. No, sir.

Q. Were you willing to do that? A. I will tell you this in regard to that: I have spent this summer in going to Yakima and Olympia and around here with the commission appointed to locate that school. I have spent a good deal of time and some money on my own personal account; I am very much interested in that thing and believed then as I do now, that it would be the very greatest acquisition to Spokane to have that institution located here that she could get; and I have put in a good deal of time and money all the summer long trying to carry that through, and the fact of the matter is, that I wanted to get it located here very much indeed; these three men said that they were unpledged, that they could vote for any man they saw fit to vote for, and I went to these Calkins men and I said "Gentlemen, I tell you what it is; if you stand in on that proposition I think I can poll three votes for you; these men are unpledged, and if you will make that offer I think I can poll them for you."

Q. You understood that they were willing to trade off the institutions of learning of this state for three votes for senator, did you? A. No, sir, I did not; I did not understand it in that way; it is one of these peculiar arrangements that are not strictly honorable, perhaps, but they are frequently resorted to in politics; it is not a matter that I want to boast of at all, but it is true and it seemed necessary that it should come out.

Q. Do you know of any one's making solicitations for votes? A. Yes, sir; I think they were made all around.

Q. Do you know of any one making any improper solicitations? A. No, sir, I do not, in the entire legislature. I have heard these general rumors and talk, of course, but I know of no instance where any corrupt or improper solicitations were made on either side.

Q. You merely heard rumors of that. A. Yes, sir.

By MR. MEANY: Q. You said in your first statement that you did not say to Metcalfe that a man from Spokane county or elsewhere had received money and gone home with it. Now, is it not a fact that you wrote a letter or made a statement that one of the gentlemen from Spokane had received a thousand dollars for his tide land vote, and that he was a damned fool (I don't know as you used that curse word, but that he was a fool anyway) for accepting a thousand dollars; that he could

just as well have received five thousand dollars for his vote? A. No, sir, that is not true.

Q. Is it not true that it was generally reported during the special session of the legislature last summer that you had made such a statement? A. I never heard it. There was talk here last spring that I had stated, after I came back from the legislature, that Mr. Grubb of Cheney, had got money for his vote. I said in reply to that, that I had never made such a statement in the world. Some man said that I said that last spring, but I denied it squarely, openly and promptly; and I do not know that either statement was in writing.

Q. In your talk with Metcalfe did you not say to him that anything that Clarke might arrange or might say, would be understood as confidential? A. No, sir, I did not. The commendation of Clarke that I made was, that he was a first class fellow in every respect and would do him a whole lot of good, speaking in connection with trying to distinguish between the crowd of fellows we had around Calkins' headquarters and the other crowd.

Q. Now, in regard to the wink; did you testify that you did wink, or that you did not? There has been so much noise here all through this examination this morning that it has been almost impossible to hear anything. A. I testified that if I did wink, it was involuntary; that I had no knowledge of it, and that it had no significance whatever.

By COL. HAINES: Q. You stated, Judge, that there were no improper means used to procure votes by either side to your knowledge. A. Yes, sir. I would like to explain that what I meant was, any corrupt means, the use of any money. I have no doubt that political promises were made, and things of that kind.

Q. You held out to Metcalfe the idea, did you not, that if he voted for Judge Calkins that Judge Calkins would reward him by bestowing upon him political favors in the way of patronage or office; something of that kind. A. Yes, sir; that he would not lose anything.

Q. That he would gain something? A. Yes, sir.

Q. In other words that an office could be traded for his vote? A. I do not know that there was anything definite, of course; it was a general statement which I made in order to overcome his political loss of prestige and place and to compensate him for such loss. That is, I think he would have a perfect right to, and be justified in placing such a construction upon my language.

Q. The situation, as you understood it, with reference to Metcalfe, was this: That he was under a political obligation to certain gentlemen in Stevens county whom he had promised to vote for Senator Squire; and if he broke that pledge he would incur their hostility, and would, in a political sense, be utterly ruined up in that county. A. Yes, sir.

Q. Now, in order to make good that loss, you held out the inducements, that if he voted for Calkins, and Calkins was elected, that he would lose nothing. A. I think he would have a fair right to infer that.

Q. You did infer that, did you not? A. Well, yes, sir; I think I did.

Q. Did you consider that an improper means of obtaining votes? A. No, sir; I do not.

Q. And you don't yet? A. No, sir.

Q. Now, in regard to this contemplated trade of sixteen votes to locate this institution in Spokane county; do you consider that an improper means to use in procuring votes for a United States senator? A. No, sir; not in the way I got at it, I did not, because the men all consented that it was a good thing to do. They thought that it was a good thing for this city and county, and for the state. The commission that had been appointed to select the site were equally divided on the subject of location, one voting to locate it at Spokane, one for Yakima and one for Whitman county, and they were all divided on the subject; and I wanted to keep the institutions together.

Q. If you could have traded the sixteen votes for the whole Spokane delegation you would have done so, would you not? A. I presume I would, but I did not try to.

Q. You supposed it would be of no use to try. A. Yes, sir.

Q. And that was the only reason you didn't try? A. That was the only reason, sir. It is likely that if I thought there was any other man there unpledged that I would have tried to take him in.

Q. Let me refresh your recollection in regard to the place that you met Metcalfe. Was it not at the foot of the stairs coming down into the lobby? A. They were sitting in chairs near the foot of the stairs, Metcalfe and four or five other men. There is a little corner there that I remember very well, and I stood right in front of them. There was as many as four or five or six men sitting there together.

Q. Did you stop there? A. I stopped and joined for a minute in this conversation about Sunday, and found I was the best Sabbatarian in the whole crowd, and passed on.

Q. Did Metcalfe join in that conversation? A. Yes, sir.

Q. And then you went into the refreshment room? A. Yes, sir.

Q. Did you go there for the purpose of getting refreshments? A. I had intended to go to my own room when I started, and then this conversation came up with Metcalfe and I invited him to drink a glass of Ap-polaris.

Q. Then this invitation was extended to him down by the foot of the stairs. A. No, sir.

Q. That was in the refreshment room then. A. No, sir; I should say not more than ten feet on the way down there. He walked right along with me and we talked in the way I have stated, the subject being the dullness of Olympia on Sunday, and the lonesomeness of a man there without friends; and if I ever commenced a conversation with any man in my life, with a generous motive, it was that one with him. I felt inclined to talk with him simply to relieve the monotony and lonesomeness of the day. I had no more intention of asking him to vote for Judge Calkins than I have of asking you to fly to the moon.

Q. You were more anxious to do that after you had talked with him a bit, were you not? A. Of course I was, after he had broached the subject.

Q. You don't mean to say that Metcalfe walked into the refreshment room unattended? A. No, sir.

Q. You entered into a conversation in which he was participating at the foot of the stairs. A. Yes, sir.

Q. And the conversation continued until you got to the refreshment room. A. Yes, sir; we were walking down the hall there and I asked him to go in.

Q. Then he was an invited guest when he was in that refreshment room. A. Yes.

By THE CHAIRMAN: Q. You said in your first statement that you told the Calkins management that you thought you could deliver three votes of the Spokane delegation; that you were reasonably sure of securing them. Do you know what day that was? A. I don't think I stated it quite as strong as that; that I was going to try for them and that I was pretty sure of getting them. Leaving here with the information that these three men were unpledged and after having a conversation with them after getting there, I told them that I thought there was a possible show of getting three votes, and that there was no show of getting any more.

Q. Did you learn the day that they refused to support Calkins? A. I never learned that in a definite way until the 20th. I never followed them up after the time I gave them the song and dance, in common parlance. I had three or four talks with Mr. Powell, because I sat at the table with him, but I didn't bore them about it much; but, of course, I threw the thing at him in a casual way as best I could. I never had any other definite conversation with them than the one where the three were together.

By COL. HAINES: Q. Did you not learn on the Monday evening preceding the election, immediately preceding it, that these three gentlemen had signed a call for a caucus in which they agreed to support the nominee of the caucus? A. I did not know the terms of that call, and did not know that all three had signed it. I will say that I did learn on that Monday—that I was informed—that the Spokane delegation had held a meeting and that they had all agreed to vote unanimously for Squire. I heard that on Monday the day before the election.

By MR. GODMAN: Q. Which call do you mean? I understood there were two calls—one a call for the caucus and the other a close call for Mr. Meany. A. Well, I never saw the caucus call and I wasn't present at the time when Mr. Meany had his close call.

By MR. FORSTER: Q. Did you, at any time, either directly or indirectly, become a party to paying money or to any proposition to pay money, either by or through yourself or anybody else, to Mr. Metcalfe to influence his vote or for any other purpose? A. No, sir; neither to Metcalfe nor to any other person.

Q. Did you have any conversation with Harry Clarke regarding the buying of Metcalfe's vote, or paying him any money for any purpose whatever? A. No, sir; None whatever.

Examination of Judge Houghton closed.

Taking the testimony at Spokane Falls closed.

On motion the committee arose to meet at Olympia on the call of the chair.

OLYMPIA HOTEL, OLYMPIA, WASHINGTON, February 11, 1891.

The following testimony was produced before the committee:

TESTIMONY OF U. L. COLLINS.

MR. U. L. COLLINS, a witness called by the committee, after being duly sworn, testified as follows:

By MR. GODMAN: The subject now under consideration is the charge made by Metcalfe in the House, of having received so much money from Mr. Clarke to vote for Mr. Calkins. I wish you would state whether or not you know anything about that money. A. Mr. Godman, I know absolutely nothing about it except what occurred at the House.

Q. Do you know anything, Mr. Collins, about any other person having been offered a bribe? A. From hearsay, is all.

Q. You do not know anything personally? A. No, sir.

Q. Do you know anything about whether Mr. Clarke ever offered a bribe to any other member of the legislature? A. No, sir; I do not.

Q. All the knowledge you have then, in regard to any person being offered a bribe or bribes is from what you heard. A. That is all; purely hearsay.

Close of witness' testimony.

TESTIMONY OF I. N. CUSHMAN.

MR. I. N. CUSHMAN, a witness called by the committee, after being duly sworn, testified as follows:

By MR. GODMAN: Q. Mr. Cushman, I would like to ask you if Mr. Metcalfe said anything to you about having been offered a bribe by Mr. Clarke before he declared the same in the House? A. Not by Mr. Clarke. I never had heard Mr. Clarke's name mentioned until it was mentioned in the House.

Q. I will ask you if Mr. Metcalfe said anything to you about having been offered a bribe by any one? A. I don't think that he ever said — He mentioned to me that there was some approaches made to him that would point that way, but he never had told me that he had been offered a bribe.

Q. You say, Mr. Cushman, that Metcalfe did not say anything to you about having received a bribe. A. No, sir; I did not know until the morning he arose in his seat that he had received any bribe, though he told me there had been approaches made to him that would look that way.

Q. Did he tell you who had made these approaches? A. Yes, sir; Judge Houghton, of Spokane Falls.

Q. How long before he made the declaration in the house there that he received the bribe—how long before this time? A. I think it was Saturday, preceding the day; yes, sir. I had no conversation with Metcalfe, whatever, after Saturday.

Q. Did Metcalfe know how you intended to vote upon the senatorial question at that time? A. Yes, he did—I am not sure of that, but I think he did. I had made no secret of my preference.

Q. Did you give him any advice on the subject, Mr. Cushman, as to whether he had better receive it? A. I don't know that I did.

Q. Did he say anything to you about that, whether he would take the bribe if it was offered him? A. I do not remember that he did, though he might have said that. I do not remember all. There was a good deal happened just about that time, and I do not remember all the conversation. I can state it in just a few words.

Q. State just what he did say to you. A. He was down to our room—at my room—one evening, and mentioned that he had been approached in the matter of voting for United States senator; that he thought that he had been approached with a view to a bribe. That there had been no such offer made yet, but he thought it was tending that way. The conversation that he had had with Judge Houghton was tending that way to work the matter up, that he should be offered a bribe. That was Friday or Saturday of the week before, and I did not have any conversation with him after Saturday—at any rate before the election.

Q. The first time you knew then of his having received the money from any source was when he so declared it in the house. A. Yes, sir; that was the first.

Q. Was Mr. Clarke standing near you when Mr. Metcalfe made his declaration in his seat? A. Yes, sir.

Q. Did Mr. Clarké say anything when Mr. Metcalfe made the declaration that he received the money from Mr. Clarke? A. Yes, sir.

Q. What did he say? A. He said, "the gentleman is a liar."

Q. How long after Metcalfe had made the declaration before Clarke made that assertion? A. I should say it was about two or three seconds.

Q. Had Mr. Metcalfe taken his seat at the time Clarke made that remark? A. I could not say in regard to that.

By COL. HAINES: Q. Mr. Cushman, what is there that makes you think it was Saturday? A. I did not say it was Saturday; I said it was Friday or Saturday.

Q. Were you here on Saturday? A. Yes, sir.

Q. What makes you think it was not later than Saturday? A. It occurs to me it was at least three days before the election.

Q. Still it might have been Sunday evening instead of Saturday evening. A. I have no remembrance of seeing Metcalfe on Sunday.

Q. Well, at that time in the excitement incident to the senatorial contest the days were not particularly distinguished from each other. A. No.

Q. They were pretty busy all the time, and it might have been Sunday evening you had this controversy. A. I could not swear it was not Sunday evening.

Q. Did not Mr. Metcalfe also suggest to you in that conversation that you go with him and see whether the same proposition would not be made to you, or something to that effect? A. I think that he did—something like that.

Q. What reason, if any, did you give for not going with him to ascertain that fact? A. I did not want to have anything to do with the matter.

Q. Did you not tell him that there was something that you were interested in—county lines or something of that kind—and you did not want to get into any discussion with anybody? A. I believe I did.

Testimony of the witness closed.

TESTIMONY OF J. W. FRAME.

REPRESENTATIVE FRAME, called as a witness by the committee, after being duly sworn, testified as follows:

By MR. KENNEDY: Q. You were summoned before the committee appointed to investigate the specific charges made by Metcalfe against Mr. Clarke. Does any member of the committee wish to ask any question?

By MR. GODMAN: Q. I will ask you if you know anything about this case of alleged bribery of Mr. Metcalfe? A. I do not know that I do.

Q. I wish you would state to the committee what you do know about it. A. All the evidence I would have to give in the matter would be over a short period. I never spoke to Metcalfe about the matter—never had any conversation with him.

By MR. KENNEDY: Q. Do you know of your own personal knowledge of anything? A. Nothing whatever.

By MR. GODMAN: Q. Do you know of any party having been offered a bribe in the senatorial contest, Mr. Frame? A. Of any party?

Q. Yes, sir. A. ———

MR. BARLOW: I do not think that a proper question.

MR. KENNEDY: I do not think it is a question that should come up before this committee at all.

MR. MEANY: The only question that would be proper would be if he knew of a bribe offered by Mr. Clarke.

MR. GODMAN: There is a good deal of testimony admitted in this investigation that is not technically allowable. I apprehend that this investigation is not bound by technical legal rules that govern courts. It is very hard, indeed, to establish the truth or falsity of a political offense, even when that political offense is being charged by one great party against another, and it is much more difficult to establish a political offense where the political offense has been charged in the ranks of one political party, and my sole object and aim is to get at the entire facts of this matter; and it seems to me it would be pertinent, Mr. Metcalfe hav-

ing alleged that Mr. Clarke bribed him, that if this witness could prove by other witnesses that Mr. Clarke had attempted to bribe them or some one else, it seems to me it would be very pertinent in this investigation.

MR. KENNEDY: You did not ask him that question.

MR. GODMAN: I asked him if he knew of any attempts at bribery, and then I would ask him the next question, who it was. Of course, if it was not Mr. Clarke it would certainly be nothing against him.

MR. KENNEDY: I object, for the simple reason that the committee is appointed to investigate a certain charge. If he knows that Clarke attempted to bribe some other party I think the question would be pertinent.

MR. GODMAN: I will leave it to the committee. I shall insist on my question, and the committee can overrule me and, of course, I am done.

MR. BARLOW: We are appointed for a specific purpose, to try this specific case.

MR. GODMAN: I will stand on that question and if the committee overrules me I am willing to abide by what the majority of the committee say.

MR. MEANY: I would prefer that the question be asked more specifically—if he knows of Clarke having offered a bribe.

MR. KENNEDY: The question put in that way I would consider pertinent, but I object to the question being put in the form it was.

MR. BARLOW: I do not think it is a proper question, because that question has nothing to do with Clarke and Metcalfe, as I can see.

MR. GODMAN: The question is objected to by a majority of the committee and the witness is not allowed to answer.

By MR. MEANY: Q. I would like to ask if you know of Mr. Clarke having made an offer of a bribe to any member of the legislature? A. No, sir.

Testimony of witness closed.

TESTIMONY OF P. E. BERRY.

MR. P. E. BERRY, called as a witness by the committee, after being duly sworn, testified as follows:

By MR. GODMAN: Q. Mr. Berry, I will ask you if Mr. Metcalfe ever said anything to you about having a bribe offered to him by Mr. Clarke? A. He did.

Q. I will ask you to state when that was that he told you—how long before he made the declaration in the House? A. As I recollect it, it was on the 19th of January.

Q. That would be Monday. A. The day prior to the election of United States senator.

Q. The day prior to the election, or the day prior to the first vote? A. The day prior to the first vote.

Q. Where was he when he told you this? A. It was on the veranda—the north veranda of this hotel.

Q. What did he say to you? A. I could not repeat the words.

Q. Well, as nearly as you can—give it in substance. A. He told me that he had been offered money to vote for Calkins.

Q. Did he tell you whom he had been offered it by? A. I do not think he did.

Q. Did he tell you at that time that he had received any money? A. He told me that he had received no money at that time.

Q. Did he tell you that he was to receive any money? A. He did.

Q. When did he say he was to receive the money? A. He said he was to receive the money the evening of the day on which he told me he had been offered a sum of money to vote for Calkins.

Q. Did he tell you how much he was to receive? A. \$1,000; \$500 cash and a deposit of \$500.

Q. Did you have any talk with him after that evening and before he made the declaration in the House? A. Not in regard to this matter.

Q. Nothing said about this matter between you and him after that day. A. Not that I recollect.

Q. Did you know he had received the money? A. I did not.

Q. Before he made the declaration. A. I did not.

Q. Did he tell you he intended to receive the money—take the money? A. No, sir.

Q. What did he say about that? A. He seemed to be in doubt at that time whether to accept it or not.

Q. You say there was nothing said by him from whom he was to receive the money. A. I do not recollect that he said who offered the money.

Q. And you feel satisfied you asked him nothing about it as to who it was that was to give him the money. A. This is my recollection, that no name was mentioned in connection with the matter.

Q. Was he asking your advice as to whether to take the money or not? A. He was.

Q. Did you give him any encouragement? A. I do not think I did.

Q. As to whether he should take it or not. He was talking to you as a friend. A. Yes, sir.

Q. Did he know at that time for whom you were going to cast your vote for United States senator? A. I don't know that he did.

Q. Did he ask you at that time for whom you were going to vote? A. It was understood—I will not say understood, but it was common belief that I would vote for Squire.

Q. And you share in that belief, do you? A. I do.

Q. Did he say anything to you, Mr. Berry, if he did take the money, that he would do it for the purpose—for a lawful purpose; that is for the purpose of exposing the fraud? A. He did.

Q. But he did not give you to understand at that time that he was going to take the money. A. I think he did not.

Q. Did he give you any reason why he was going to take this money,

and thus expose the party giving him the bribe? A. I do not think he assigned any direct reason for it.

Q. Do you infer from his conversation there that he expected to receive any reward in any way for doing this? A. I don't understand your question.

Q. Whether he expected to gain anything by doing this. Did you gather from his conversation whether he expected to gain or profit by taking this money and thus expose the party who gave him the money? A. I cannot say that he did.

Q. Well, do you remember what he did say about that, if anything? Could you give in your own way, substantially, if he did say anything about it, whether he was to gain or whether he was going to do this—for what purpose he was going to do this? A. As far as I recollect, he gave me to understand that if he accepted it he would turn the money over, and that he wanted to show up that there was corruption.

Q. Corruption in that senatorial contest. A. As far as I could gather.

Q. Did he say anything about his being personally benefited by his doing this? A. I think not; I do not recollect that he said anything of that kind.

Q. He left on your mind, then, the impression that he wanted to do this for the purpose of showing that there was corruption. A. That was about the impression that he left with me.

Q. You were not surprised, then, when he made the declaration, and held the money up in the House. A. I was not very much surprised.

Q. Did he say anything about this if he did this it would defeat Calkins, or injure Calkins' chances, or anything of that kind? A. I do not think he did; he might have understood something of that kind, but I do not recollect that he did.

Q. Did he hold out to you the belief that it would elevate him in the eyes of the people for him to do this. A. He said nothing of that kind.

Q. You say he asked simply your advice on the subject. A. Yes, sir.

Q. And you did not advise him one way or the other. A. I do not think that I did.

Q. Had you any information that there had been anything of that kind done before Mr. Metcalfe told you? A. I did not.

By COL. HAINES: Q. Mr. Berry, did not Mr. Metcalfe try to get you to go with him and see if they would not make a similar proposition to you? A. He did.

Q. What reply did you give to that substantially? A. I told him I did not care to enter into a matter of that kind. That I had measures that I wanted to get through this legislature, and I thought it would hurt me in regard to these measures.

Q. He was quite anxious for you to go and try the experiment, was he not? A. He insisted on it, somewhat.

Q. That was this same day, this same time. A. Yes, sir.

By MR. BARLOW: Q. That was the only reason you had for not going with Metcalfe, that it would hurt you in your measures; or would you have gone if you had not been afraid it would hurt you in your measures?

A. I don't know that I want to answer that question unless the committee says I shall.

Q. You stated these were the reasons you did not go with him, and I asked if it had not been for these reasons — A. I stated that was the reason I told him. I assigned to him as the reason, I did not want to hurt myself for this legislature.

Q. Those were the reasons. A. I assigned those reasons.

Q. Well, were those your reasons. You say you assigned those. Were they your reasons? A. That's what I said.

MR. GODMAN: Q. Did you not tell Metcalfe that it would hurt him in this legislature for him to do that thing? A. I did not.

TESTIMONY OF E. B. HYDE.

Senator E. B. HYDE, a witness called by the committee, after being duly sworn, testified as follows:

By MR. GODMAN: Q. You know Mr. Metcalfe, of course. A. Yes, sir.

Q. I will ask you if he, at any time, ever told you previous to his making the declaration in the House, that he had received some money as a bribe. Had he ever spoken to you on that subject before that time? A. Yes, sir.

Q. State when and where that was, Mr. Hyde. A. I think that it was the night of the caucus for United States senator, as we were coming out of the —

(Interrupting.) Q. What was the date? A. I do not remember the date of the caucus.

Q. Was not it the night before? A. I think it was Monday night before the election on Tuesday; I heard it was, I was not a member of that caucus. There was a good many heard about it.

Q. State what he said to you. A. Coming out of the door we happened to fall together and he told me that he had been offered money to sell his vote, and that the parties had given him two hundred dollars that night. He did not say who the parties were — mentioned no names whatever, but he says they have given me two hundred dollars, and told me that there is some more money coming up from Tacoma in the morning on the boat, and they will give me the balance.

Q. Did he say how much he was to get? A. He did not.

Q. He first broached the conversation to you, I understand. A. Yes, sir.

Q. Was he asking your advice about the matter? A. No, sir.

Q. Did he say that he had sold his vote? A. He told me that he had done so for the purpose of exposing the parties.

Q. Did he say that he intended to expose them? A. Yes, sir; he said he had tried to have witnesses and had failed to do so. That the racket had occurred in the evening on the stairs at that time and that called the witness away, the man that he was going to have see the money delivered, and nobody had seen it.

Q. Did he tell you who that man was? A. No, sir.

Q. Did he tell you where the money was paid to him, the \$200. A. I think he did, I would not be positive; it seems to me that he said it was on the street, on the sidewalk; I would not be positive about that.

Q. He did not tell you who it was paid it to him. A. No, sir.

Q. Did you ask him to tell you who paid it to him? A. No, sir. It all occurred in a very few minutes; some one came up or he might have told me more; but some one came up and fell in with us and we all walked down together. I did not see him after that—did not hear anything about it after that, until I heard that he had turned over this five hundred dollars.

Q. Did he assign any reason for having taken this money and his intention of exposing them? A. Yes, an implied reason; that he was going to put a stop to such kind of work.

Q. You did not advise him one way or the other. A. I did not, as it was done.

Q. Did not show you the money, did he? A. He did not.

Q. Did he tell you whose friends had given him the money—did you learn that night from him whether it was Calkins' friends or Squire's friends? A. Mr. Calkins' friends, he said. He had told me two or three nights before that he was going to do this, and I had advised him not to do this. I said I would not do anything of this kind.

Q. That is what I want to get at, Senator. A. But at that time the transaction had happened in a few words; we only had a short conversation before some one came up.

Q. But the first conversation. A. The first conversation he said he had been offered money and he was going to take it.

Q. What time was it he told you that he had been offered money? A. Two or three nights previous—one or two—it was some time.

Q. One or two nights before that that he had been offered the money and he was going to take it. A. Yes, sir.

Q. And you advised him not to do it. A. Yes, sir. I don't know 'as I advised him; I said I would not have anything to do with it.

Q. Did he tell you at that conversation who was going to? A. Yes; he said at that time that Calkins' friends were. He did not mention anybody's name.

Q. Nor he did not tell you who this witness was going to be. A. No, sir.

Q. He did not tell you how he was going to have this witness see this money paid over. A. No, sir, only he was going to have him stationed; I think he said he was going to have him stationed, when this racket occurred.

Q. At the time that this petition was being read. A. They were trying to get hold of that petition, and I think he said that that attracted the man's attention, and he went away.

By COL. HAINES: Q. He did not mention Judge Houghton's name in any of these conversations. A. Well, I could not say whether he did at the second conversation we had or whether he did after the expose, but I think he did that night. He told me that he had received \$200, and it

strikes me that he said—while he did not say Houghton gave him the money, he told me at one time he was implicated, but I could not be positive whether it was at that time or whether it was afterwards.

By Mr. GODMAN: Q. You say that this conversation that you had with him was after he said he had received the \$200. A. Yes, sir.

Q. And that was on the night of the caucus. A. Yes, sir.

Q. That caucus was held on the evening prior to the separate vote for senator. A. Yes, sir.

Q. And that prior to that evening you had had some conversation with him on a like subject. A. Yes, in a general way.

Q. How long did you say this conversation was? A. Well, it might have been one day or three; I could not say; it was two or three days.

Q. Your best recollection is that it was two or three days prior. A. One or two days; I do not think it was as long as three; I think probably it might have been two days before.

Witnesses' testimony closed.

TESTIMONY OF SENATOR O'NEAL (RECALLED).

By Mr. GODMAN: Q. You know Mr. Metcalfe, of course. A. Yes, sir.

Q. I will ask you if you ever had a conversation with him in regard to his having received or having been offered a bribe by any one previous to his declaring the same in the House? A. The night before, I think it was in this room, we were in here for about a minute, and the usual crowds were here, he told me he had been offered, or had two hundred dollars.

Q. What time of night was it? A. I do not know; it was during the evening, probably between seven and nine o'clock; I do not know the hour. There was a crowd in here; we were not together more than a minute.

Q. Was it after or before the little play that was transacted in the hotel on the steps? A. I think it was before that; I know it was before that.

Q. You say he told you that he had received two hundred dollars. A. I think he said he had received two hundred dollars.

Q. For what purpose, did he tell you? A. I forget the words he used, but it was for voting for Calkins, or to cast his vote for Calkins.

Q. Do you know how he came to tell you this? A. No, I do not; we were sitting right about here.

Q. State what he said, as near as you can. A. That is as near as I can recollect, that he had had an offer or had received two hundred dollars to vote for Calkins. I did not know how to take it; I had never heard it intimated before and it took me by surprise, and I think that is about all there was of it. I know the room was crowded here. I think Senator Richards was sitting here, and I had been talking to him, and in a few minutes after I commenced talking to him I think Metcalfe left. We were not together I think more than two minutes.

Q. Did he tell you who gave the two hundred dollars? A. I do not recollect that he did.

Q. Did he tell you anything about where the two hundred dollars had been given to him? A. Not that I recollect.

Q. Was that the only purpose that he said money had been given to him to vote for Calkins? A. Yes, that is about all he said.

Q. Did he say he was going to vote for Calkins? A. No, I do not think he did; we were not together long enough, because it surprised me a little, and I had been talking with Richards and some other persons in here. I do not know what commenced it; I think he asked me to sit down here, he wanted to tell me something; I think that is the way it was. He told me that, and I think he left the room; I did not go out with him.

Q. Did he ask your advice on the subject? A. No.

Q. Did not say anything about that he intended to expose them. A. Well, I did not pay much attention to it, I had been so busy talking and excited about the senatorial election; I know I thought that the next morning there was some danger; I saw him talking to parties on the porch, and I told some of the men that I thought they were talking to Metcalfe, trying to get him over on the other side. I forget who it was, but I think Senator Van Houten, and on the way to the Capitol I saw him talking with some of Calkins' friends on the porch, and the matter entirely slipped my mind until that day hearing in the Senate chamber that he had given up this money.

MR. HAINES: Q. Senator, let me refresh your recollection. Now, was not that conversation after this scuffle occurred on the stairway and just before you went up to the caucus? A. I do not think it was; I am not certain, because we were not in here long; we were not two minutes speaking about it; but I do not think it was.

Q. Now, did you not go from here up to that caucus? A. I was up to the caucus.

Q. Did you not go right from this room? A. No, I do not think I did; might have.

Q. Where did you go immediately after? A. I was around in the hall for quite a while, and the band came in here and played in the hall.

Q. Did it play before this conversation? A. Well, that I do not recollect.

Q. Then you would not be prepared to say it was before this scuffle, positively. A. I could not say positively, but my impression is it was before.

Q. You have not had it called to your mind since. A. No.

Q. Who was it he was talking to that made you think that he was going on the other side? A. I have forgotten; it was some of Mr. Calkins' friends. They were standing to the right of the door as I went out, and going down the steps I noticed them talking together.

Q. Did Metcalfe finish the conversation that occurred or was he interrupted by people? A. Well, the crowd was here in the evening; I do not know that there was any interruption at all.

MR. GORDON: Q. This conversation with Metcalfe occurred in this room. A. This is where I heard it.

Q. In that conversation he told you that he had received \$200. A. That is what I understood he had received — \$200.

Q. Did you witness the scuffling on the stairway? A. Yes, sir; I was in the hallway at that time.

Q. You think that was after the conversation you had had with Metcalfe. A. I think it was.

Q. State to the best of your recollection. A. That is my best recollection.

MR. GODMAN: Q. I do not understand you. Do you mean to say that he told you that he had \$200, or that he had been offered \$200? I did not get that clear. A. My impression was that he had \$200; that is my impression. I did not think of it again that night, nor until the next day up stairs after he had sent \$500 to the speaker.

Q. Did he say he was to get any more? A. I do not recollect. It seems to me that he did say that he was to have some more, but the amount I have forgotten. I paid but little attention to it. I was talking with a good many there that evening.

Q. You think it was a very serious thing for a man to be paid \$200 for a vote. A. I did not know what to think; it took me by surprise.

Q. When you saw him talking to Calkins' friends you say you thought he was liable to go over. A. No, I did not think that at all; that other thing did not enter my head until I thought probably he might have been induced, or would be induced, to vote for Calkins.

Q. You thought that this \$200 was part of the inducement. A. The money did not enter my mind as I saw him standing up there, but it struck me that they were trying to induce him to vote for Calkins.

Q. Well, you knew he was a Squire man? A. I had heard so. I had not seen Metcalfe for two or three days before the election until we met here. I think it was understood at the polls in our county that he was going to vote for Squire. I cannot say I knew it, but I had been told so.

Q. You and Metcalfe were quite good friends. A. We were on good terms.

Q. He borrowed some money from you before this time. A. Yes, sir.

Q. That was before he told you he had got the two hundred. A. Yes, sir.

MR. HAINES: Q. Are you certain, Senator, that he told you that he had the two hundred? A. Well, that is the strongest thing that I have in my mind, that he had the two hundred.

Q. But you are not positive that statement was made before the scuffle on the stairs. A. No, I could not say positively as to that.

MR. GORDON: Q. Your judgment, however, is that it was. A. Yes, that is my impression; that it was before the scuffle.

Witness' testimony closed.

TESTIMONY OF R. A. HUTCHINSON.

Representative Hutchinson, a witness called by the committee, after being duly sworn, testified as follows:

MR. GODMAN: Q. You know Mr. Metcalfe. A. Yes, sir.

Q. You heard Metcalfe make the charges against Clarke in the House.
A. Yes, I believe I did.

Q. Do you know anything about that matter? A. No, sir.

Q. Do you know anything about who gave him that money? A. I do not know anything about that.

Q. Do you know anything about anybody else having been offered a bribe in the senatorial contest? A. I have not anything to say on that subject.

Q. Do you mean to say you refuse to answer the question, or do you know anything about it? A. Well, I haven't got anything to say about it.

MR. BARLOW: It seems to me that this is not a proper question. (Question objected to by a majority of committee, and witness not permitted to answer.)

MR. MEANY: Q. Do you know of any bribe offered or alleged to have been offered by Mr. Clarke in this senatorial fight? A. Only what I have heard there in the House; that is all. I do not know anything about it, only just what I heard Metcalfe state; that is all I know about it.

MR. GODMAN: Q. That is all you know about Clarke having offered Metcalfe a bribe. A. Yes, sir; or any one else. That is all the transaction I have heard Clarke's name mentioned in, and I only heard that in the House.

TESTIMONY OF JOHN L. METCALFE (RECALLED).

Representative Metcalfe recalled by committee for purpose of supplying testimony lost as first part of investigation.

MR. GODMAN: Q. Where did you get the five hundred dollars, Mr. Metcalfe, that you handed to the Speaker? A. Two hundred dollars of it was paid to me out on the street; three hundred in room 11 of this hotel.

Q. For what purpose was it paid you? A. It was paid me with the understanding—in consideration of that and five hundred dollars more to be paid—that I should vote for Judge Calkins for United States senator.

Q. You were to get a thousand dollars to vote for Judge Calkins. A. That was the consideration, sir.

Q. From whom did you get the five hundred dollars? A. I received the two sums of money from Mr. Harry Clarke.

MR. GODMAN: Q. I would like to ask you, Mr. Metcalfe, if any parties encouraged you to take this money and make this exposure. A. Well, in a sense, you might say that Mr. McGraw did; from what he testified to you might say that.

Q. Would you have done this, sir, if you had not been encouraged by other parties? A. I think I should; I could not say positively whether I would or not. If other parties had discouraged me I do not think I would.

Q. If the parties whom you talked with had discouraged you you do not think you would have done this. A. No, I do not think I would.

Q. You think then that what encouragement they did give you went a

long ways towards your doing this that you did do. A. Well, I could not say that it went a long ways. I had made up my mind to do it and the only question that entered into my mind was whether it was an honorable thing to do, and if they had suggested to me that it was not it might have influenced me to the extent that I should not have done so.

Q. You asked the advice of several of your friends, did you not, as to whether you ought to do this or not? A. I do not think I advised with any one except the conversation with McGraw.

Q. Did he lead you to believe that it would be an honorable thing to do? A. Yes, sir.

Q. What language did he use? A. When I said to him that I believed that the parties were using money pretty freely and that if any of them attempted to use it on me I should expose them, he said "I hope you will do it, Mr. Metcalfe." Those are his words. He says "I hope you will do it, it will raise you in the estimation of the people of the state." Those are McGraw's exact words.

(Signed)

JOHN L. METCALFE.

OLYMPIA, Feb. 16, 1891.

All members of committee present, except Mr. Barlow.

TESTIMONY OF ANDREW F. BURLEIGH (RECALLED).

ANDREW F. BURLEIGH, recalled, testified:

By COL. HAINES: Q. State, Mr. Burleigh, if you had anything to do with the proceedings on the day that Mr. Metcalfe made his exposure of this money in the House, in relation to the criminal prosecution of Mr. Clarke in connection with the matter. A. Well, on Tuesday morning I went up to the library to get a copy of the statutes, and looked it over and drew a complaint in blank, which I put in my pocket for future use, and came back down to the hotel here, and was up in my room, No. 46, when a note was brought in, I think by Col. Gilbert, addressed to Col. Haines, and I have that note in my pocket now; I stuck it in my pocket at the time, and finding it there when I got back to Seattle. I preserved it; the note will probably speak for itself better than I can express it.

(Witness hands note to Col. Haines.)

Q. You may read the note, Mr. Burleigh, to the committee. A. It is written on the House of Representatives' paper, and is as follows: "Col. Haines: Would like to see you at the place where bearer will lead you; only three-quarters of an hour to act in."

COL. HAINES: I would like to file this note with the committee.

(Note referred to filed by the clerk.)

Now, when that note came in I had this blank complaint in my pocket. I think Col. Haines—it was agreed at the time that Col. Haines would see about the officer and execute the criminal process, and I was to come with the bearer of that note, who was Col. Gilbert, to a room in the city here, I think on 6th and Main streets, being several blocks down in that direction; now, the impression made upon my mind, without being expressly stated, was that that was Mr. Metcalfe's lodging house, whether it was or not, I do not know; at any rate, we went to the house and there we found Mr. Metcalfe; he stated that he had an appointment to meet Mr. Clarke at half past 11, to receive \$300. I looked at my watch, it was that time within a few minutes; I think I told him he could not keep the appointment, he would have to make some excuse for being late. I then produced the complaint and handed it to him, told him to read it over and if it was all right, to sign it, and I would swear him to it. I had at that time just been appointed notary public by his excellency, the Governor, and my first official act was to swear Mr. Metcalfe to that complaint, and this is it. (Witness hands paper to Col. Haines.)

COL. HAINES: I also desire to file this paper with the committee.

(Paper filed by the clerk.)

Q. Is that complaint in your hand writing? A. The body of the complaint is in my hand writing, and the signature is mine.

Q. The signature of the complainant? A. No, that is John L. Metcalfe's signature, made in my presence.

Q. What further was done in the matter? A. After talking a minute or two, Col. Gilbert and I went away. Now, I think Col. Gilbert was not in the room when I was talking with Mr. Metcalfe; if he was he was in the back part of the room and I was at the table near the window and did not notice him. I then went with Col. Gilbert to his rooms at some building, or somebody's house down street here; I do not know where it is or what it is, except that it is on Main street here, and you go up a stairway in the center of the building. His rooms were on the left-hand side of the hall, along down the hall a ways, and in going down there the Colonel suggested that we should separate and not go down the street together, for the reason that he seemed to be apprehensive that Mr. Clarke, or some of his friends would see us together and suspect something; so he walked down the one side of the street and I went down on the other, and we went up there, and waited there, and Col. Haines joined us, and after talking over what had occurred, Col. Haines and I came up to the hotel. I do not know where Mr. Gilbert went, except that a few minutes after 12 o'clock he came into the room—No. 46—and said, "Now, this \$300 will be paid by Mr. Clarke to Mr. Metcalfe within three minutes." I recollect his saying the expression, "within three minutes." At the time I was reading the *Post-Intelligencer*; I think Mr. McGraw was in the room; I then walked out into the hall near the head of the stairs. I met Mr. Dillingham and he I conversed there. I saw Mr. Clarke come up the main stairway, which of course was according to the programme,

and I suggested to Mr. Dillingham that we notice that gentleman and see where he went, which we did; and Mr. Clarke went to room No. 11 and was followed there a minute or two later by Mr. Metcalfe. I think I testified to these facts before.

Q. Now, state whether the direction was sent or instructions given to Metcalfe in regard to what course he should pursue in regard to this \$300. A. Now, the understanding of it was, that Mr. Metcalfe should go ahead and carry out the plan which had been outlined by Mr. Clarke, and that was to receive the balance—\$300; but if, for any reason, he should fail to pay that money, either by reason of the fact that it did not come from Tacoma, or by reason of the fact that he might have concluded that the purchase of Mr. Metcalfe's vote would not be of any benefit to Judge Calkins, or by reason of the fact that he might have become suspicious by seeing Mr. Metcalfe in and out of my room and might repudiate the matter, then Mr. Metcalfe was to give him back the money he had already received from him in that envelope. Of course, we assumed that Mr. Clarke would take it back, and it was because of that assumption that the bills were marked and their description taken, so that if Mr. Clarke took that money back it would be found in his possession.

By MR. GODMAN: Q. You intended to have him arrested—was that what you intended to do? A. Yes, sir, and have him searched; and have that money found on him; that is exactly what we intended to do.

By COL. HAINES: Q. Was any word sent to Mr. Metcalfe that morning after Gilbert, you and myself met, that you know of? A. Well, the only thing I know is the talk I had with Mr. Metcalfe down at the room, I told him to go ahead and carry out the programme just as it had been talked of before, and we parted with the expectation that it would be done; no, I did not send any word to Mr. Metcalfe, I did not see him again to speak to him until after he came into the room with these six \$50 bills, wrapped up in the newspaper, and handed them to me; I saw him go down the hall but I did not see him go into No. 11, but I saw him almost to the door, and I do not know why I did not see him go in; something might have attracted my attention; he might have went in by a side door—anyway, I did not see him go in. I saw Mr. Clarke come in; I saw him go down the hall and saw him enter the room, and I saw Mr. Metcalfe come out and followed almost immediately after by Mr. Clarke. When he came out Mr. McGraw, Senator Van de Vanter and Mr. Dillingham were in the hall with me and saw that part of it.

Q. How long was Mr. Clarke in that room? A. I did not time him, but I think they were in there from three to five minutes; but it might have been longer; I could not say exactly; this is my memory at this time.

Q. It was a short time. A. I would like to say, I did not testify to the facts regarding the complaint and note, when I was before the committee the first time, for the reason that the question was not asked me, but I had no facts to conceal from the committee.

MR. GODMAN: Q. Did you testify as to who the bearer of this note was?

A. Yes, my recollection was that it was Col. Gilbert, now; I have not any distinct recollection of Col. Gilbert's bringing that note, but I noticed that Col. Gilbert was the man I went out with, therefore I assumed that he was the bearer of that note, because he knew where to take me, and took me there, and for that reason I assumed that he brought the note into my room.

COL. HAINES: Q. Was that before or after this little occurrence on the stairway? A. That was after that, about 11 o'clock.

Q. That you got the information upon which the complaint was made. A. Yes, sir; I was down in the lobby of the hotel that evening after I had come back from the caucus; of course I was an outside spectator at the caucus, and after I came back from there, I was standing in the lobby, and Col. Haines came to me and said I was wanted in my room, and I went up there and found Mr. Metcalfe, who, up to that time, I had never met, and was introduced to him, and he then disclosed this matter to me; that was my first knowledge of it, and as I said before, I asked him a great many questions about it before I took any stock in it, and I became convinced after a while that he was telling the truth.

Examination of Mr. Burleigh closed.

TESTIMONY OF WILLIAM FARRISH.

WILLIAM FARRISH, called and sworn, testified:

By MR. GODMAN: Q. Do you know Mr. Metcalfe? A. Yes, sir.

Q. I will ask you if he had any conversation with you in regard to having been offered any money for his vote in the senatorial contest before he made the declaration in the House? A. He had.

Q. Just state what that was, and when it was, and what he said. A. I thought so little about it at that time that it went in at one ear and out at the other. I think it was said in his seat at the House. I was passing and asked him how he was, or something like that—just passing by—and he told me that he had been offered \$500—\$200 at one time—no, I think it was \$250—well, part at a time, anyway.

Q. Was the legislature in session at the time he told you that? A. It had adjourned.

Q. When was that? A. It is my impression that it was a day before the vote came up; I could not say positively whether it was that day or the day before we—it is my impression that it was the day before the vote, or the day before that, I could not say positively which.

Q. Did he say he had received that money? A. No, sir; that he had been offered it. It was two days before the vote came off, I think; I thought very little about it at the time.

Q. Was it two days before the vote, you think, this occurred? A. I thought very little about it, and paid no attention to it at all.

Q. Did he say by whom he had been offered the money? A. No, sir.

Q. Did he say for what purpose he had been offered the money? A. I don't think he did in that way.

Q. Did he ask your advice in the matter? A. No, sir.

Q. Did he ask your advice as to what he had better do? A. I think I told him to go slow; I think I said go slow in the matter—something of that kind.

Q. Did he take your advice about it? A. No, sir; not to my knowledge.

Q. Were there any other parties near when he told you this? A. I think there was some one sitting near on the sides there, as I was passing along, but nobody that I noticed.

Q. Did he know at the time for whom you were going to vote for United States senator? A. I think he did; every one knew who I was going to vote for.

Q. You think he did not tell you for what purpose he was offered the money—the \$500 or the \$200? A. No, sir; I suppose he thought, probably, I knew, and I did not want to ask him any questions about it.

Q. He merely told you that he had been offered some money. A. That he had been offered some money.

Q. Did he say anything about whether he was going to take it? A. Don't think he did; I did not talk but very little to him about it.

Q. Had you and him been very friendly at that time? A. Nothing more than passing back and forth; we had never got very well acquainted.

Q. Had you talked to him about the senatorial contest before that? A. No; nothing to speak of.

Q. Do you know why he came to speak to you about this matter—to you; do you know of any reason why he should do so? A. I do not; no, sir; only I suppose he might have thought— Well, he knew I was going to vote— Well, he knew who I was going to vote for, and he knew who he was going to vote for, providing he would do it; it might have been in that way.

Q. Did he say anything about that he thought he would take the money and then expose the matter? A. No, sir; not a word that I know of. I did not think enough about it to pay any attention to it at all, hardly.

By MR. HOLT: Q. After having heard this, you were not surprised when he made the declaration in the House that he had been paid that money, were you? A. When he made that declaration and I heard this, I supposed then there must be something in it, but I had never thought anything about it afterwards—after he told me.

By MR. GODMAN: Q. Was it such a common thing for you to hear of persons being offered money at that time for their votes that it did not cause you to think anything about it when a man stated that he had been offered money for his vote? A. There was so much talk about it around, that I did not pay any attention to it.

Q. Then you did not put much confidence in what Metcalfe was telling you. A. I thought, of course, that he might have been offered money, for all I knew.

Q. You did not consider it of much consequence. A. I heard it said there was money going round, and that he had been the one that was offered money; I don't know—I know I had not been offered money; it did not happen to get around to me—I do not know and could not state to you, but I heard that there was money. I do not know why they should pick him out from me; might just as well come around and let me get my hand in, but I do not think they would have made much out of it if they had.

By COL. HAINES: Q. Was it \$500 he said had been offered him? A. It is my impression that it was in part payment; yes, in part payment; \$500 in all—he was to receive it in two payments; that was the way I understood him.

Q. He did not say that he had been offered \$1,000, to be paid in two payments of \$500 each, did he? A. That might probably be; as I said, I paid so little attention to it; but I understood it to be \$500 in two payments; I could not say, but it was two payments.

Q. It was understood pretty well here, who you were going to vote for on Saturday, was it not? A. Of course, I knew who I was going to vote for and I suppose he did.

Q. And you were outspoken in your statements that you were going to vote for a particular person, were you not? A. I was going to vote for Squires.

Q. Mr. Metcalfe knew that, did he not? A. I suppose he did.

Q. You took no pains to conceal that fact from anybody. A. No, sir.

Q. Did you have any idea which way Mr. Metcalfe was to vote? A. I could not say.

Q. Did you not know that he was counted upon as a man who would vote for Squire? A. I think he was, but I could not state how a man was going to vote until he voted.

Q. But it was the general understanding that he was a Squire man, and you were both on the same side of this senatorial contest. A. Yes. Mr. Metcalfe was a stranger to me; that is, I did not know him until I met him a few days before.

Q. Still he was ranked as being on the same side with you, and was it not this that he spoke to you, understanding that you were on the same side in this matter, and that it would be all right, both being on the same side? A. I think probably it was; I do not know; I cannot tell whether it was that way or not.

By MR. HOLT: Q. When he told you that he had been offered this money to vote, did he tell you who he was to vote for? A. It was my impression that he said Calkins; that is my impression—to vote for Calkins, but I thought no more about it; it went right out of my mind again. Anything I hear about, that does not concern me, goes in at one ear and out of the other.

By COL. HAINES: Q. You think this was the second day before the first ballot of the joint ballot? A. I could not say.

Q. The House was in session when he made this statement to you. A. I think it had adjourned; I was going out.

Q. But they had met on that day, so it was not Sunday? A. Oh, no, sir; it was not Sunday.

Q. Do you remember being seated by the side of Mr. Kennedy, and Mr. Metcalfe asking you if you would try to have the vote put off until Tuesday afternoon? A. I do not recollect that.

Q. You do not remember that. A. No, sir, I do not remember it—I don't recollect anything at all about it. No, sir, I do not remember it.

MR. GORDON: Q. Can you say, Mr. Farrish, whether or not you had told Mr. Metcalfe who you were going to vote for? A. I do not know that I ever did, but every one knew who I was going to vote for. I told several; they asked me and I told them right square out.

Q. As I understand you, Mr. Metcalfe was a stranger to you prior to your coming to attend this session. A. He was.

Q. Had you had any conversation with him prior to the one you speak of? A. No, sir.

Q. Had you had any extended talk with him on the senatorial question before this conversation you speak of? A. I did not.

Q. Do you remember what it was that lead up to this statement of his? A. Which statement?

Q. About money being offered. A. I do not know what led up to it.

Q. Now, do you remember the instance on the stairs here, before the ballot was taken; do you remember that little disturbance on the stairs? A. I do, yes, sir; I was at the table there, when they tried to get the paper away from Mr. Meany.

Q. Can you say whether or not this conversation with Mr. Metcalfe that you have spoken of occurred before or after that? A. I could not.

Q. It might have been Saturday, or it might have been Monday. A. I could not say what day it was; it was a day or two before the vote; but what day I could not tell. I have no idea.

By MR. GODMAN: Q. Are you sure it was not the day that he made the exhibition there of the money? A. No, sir.

Q. Was it not that day? A. No, sir; I think it must have been the day before, or the day before the money was shown.

Examination of Mr. Farrish closed.

TESTIMONY OF JOHN L. METCALFE (RECALLED).

JOHN L. METCALFE, recalled, testified:

By COL. HAINES: Q. I understand that you wish to make some corrections in the testimony you made; you can do so now. A. I will state that at the time I testified I had been up for a couple nights and was not feeling well, and I made some errors in my statement. I said Saturday when I meant Sunday.

Q. That is in regard to your meeting with Mr. Houghton. A. Yes, sir; in regard to that meeting with Judge Houghton.

Q. Is that the only correction? A. I think I made the other corrections to the stenographer.

Q. Now, if there is anything further that you desire to state in connection with your conduct in this matter, with the permission of the committee, I wish you would state it. A. I have nothing to state in regard to my conduct; I have some other evidence I think is material to get before the committee.

Q. What is it; anything that will bear upon or affect your action? A. Well, to come back to the time I took the \$200 up in room 46, and they were opened there in presence of Mr. Burleigh, Col. Haines, myself and Col. Gilbert, I have not stated that Mr. Clarke was not able to fulfill his original agreement with me; that he had promised to pay \$500 in an envelope and put it in the bank; he was to go to the bank with me and do that, then after I had voted for Judge Calkins until he was either elected or withdrawn, he would go to the bank and take out the envelope and give it to me. Now, when I stated to Mr. Burleigh and Col. Haines that Mr. Clarke would in all probability not be able to do that, I asked what I should do; Col. Haines said that unless I could get Mr. Clarke to pay the \$500 in the bank, I had better return him \$200 and vote as I pleased; I then suggested that I take and mark the bills so that we could identify them; Mr. Burleigh, then, as has been testified before, took the description of the bills and we marked them as heretofore stated, so that we could all swear to them; I was to return this \$200, however, as a last resort, in case I could not get Clarke to put the other \$500 in the bank; that was between 11 and 12 o'clock, in room No. 46, and when I came down I looked around a little in the lobby and did not see him; I went down to my room in the hotel and went to bed and slept pretty late, and did not get up here until nearly time to go to the House the next morning. I went up to the House and as soon as the roll was called there, I came down to the hotel and saw Mr. Clarke, and asked him if he was going to be able to get this other money; he said he was pretty certain that he would be able to get \$300 for me. I had previously been told by Col. Haines, or Mr. Burleigh, I forget which, if possible to make arrangements to meet Mr. Clarke so that we could have witnesses here, and so it was I asked Mr. Clarke if he could come down at half-past 12, and he said yes; and then I said, "where shall I meet you?" he said "in room 11," in this hall, meaning the Hotel Olympia, because we were then in that hotel; I then went back to the House and immediately sat down and wrote a note and sent it by Mr. Friedlander to Col. Haines.

(Note heretofore filed handed to witness.)

Q. Is that the note? A. That is the note; yes, sir.

Q. Proceed. A. I then went down to Mr. Cushman's boarding house and waited there; Col. Haines, instead of coming himself, sent Mr. Burleigh; I presume he sent Mr. Burleigh. Mr. Burleigh and a gentleman by the name of Col. Gilbert, came down; Mr. Burleigh had the complaint already written out.

(Complaint filed in connection with Mr. Burleigh's testimony, handed to witness.)

Q. Is that the paper? A. That is the paper he filed in my name and I swore to it before him, he stating that he was a notary public. When I got through it was nearly half-past 11 o'clock, and the time I was to meet Mr. Clarke. Mr. Burleigh said that he could not possibly get an officer there by half-past 11, and it would take to nearly 12 before they could secure an officer; he said for me to wait until about that time. I went up and went into room 11 with Mr. Clarke, that I should detain him on some pretext or other and when they were ready with the officer, he would ring the call of room 11 and I should then know that everything was all right. I had then agreed with Mr. Burleigh that when I had delivered the \$200 to Mr. Clarke that I should come out and signify that he had the money by taking off my hat and walking along with it in my hand. Just as Burleigh and Col. Gilbert were leaving me I said, "Now, Mr. Burleigh, in order to guard against any possible emergency that may arise in case Mr. Clarke suspicious something and won't take back the money, then I will take off my hat. I sat there about 20 minutes in that room, I think, and then came up and walked close by the door of this room where the bar was, looking to see if Col. Gilbert, Col. Haines and Mr. Burleigh were there, because I wanted to be certain that they were there before I went up, as I knew Mr. Clarke would be busy and I might not be able to detain him long enough to get an officer and ring the bell, so I thought it best to make a search for them; and while I was standing there a friend of Mr. Burleigh—a real estate agent in Seattle, I think he is—came up and I said to him, "Mr. McClintock, go to Col. Haines and ask him if he is ready, and send me word;" and he had not been gone, I do not think, a minute until Mr. Dillingham came up and I sent the same message by him to Col. Haines. While these two gentlemen were gone with that message, Col. Gilbert came up to me and said, "The lawyers say for you to take the other \$300." I stepped around by entrance here where Mr. Clarke would see me. Within a little while he saw me and came out and walked up the front stairs, and I came round and walked up the back stairs as had been previously agreed upon between us, and went into the room and took the \$300.

Q. Is that all you desire to state? A. Yes, sir.

By MR. GODMAN: Q. You say that all this was done after the calling of the roll in the House on Tuesday morning and 12 o'clock of that day? A. Yes, sir; that is this meeting with Mr. Burleigh and my coming back here.

Q. All that you have testified to here? A. With the exception of marking the bills; of course, that was done the night previous.

Q. All after that, you say, transpired between the calling of the roll and 12 o'clock? A. Between the calling of the roll and 12 o'clock; yes, sir. I cannot say, but Mr. Burleigh may have had the complaint already written out—in fact, I know he had it written.

Q. What time was it when you first left the House after the roll calling? A. When I first left the House it was not more than a quarter after ten.

By MR. GORDON: Q. Why did you not testify to this in your previous examination? A. Because my attorneys thought it was not best to introduce the evidence then.

Q. These matters did not escape your attention at that time. A. No, sir.

Q. Knowing them to be true, you were under the advice of your attorneys not to present them to this committee. A. At that time; yes, sir.

Q. When did you determine upon this change of programme? A. Which change do you refer to?

Q. Withholding this testimony at that examination and putting it in now. A. Well, I wish to say in regard to that matter, that I wished it introduced at first, but my attorneys gave me reasons for not introducing it at that time.

Q. Where were you when you wrote this note? A. I was in the House.

Q. Did Clarke say in what bank this deposit was to be made? A. No, sir; he did not.

Q. Did you make any inquiry of him concerning this bank? A. No, sir.

Q. What was the condition under which the deposit was to be made—was it to be made to your order? A. No, sir; he was simply to place it in an envelope and we were to leave it there together—go to the bank and leave it there.

Q. To be withdrawn by you? A. He said after I had voted for Calkins until he was either elected or withdrawn, that we would both go to the bank and take it out again.

Q. You did not inquire of him in what bank this arrangement was to be made? A. No, sir, I did not.

Q. Some bank in this city, I suppose. A. I suppose so.

Q. But there was nothing said about that. A. No, sir.

By MR. GODMAN: Q. Did you give Mr. Clarke to understand that you were going to vote for Judge Calkins when the \$500 was given you, notwithstanding that he did not comply with the other part of his agreement? A. I did not do so in words, but he could imply that.

Q. After he failed to put the money in the bank, how was he to comply with this agreement? A. He assured me that there was a man to come in on the boat, and when he came I was to have the money.

Q. Now, you wrote this note, you say, to Col. Haines. A. Yes, sir; I wrote that note to Col. Haines.

Q. You were in the House at the time you wrote it. A. Yes, sir; I wrote it right at my desk.

Q. How long did you stay in the House after writing this note? A. Oh, I do not think I remained in the House five minutes.

Q. Did you write that: "Only three-quarters of an hour to act?" A. Yes, sir; I wrote that also.

Q. Was that written at the same time? A. Yes; I think right at the same time.

Q. What do you mean by saying, "Only three-quarters of an hour to act in?" A. I meant that my meeting with Mr. Clarke would be at half-past 11.

Q. You did not mean that it was only three-quarters of an hour before the voting would begin in the House? A. No, sir.

Q. You meant by that, that you only had three-quarters of an hour in which to meet Mr. Clarke. A. Yes, sir.

By COL. HAINES: Q. You heard Senator O'Neil's testimony in regard to the time you told him about having received the \$200; was that conversation with him before or after the scuffle had occurred? A. It was after the commencement of the scuffle, and I think it was before the band was brought in to play in the hall; that is as near as I can remember.

Q. Was it before or after you had this interview with Mr. Clarke? A. It was after I received the \$200.

Q. Mr. Farrish testified to your having spoken to him, can you remember what that was? A. I cannot remember exactly, except that the last time, which Mr. Farrish testified that he does not remember, was in the morning. I think just before the vote was taken on the question whether we should vote at noon or whether we should postpone it, and I went out to Mr. Farrish, and Mr. Kennedy was there also in his seat, but I do not know whether he heard me or not, I asked him to try to stave it off for a little while.

Q. Did Mr. Farrish and Mr. Kennedy occupy the same seat in the House? A. I think they did, yes, sir.

Q. Did you state to him that you were to receive \$500; do you remember? A. I do not remember whether I told Mr. Farrish I was to get \$500; if I told him that I had it in my mind that I was to get \$500 before I voted; I had it in my mind, but I cannot remember.

MR. GORDON: Q. What time did I understand you to say that the appointment with Mr. Clarke was made? A. The appointment with Mr. Clarke was made for half-past 11.

Q. You wrote this note at the House. A. Yes.

Q. In speaking of three-quarters of an hour in which to act, you had reference to the time in which to meet Mr. Clarke according to appointment; you considered the time that you had after writing this note and before this appointment was to be kept. A. No, when I wrote that note I just glanced at the clock, and saw it was a short time before I would have to meet him, and I thought best to make it short rather than too long.

Q. I understood you to say on direct examination, that you left the house about half after 10. A. About that; I do not know exactly what the time was.

Q. There was some understanding about the money coming up by boat. A. The expression Mr. Clarke used to me was that they expected funds to come in on the boat.

(Signed)

JOHN L. METCALFE.

Examination of Mr. Metcalfe closed.

TESTIMONY OF B. C. VAN HOUTEN (RECALLED).

B. C. VAN HOUTEN, recalled, testified:

By MR. GODMAN: Q. You know Mr. Metcalfe? A. Yes, sir.

Q. I will ask you if you had a conversation with him at any time with regard to his having been offered money for his vote in the senatorial contest? A. I had.

Q. State, Senator, when and where that was, and what Mr. Metcalfe said at that time. A. I met Mr. Metcalfe casually in the lobby of the hotel here, and I think it was the day before the balloting for senator, possibly two days before; and in passing him I spoke to him and our conversation was the senatorial fight, and he seemed to be somewhat put out, and he says: "They are using boodle." He said: "They are offering to buy my vote"—something in those words. I think somebody came up then, so that is about all the conversation we had at that time. If there was anything more said I do not remember just what it was. The night before the ballot was taken I met him—it was somewhere here on the floor—and he said to me, "I have got \$200 and I am to get \$300 more in the morning," and that was about all that was said at that time, and the conversation drifted upon something else. Then somebody called me away, I do not know which. I was very busy the night before the senatorial fight, as I said, and I had to go back from the caucus; I think that was the time.

Q. Did he say who offered the money? A. No, he didn't.

Q. Did he say who had given him what money he had? A. He did not; no, sir.

Q. Did he say for what purpose he was getting the money? A. I do not remember that he said so in words, but he conveyed that idea, that it was for his vote; he had stated before that they were trying to buy him.

Q. Did he know at the time who you were going to vote for, for senator? A. He did.

Q. Did he ask your advice about taking money? A. He did not ask me what I would do about it, or anything of that kind.

Q. What did he say? A. Before, he mentioned something about what he would do with the money. I understood him that he would give it to the speaker.

Q. He gave you to understand that he would accept the money and expose the matter. A. He conveyed that idea, but my mind was taken up with other matters and I thought very little about it. The first conversation I could not remember distinctly enough to testify about, so as to give you any light.

Q. Senator, did you advise him to do this, or did you advise him in any way what to do? A. I did not give him any advice in the matter, any more than what he was to do with the money. I know he mentioned the matter that he was going to give it to the speaker, and I told him I did not see anything else he could do with it.

COL. HAINES: Q. Was not this conversation on Monday afternoon while you were going down from the caucus? A. No.

Q. It was after you got down there. A. It was after I got down that I met him, as I stated, in the hall or lobby.

Q. But it was after the caucus. A. Yes, sir.

MR. GORDON: Q. As I understand you, Senator, you had two conversations on the subject of money with him. A. He mentioned, as I have said before, possibly on the evening of the 18th, it was before the ballot for senator—something about money.

Q. At that time he told you that he was to receive some money. A. He told me that they were using boodle and that they had offered to buy his vote; he did not tell me how much he was to get, or when, or where, or how he was to get it, or who was to give it to him, or anything about it; I am positive that he did not.

Q. In the second conversation he left the impression on your mind that he was going to receive some money from some source, and that he would give it to the speaker. A. Yes, sir.

MR. MEANY: Q. He left no doubt that the money he received was for his vote for Calkins. A. I could not come to any other conclusion because Mr. Metcalfe had told me that he was favorable to Squire. I had conversation with him several days before that, with him, or when I first came down here, I had some conversation with him in regard to it and I was satisfied in my mind that he would support Senator Squire—in fact he had intimated that to me shortly after the election at Spokane Falls.

MR. GORDON: Q. Did he tell you he was to receive this money in consideration of his vote for Calkins—anything to that affect? A. He did not use those words; no, sir.

Q. Or in substance? A. That was the idea I got from his conversation as I have stated, I do not know that he used any words that would impress that on my mind positively, only knowing how he felt in the matter and the conversation I had had with him several days previous.

Examination of Senator Van Houten, closed.

MR. GORDON: We would like to ask Mr. Metcalfe a few questions with the permission of the committee.

TESTIMONY OF JOHN L. METCALFE (RECALLED).

JOHN L. METCALFE, recalled, testified:

By MR. GORDON: Q. When did you determine upon receiving this money and exposing the party? A. I determined upon that before I had received any money or they offered—that is, before I went to Mr. McGraw the first time.

Q. About how many different parties did you make known the fact that you were to receive money? A. Five or six, I think.

Q. You told Senator O'Neil. A. Yes, I think I did.

Q. Senator Van Houten? A. Yes.

Q. Senator Hyde? A. Yes, Senator Hyde.

Q. Representative Farrish? A. Yes, sir.

Q. Col. Haines? A. Yes, sir.

Q. Col. Gilbert? A. I can't remember.

Q. Mr. Burleigh? A. Yes, I guess so. Previous to taking this money up in room 46, I had no idea there was such a man as Col. Haines in existence, or Mr. Burleigh.

Q. And Representative Cushman? A. I think I told Mr. Cushman; I am not certain.

Q. Mr. Berry? A. Yes, Mr. Berry.

Q. It did not occur to you that letting so many into the secret might possibly interfere with the programme. A. Well, I was more or less acquainted with these gentlemen; and I consider myself a fair judge of human nature, and felt there would be no danger in telling them about it.

Q. What was the fact about your acquaintance with Mr. Farrish? A. It was only as he has testified; in fact, I might say I had never met any of these gentlemen; that I was a stranger to them all until I came down here.

By COL. HAINES: Q. You know these gentlemen by reputation. A. Yes.

Q. You knew Senator O'Neil. A. I knew him, yes. I will state another reason why I went to Mr. Farrish and Mr. Cushman. We had a little meeting after we came down here and organized for certain purposes and we got very well acquainted there.

By MR. GORDON: Q. What was the purpose of holding a meeting and organizing? A. Just for political purposes; no connection with the senatorial contest.

Q. Where was it held? A. It was held at a house below here, I forget where.

Q. When? A. Oh, that was held the first week we came down here.

Q. Was the question of receiving bribes discussed at that time? A. Oh, no; it was entirely a different question. It was connected with the speakership and had nothing to do with the senatorial question in any way.

By MR. GODMAN: Q. When you stated to Judge Houghton that there was nothing in politics except what was in it, did you determine at that time to get them to offer you money and then expose them? A. I had determined that prior to that, that if any one approached me on the subject to offer me money I would take it and expose him. I will say further, that when Judge Houghton first approached me I had no idea he would offer me money. I was very much surprised when he took me out in the back room there and offered me money; I thought he was "feeling of me;" I led him on in order to bring him out.

Q. To catch him? A. Yes, sir; in order to catch; I admit that.

Q. And that was done in order to help elect the man that you wanted to see elected? A. Well, yes, sir; I will say that in exposing this matter I had something of that kind in view.

By MR. GORDON: Q. Then you think it was the result to be accomplished more than the means by which it was to be accomplished that actuated you. A. Not altogether; no, sir.

Examination of Mr. Metcalfe, recalled, closed.

(Signed)

JOHN L. METCALFE.



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46. Mr. TROY, of Clallam: An act providing for a superior court judge for the county of Clallam, and declaring an emergency.....	57	196			229				
47. Mr. PAINTER, of Walla Walla: An act relating to the giving of bonds required by law.....	57	68			68				
48. Mr. JOHNSON, of San Juan: An act providing for the arrest and punishment of drunken and disorderly persons in towns, villages or precincts unincorporated, defining the duties of sheriffs and constables in relation thereto, and providing for a penalty for neglect of duty in connection therewith.....	57	111			111				
49. Mr. HUNSAKER, of Klickitat: An act for the protection of brook and mountain trout, and declaring an emergency.....	57	212			212				
50. Mr. WALTER, of Spokane: An act to establish a bureau of statistics of labor, considered in all its relations to the growth and development of state industries.....	57	557			557				
51. Mr. GARRETSON, of Pierce: An act to amend section 6 of an act entitled "An act to prescribe the duties and fix the compensation of the reporter of the supreme court," approved December 20, 1889, and declaring an emergency.....	57	219	219	244		350	381	401	442
52. Mr. SNIVELY, of Yakima: An act to provide for the appointment of court commissioners, and defining their powers, duties and compensation.....	57	168	{ 168 } { 169 }	169	142	377			
53. Mr. SNIVELY, of Yakima: An act providing for the appointment of official stenographers for the superior courts of this state, and fixing their compensation and duties.....	57	103	{ 103 } { 123 }	123	70	283			
54. Mr. MEANY, of King: An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the World's Columbian Exposition of 1893.....	58	{ 297 } { 503 }	{ 384 } { 451 } { 452 } { 453 } { 454 }	570	614	609	633	639	657

55. Mr. GANDY, of Spokane: An act increasing the number of county commissioners in counties of 25,000 inhabitants or over.....	58	117	{ 117 } { 142 }		{ 142 } { 179 }				
56. Mr. ADAMS, of King: An act providing for the election and terms of office of county commissioners.....	62	114	151		180				
57. Mr. BOTHELL, of King: An act to amend section 842 of the Code of Washington, relating to malicious trespass.....	63	636	636	636		649	663	667	674
58. Mr. TILLOTSON, of Pierce: An act confirming sheriffs' deeds made by the successors in office of sheriffs who have sold land in pursuance of law but have neglected to make deeds therefor.....	63	343			344				
59. Mr. SHARPSTEIN, of Walla Walla: An act providing for the payment of bailiffs of the superior courts, and declaring an emergency.....	63	117	{ 117 } { 118 } { 142 }	142		173	181	194	282
60. Mr. SHARPSTEIN, of Walla Walla: An act to amend sections 6 and 33 of an act entitled "An act relating to building, loan and savings associations doing a general business," and declaring an emergency.....	63	352			352				
61. Mr. BARLOW, of Pierce: An act authorizing associations, corporations and unions of workmen to adopt and use labels and trade marks, and to punish the unauthorized manufacture, use or sale of such labels and trade marks, and to punish the counterfeiting and fraudulent use, manufacture or sale of the same.....	63	140			140				
62. Mr. SPINNING, of Pierce: An act granting certain powers and authority to cities of the third class, relative to assessment, levy and collection of taxes.....	63	111	112	112	117	163	177	195	210
63. Mr. SCHRICKER, of Skagit: An act requiring corporations owning lands in this state to file certified copy of articles of incorporation with county auditor.....	63				{ 109 } { 198 }				
64. Mr. JONES, of Chehalis: An act to provide for a judge of the superior court of the county of Chehalis, and declaring an emergency.....	63	196			229				
65. Mr. CUSHMAN, of Lincoln: An act to create and organize the county of Big Bend, and declaring an emergency.....	63	233	233		{ 233 } { 236 } { 237 }				
66. Mr. PLUMMER, of Jefferson: An act creating the office of public administrator and defining the duties thereof.....	64	116			116				
67. Mr. PLUMMER, of Jefferson: An act to establish a bureau of statistics, agricultural and immigration; to provide for the appointment of commissioner of said bureau, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency.....	64	131	{ 131 } { 132 } { 157 }	401					
68. Mr. READY, of Kittitas: An act to provide for the payment of certain expenses of judges of the supreme court, and of the judges of the superior courts, and declaring an emergency.....	69	110			110				

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Committee.....	Read second time, and amendments.	Third reading, and vote on passage.....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by President of Senate.....	Message from Governor.....
69. Mr. READY, of Kittitas: An act to prevent the spread of Chinese, Canada and Bull thistles, and providing penalties for violation thereof.....	69	147			148				
70. Mr. HUTCHINSON, of Lincoln: An act to provide for the suppression of gaming.	69		444						
71. Mr. YEOMANS, of Clarke: An act to provide for the completion of the building of the Washington school for defective youth, and to appropriate money therefor.....	69	577	445	580		619	633	639	657
72. Mr. MILLER, of Whatcom: An act concerning betting or wagering by members of the legislature, and declaring an emergency.....	69	175			176				
73. Mr. PLUMMER, of Jefferson: An act providing for the assessment and taxation of agricultural lands in the State of Washington.....	73								
74. Mr. ANDERSON, of Mason: An act to provide for one judge of the superior court for the counties of Chehalis and Mason.....	73	196			229				
75. Mr. SCHRICKER, of Skagit: An act to provide for the organization, general powers, management, control and liquidation of banking associations, defining the liability of shareholders therein, and providing penalties for violation of this act.....	73	463	463						
76. Mr. TIFFANY, of Whatcom: An act to amend an act providing for dividing the counties of this state into commissioners districts, by making said commissioners to be elected by the qualified electors of the district in which they reside.....	74								
77. Mr. FLUMMERFELT, of Franklin: An act making appropriations for the per diem and expenses of boards of county commissioners in selecting and appraising school lands.....	74	{ 103 } 213}	103	103	{ 207 } 213 214 248 249 428}	{ 203 } 247}	451	455	479

78. Mr. ARRASMITH, of Whitman: An act providing for the establishment of an agricultural college in the State of Washington and county of Whitman, and for a commission to locate the same.....	74	289	444		{ 290 / 496 }				
79. Mr. READY, of Kittitas: An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof.....	74	155	160	{ 161 / 604 }	604	388	410	436	532
80. Mr. BERRY, of Douglas: An act in relation to security and costs in civil actions in superior courts, and declaring an emergency.....	74								
81. Mr. SHARPSTEIN, of Walla Walla: An act for the incorporation of bar associations.....	74	119			120				
82. Mr. SHARPSTEIN, of Walla Walla: An act to prevent unjust and unreasonable charges, and to fix the maximum charges for the transportation of passengers on railroads in this state.....	74	397			397				
83. Mr. READY, of Kittitas: An act concerning the screening and weighing of coal.....	74	222	222	222		563	582	590	
84. Mr. READY, of Kittitas: An act concerning passenger rates and fares on railroads.....	75	397			397				
85. Mr. PAINTER, of Walla Walla: An act appropriating money to cover the deficiency for maintaining the state penitentiary to Jan. 1, 1891.....	75	273	273	273		548	572	591	643
86. Mr. PARCELL, of King: An act to secure to workmen the payment of wages in lawful money.....	75	{ 208 / 229 }	{ 209 / 402 }	{ 403 / 404 / 405 }	{ 209 / 404 }	619			
87. SPECIAL COMMITTEE: A bill for an act to be entitled "An act relating to the filling of vacancies in the legislature of the State of Washington".....	80	84	{ 80 / 84 }	{ 82 / 84 }	{ 82 / 97 }	97	98	99	102
88. Mr. DYSART, of Lewis: An act to amend section 114 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," by providing for giving the casting vote in case of a tie, and to declare an emergency.....	87	372			373				
89. Mr. DYSART, of Lewis: An act to amend section 118 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," by providing for giving to mayors of cities of the third class the veto power, and for the passage of ordinances, notwithstanding the veto thereof, and to declare an emergency.....	87	372			373				
90. Mr. MORSE, of Island: An act to establish and maintain a state normal school at the town of San de Fuca, in Island county, to appropriate lands and money therefor, and to declare an emergency.....	87		449						

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.....	Third reading, and vote on passage.....	Other action in House.....	Report from Senate.....	Signed by Speaker.....	Signed by Presi- dent of Senate.....	Message from Governor.....
91. Mr. ANDERSON, of Whatcom: An act creating an office of register of deeds in counties having a population of 10,000 or more, and describing the duties thereof.....	88	164			164				
92. Mr. SHARPSTEIN, of Walla Walla: An act to amend an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington," and declaring an emergency.....	88	246			246				
93. Mr. SHARPSTEIN, of Walla Walla: An act to provide for the disposal of money in certain cases and declaring an emergency.....	88	148	159	160		450	477	497	532
94. Mr. BERRY, of Douglas: An act making it unlawful for any judge or county officer to charge soldiers or seamen, or the widows, orphans or legal representatives thereof, any fee for services in matters pertaining to pensions or pension dues, and declaring an emergency.....	88	133	137	152		236	253	277	378
95. Mr. GANDY, of Spokane: An act providing for an additional superior court judge for Spokane and Stevens counties, and declaring an emergency.....	88	{ 133 } { 196 }			277				
96. Mr. GANDY, of Spokane: An act fixing the salaries of justices of the peace and constables in incorporated cities and towns having more than 5,000 inhabitants, providing for the payment thereof, and providing for clerks, office quarters, books, blanks, and stationery for said officers, and declaring an emergency.....	88	91			91				
97. Mr. WASSON, of Jefferson: An act to establish pilots and pilot regulations for the straits of Juan de Fuca, Puget Sound, and all American waters pertaining thereto.....	95	164			164				
98. COMMITTEE ON CORPORATIONS OTHER THAN MUNICIPAL AND RAILROADS: An act requiring corporations owning lands in the state to file a certified copy of articles of incorporation with county auditor.....	95		137	137	{ 130 } { 390 }	243	280	291	389

99. COMMITTEE ON JUDICIARY: An act in relation to prosecuting attorneys, and declaring an emergency.....	95		95	95	143	133	143	145	167
100. Mr. ANDERSON, of Whatcom: An act to amend section 342 of chapter 32 of the Code of Washington, relating to property exempt from levy and sale under attachment and execution.....	97	{ 211 } { 226 }			227				
101. Mr. PAINTER, of Walla Walla: An act to amend sections 1 and 4 of an act entitled "An act to create a commission of technical instruction, and to establish a state agricultural college and school of science, and to declare an emergency," approved March 28, 1890.....	97	289			289				
102. Mr. HANSON, of Spokane: An act providing for an additional judge for the superior court of Spokane county, and declaring an emergency.....	97	196			102				
103. Mr. PLUMMER, of Jefferson: An act to provide for the assessment and collection of taxes in the State of Washington.....	102								
104. Mr. PAINTER, of Walla Walla: An act providing employment for convicts in the state penitentiary and making an appropriation therefor.....	102	{ 141 } { 183 }	{ 159 } { 183 }	183	142	224	233	242	335
105. Mr. MEGLER, of Wahkiakum: An act to establish a state normal school at Cathlamet, Wahkiakum county.....	108		448						
106. Mr. HANSON, of Spokane: An act to create a commission of technical instruction and to establish a state school of science at or near Spokane Falls, Spokane county, State of Washington.....	108	289	444		496				
107. Mr. NEVIN, of Skamania: An act to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency.....	108	212			213				
108. Mr. MEGLER, of Wahkiakum (by request): An act for the protection of sea gulls.....	108	219	{ 219 } { 220 }	220	290	277	304	349	379
109. Mr. MEANY, of King: A bill entitled "An act providing for the division of the State of Washington into two congressional districts".....	115		447						
110. Mr. HUNSAKER, of Klickitat: An act authorizing and requiring the county treasurers of the several counties of the State of Washington to notify all taxpayers in their respective counties of the amount of their assessment and taxes.....	115	245		245					
111. Mr. HUNSAKER, of Klickitat: An act creating the office of precinct assessor and defining the duties thereof.....	115	164			165				
112. Mr. MILLER, of Whatcom: An act to amend section 753 of the Code of Washington providing for taking transcripts of judgment from justices courts to superior courts.....	115	367			368				

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.	Third reading, and vote on passage.....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by Pres- ident of Senate.....	Message from Governor.....
113. Mr. MORSE, of Island: An act to provide for the payment of costs of defend- ant in slander or libel suit where the action is malicious or brought for annoyance.....	115	195			195				
114. Mr. HUTCHINSON, of Lincoln: An act to create and organize the county of Washington and declaring an emergency.....	116	{ 178 } { 237 }			{ 178 } { 236 } { 237 }				
115. Mr. COLLINS, of Thurston (by request): An act providing for taking the cen- sus of the inhabitants of the State of Washington.....	116	212			212				
116. Mr. COLLINS, of Thurston (by request): An act to repeal sections 41 and 42 of "An act to provide for the organization, maintenance and discipline of the militia of the State of Washington," approved March 27, 1890, and to provide for the payment of the expenses of the militia of the State of Washington, and declaring an emergency.....	116	327			327				
117. Mr. COLLINS, of Thurston (by request): An act to provide for the transpor- tation of prisoners to the state penitentiary.....	117	273	{ 273 } { 398 }	398					
118. COMMITTEE ON COUNTIES AND COUNTY LINES: An act providing for the elec- tion and terms of office of county commissioners.....	116		179	180	433	428	451	455	479
119. Mr. SHARPSTEIN, of Walla Walla: An act to amend sections 3 and 8 of an act entitled "An act to regulate the practice of medicine and surgery in the State of Washington, and to license physicians and surgeons, to punish all persons violating the provisions of this act, and to repeal all laws in con- flict herewith, and declaring an emergency".....	121	348	{ 348 } { 349 }	475					
120. Mr. SHARPSTEIN, of Walla Walla: An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation.....	121	547	445	547		590	610	619	656

121. Mr. MCKAY, of Skagit: An act to provide for the selection of lands granted to the State of Washington under act of congress, approved February 22, 1889, for the purpose of the erection of public buildings and a penitentiary; the use and support of agricultural and scientific normal schools, and charitable, penal and reformatory institutions.....	121	466	{ 394 } { 467 }	467	{ 668 } { 664 }	{ 649 } { 667 }	675	678	.....
122. Mr. COLLINS, of Thurston: An act to provide for the purchase of ground in the city of Olympia, and the erection of a building thereon for the use of the state pending the erection of a permanent capitol building, and declaring an emergency.....	121	{ 246 } { 537 }	443	.....	{ 246 } { 538 }	.....	.....	.....	.....
123. Mr. THALMAN, of King: An act to amend section 2 of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same".....	121	.....	.....	.....	.....	.....	.....	.....	.....
124. Mr. MILLER, of Whatcom: An act prescribing the qualifications of locomotive engineers.....	121	{ 343 } { 409 }	.....	.....	409	.....	.....	.....	.....
125. Mr. ANDERSON, of Mason (by request): An act to establish a normal school for the State of Washington in the town of Lilliwaup Falls, in Mason county, and for the government, management and control of the same.....	121	.....	449	.....	.....	.....	.....	.....	.....
126. Mr. HUTCHINSON, of Lincoln: An act providing for the establishment of an agricultural college in the State of Washington.....	122	288	443	.....	{ 290 } { 496 }	.....	.....	.....	.....
127. Mr. SHARPSTEIN, of Walla Walla: An act to limit the charges for transportation of property on railroads and steamboats in this state.....	135	.....	.....	.....	{ 241 } { 415 }	.....	.....	.....	.....
128. Mr. REINHARDT, of Spokane: An act to make time checks bear interest from date of issue.....	135	225	225	225	.....	619	633	644	.....
129. Mr. WALKER, of King: An act to prevent frauds upon travelers.....	135	385	.....	.....	385	.....	.....	.....	.....
130. Mr. YEOMANS, of Clarke: An act to provide for the erection of a building to accommodate the feeble minded pupils of the Washington school for defective youth, and to appropriate money therefor.....	136	511	445	512	.....	592	633	639	657
131. Mr. YOUNG, of Whitman: An act to regulate the printing of legal notices in newspapers, and prescribing the fees to be charged therefor.....	136	.....	447	.....	.....	.....	.....	.....	.....
132. Mr. DYSART, of Chehalis: An act to apportion the State of Washington into congressional districts.....	136	327	.....	.....	327	.....	.....	.....	.....
133. Mr. BERRY, of Douglas: An act to amend sections 3095 and 3098 of the Code of Washington, relating to official count of election returns.....	136	{ 133 } { 233 }	{ 223 } { 275 }	400	{ 223 } { 224 }	.....	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.	Third reading, and vote on passage.....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by Presi- dent of Senate.....	Message from Governor.....
134. COMMITTEE ON JUDICIARY: An act in relation to trade marks.....	136		{ 151 170 171 }	171		283	286	349	379
135. COMMITTEE ON RAILROADS: An act concerning passenger rates and fares on railroads.	150	151	{ 397 398 }		398				
136. Mr. PAINTER, of Walla Walla: A bill for an act entitled "An act for the pro- tection of farmers, ranchmen, herders of cattle, tavern keepers, and livery and boarding house stable keepers, and other persons, for herding, keeping, pasturing, feeding and caring for stock".....	150	409			409				
137. Mr. TYLER, of Pierce: An act to suppress and prevent the spread of con- tagious and infectious diseases among domestic animals.....	150	483			493				
138. Mr. DE STEIGUER, of King: An act providing for the record in the office of the county auditor of the certificates of purchase of real estate sold for taxes or assessments by towns and cities, and the like record of deeds issued in pursuance of said sales.....	150								
139. Mr. SMITH, of Okanogan: An act to provide for taking a census on the Col- ville Indian reservation, and declaring an emergency.....	150	339	339	339		533	572	590	643
140. Mr. MURRAY, of Pierce: An act entitled "An act to amend section 347 of the Code of Washington, in relation to exemptions".....	150	202			202				
141. Mr. MURRAY, of Pierce: An act to amend an act entitled "An act to amend sections 2539, 2540 and 2543, chapter 196 of the Code of Washington Territory, relating to estrays; and also to amend sections 2541 and 2542 of the Code of Washington upon the same subject".....	151	345			345				
142. Mr. DYSART, of Lewis: An act to establish a normal school for the State of Washington, west of the Cascade mountains, and provide for the location, government, management and control of the same.....	158		448						

143. Mr. PUTNEY, of Pacific: An act to amend an act entitled "An act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries," received by the governor, March 26, 1890, and becoming a law under the operations of the constitution.....	158	365					
144. Mr. PUTNEY, of Pacific: An act to amend an act for the preservation of large game, etc.....	158	246			246		
145. Mr. GANDY, of Spokane: An act to amend the law for the sale of property	158	203			203		
146. Mr. PUTNEY, of Pacific (by request): An act to provide for the purchase of Barton's Legislative Hand-Book and Manual of the State of Washington for 1891 and 1892, for the use and benefit of the state and state legislature and officials and others, and making an appropriation therefor.....	158	506			507		
147. Mr. GARRETSON, of Pierce (by request): An act to amend an act entitled "Assessment and collection of taxes, relative to delinquent taxes".....	158	245			245		
148. Mr. SALLEE, of King: An act to amend sections 1 and 2 [of] an act entitled "An act to authorize county commissioners to issue bonds for road purposes," approved March 22, 1890.....	158	290			290		
149. Mr. CHAMBERS, of Thurston (by request): An act to amend an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890.....	159	462			463		
150. Mr. GANDY, of Spokane: A bill for an act to provide for the inspection and registration of horses, mules, sheep and neat cattle sold, consumed, shipped or slaughtered within the State of Washington, and providing penalties for the violation thereof, and declaring an emergency.....	159		447		645		
151. Mr. YOUNG, of Whitman: An act regulating the taking up, giving notice and sale of estrays.....	159	269			269		
152. COMMITTEE ON JUDICIARY: An act confirming sheriff's deeds made by the successor in office of sheriff's who have sold land in pursuance of law, but have not made deeds therefor.....	167	275	344	344		548	572 590 643
153. Mr. LAWTON, of King: An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings.....	167	328	444		{ 444 / 496 }		
154. Mr. FLUMMERFELT, of Franklin: An act to amend section 1 of an act entitled "An act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries.....	167	459			459		

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.	Third reading, and vote on passage....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by Presi- dent of Senate.....	Message from Governor.....
155. Mr. YEOMANS, of Clarke: An act appropriating money for the support and education of the feeble minded pupils of the Washington school for defective youth.....	167	508	445	512	.....	592	628	653	673
156. Mr. ARRASMITH, of Whitman: An act to require railroad companies to construct and maintain connections from one railroad to another and to provide a penalty for a failure to comply therewith.....	168	460	{ 463 / 568 }	569	.....	619	635	644	.....
157. Mr. PUTNEY, of Pacific: An act to organize teachers' institutes and to provide for their maintenance.....	168	.....	.....	.....	.....	.....	.....	.....	.....
153. Mr. BASS, of Whatcom (by request): A bill for an act authorizing private corporations, other than religious, incorporated by the legislative assembly of the Territory of Washington prior to June 10, 1872, to hold, acquire, own and possess real and personal property to an extent that the said private corporations may seem meet, anything in the acts incorporating such private corporations to the contrary notwithstanding.....	182	267	.....	.....	267	.....	.....	.....	.....
159. Mr. JONES, of Chehalis: An act providing that incorporated cities and towns may purchase twenty acres or less of school lands for burial grounds.....	182	.....	.....	.....	.....	.....	.....	.....	.....
160. Mr. POWELL, of Spokane: An act to appropriate money for water supply plant for the Eastern Washington hospital for the insane.....	182	508	182	579	.....	619	635	644	657
161. Mr. HUNSAKER, of Klickitat (by request): A bill providing for the payment of county taxes in county warrants.....	182	453	.....	.....	453	.....	.....	.....	.....
162. Mr. GARRETSON, of Pierce: An act providing for the inspection of illuminating oils, and for the appointment of a state inspector and deputy inspectors, and fixing their compensation.....	182	515	.....	.....	515	.....	.....	.....	.....
163. Mr. BROCK, of Cowlitz: An act to establish a state normal school in the town of Kelso, in Cowlitz county.....	188	.....	449	.....	.....	.....	.....	.....	.....

164. Mr. JONES, of Chehalis: An act relating to private sales of real property belonging to estates.....	189				569	592	607	648
165. Mr. BERRY, of Douglas: An act regulating the terms of superior court by judges who preside in two or more counties.....	189	227			227			
166. Mr. TILLOTSON, of Pierce: An act for the relief of John Huntington and John D. Little.....	189	{ 453 / 524 }	444	525	{ 524 / 574 }	574	592	607 648
167. Mr. SALLEE, of King: An act for the protection of feathered game.....	189	460	463	622		649	663	667
168. Mr. BASS, of Whatcom: An act to make county orders redeemable for taxes...	189	269			269			
169. Mr. NEVIN, of Skamania: An act to regulate the sale of intoxicating liquors...	189							
170. Mr. ADAMS, of King: An act to provide for the location and maintenance of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency.....	189	{ 497 / 498 }	{ 444 / 499 / 500 }	500	589	{ 569 / 570 / 588 }	628	639
171. COMMITTEE ON RAILROADS: An act prescribing the qualifications of locomotive engineers.....	198		344		415			
172. COMMITTEE ON JUDICIARY: An act providing for judges and additional judges for the superior courts in various counties in the State of Washington...	199		{ 229 / 230 / 231 }	231	{ 455 / 456 }	450	469	474 515
173. Mr. DYSART, of Lewis: An act to require attendance of all persons between the ages of nine and fourteen years, at some public or private school or schools in the State of Washington.....	199	328			328			
174. Mr. SMYTH, of Pierce: An act to regulate the rental allowed for the use of telephones, and to fix rates of toll.....	199	468			468			
175. Mr. MOORE, of Whitman: An act to create and organize the county of Palouse...	199	279	477	478				
176. Mr. WALTER, of Spokane: An act to create and organize the county of Sherman.....	199	279			279			
177. Mr. PUTNEY, of Pacific: An act to regulate and restrict the sale of such tide or shore lands as are natural oyster beds, and to protect the rights of oyster men in oysters planted prior to March 26, 1890, on tide or shore lands within the state.....	199	356			356			
178. Mr. TIFFANY, of Whatcom: An act forbidding extortion as unjust discrimination by any corporation, company or individual, operating, managing or leasing any railroad within this state.....	200	459			459			
178½. Mr. WASSON, of Jefferson: An act regulating vital statistics in the State of Washington.....	204	540	444	545				

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time and amendments.	Third reading, and vote on passage....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by Presi- dent of Senate.....	Message from Governor.....
179. Mr. READY, of Kittitas: An act to prevent the spread of Chinese, Canada or Bull thistles, and providing penalties for violation thereof.....	204		444						
180. Mr. MEANY, of King: A bill entitled "An act providing for the appointment of police matrons in certain cities, designating their duties and directing their compensation.....	204	462			{ 463 / 470 }				
181. Mr. YANCY, of King: An act making all transfers of property with intent to cheat, hinder, delay or defraud creditors or other persons void, and making all purchases by insolvent persons with intent not to pay void, and providing that all persons who aid and assist in transferring property fraudulently conveyed, and all persons who aid and assist in selling or concealing property purchased without intent to pay for the same, liable for all the damage done, providing there shall be no exemption allowed on executions issued on judgments as obtained, and declaring an emergency.....	204	368			368				
182. COMMITTEE ON FISHERIES: An act making it unlawful to catch or kill trout during certain months, or to take, catch or kill the same in any manner whatever other than by hook and rod, providing a punishment, and declaring an emergency.....	216		374	374		548	572	590	643
183. COMMITTEE ON ROADS AND HIGHWAYS: An act to provide for keeping high-ways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency.....	216	377	377	377					
184. COMMITTEE ON MUNICIPAL CORPORATIONS: An act to amend sections 114 and 118 of an act passed by the legislature of the State of Washington, and approved on 27th day of March, 1890, entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency".....	216	376	{ 373 / 424 }	425	373				
185. Mr. MEANY, of King: An act providing for the election and prescribing the duties of electors of president and vice president of the United States.....	216	289	443	464		639	646	653	

186. Mr. MEANY, of King: An act creating the office of warden of the poor in cities of the first, second and third classes, and providing for the appointment of the same.....	216	351			351				
187. Mr. PEARSON, of Pierce; An act to provide for taking territory from one county and transferring it to and making it a part of another county.....	216	{ 356/ 631 }			{ 356/ 631 }				
188. Mr. WALKER, of King: An act to provide a bounty for the destruction of sea lions.....	217		446						
189. Mr. ARRASMITH, of Whitman: An act to regulate the professional charges of physicians, surgeons and obstetricians, and provide a penalty for the violation thereof.....	217	290			290				
190. JOINT SPECIAL COMMITTEE: A bill for an act to amend sections 1, 7 and 12 of an act entitled "An act to protect salmon and other food fishes in the State of Washington, and upon all waters upon which this state has jurisdiction and concurrent jurisdiction," approved February 11, 1890, and declaring an emergency to exist.....	217		285	285		450	475	497	532
191. Mr. LAWTON, of King: An act to allow cities and incorporated towns in this state to reassess property in local improvement districts where the improvements have been made, and the abutting owner or owners of property in the improvement district are enjoying the benefits thereof and where from some defect or inequality in the ordinance creating the improvement district, or where there has been any irregularity or defect in letting the contract or in other respects subsequent to the passage of this ordinance or in levying the assessment, so that the same cannot be collected.....	217	269			269				
192. Mr. POWELL, of Spokane: An act providing for the publication and distribution of a legislative manual for the State of Washington.....	217	486	488						
193. Mr. JONES, of Chehalis: An act to establish a state normal school at Montesano.....	217		449						
194. MINORITY OF COMMITTEE ON RAILROADS: An act creating a railroad and transportation commission and defining its powers and duties, and declaring an emergency.....	219				452				
195. JOINT SPECIAL COEMITTEE ON FISHERIES: An act to regulate salmon and sturgeon fishing in the rivers and waters of this state, and over which it has concurrent jurisdiction.....	227	487	{ 444/ 492 }	493		533	572	590	643
196. Mr. COLLINS, of Thurston: An act appropriating \$480 for the insurance of state library and state house for two years.....	227	487	444	492	502	497	508	531	567
197. Mr. SHARPSTEIN, of Walla Walla: An act in relation to school warrants, and declaring an emergency.....	228								

TITLE AND HISTORY OF HOUSE BILLS — CONTINUED.

NUMBER, AUTHOR AND TITLE.	<i>Read first time, and referred.....</i>	<i>Report of Com- mittee.....</i>	<i>Read second time and amendments.</i>	<i>Third reading, and vote on passage.....</i>	<i>Other action in House.....</i>	<i>Report from Senate.....</i>	<i>Signed by Speaker..</i>	<i>Signed by Presi- dent of Senate.....</i>	<i>Message from Governor.....</i>
198. Mr. DYSART, of Lewis: An act to amend section 17 of an act entitled "An act to provide for printing and distributing ballots at public expense, and to regulate voting at state and other elections".....	228		446						
199. Mr. JONES, of Chehalis: An act to amend section 6 of an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington".....	228	453			453				
200. Mr. TYLER, of Pierce (by request): An act to amend an act entitled "An act in relation to attachments and garnishments".....	270								
201. Mr. TYLER, of Pierce (by request): An act to amend section 1 of an act entitled "An act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," of the laws of 1889-90.....	270	328			328				
202. COMMITTEE ON WAYS, MEANS AND CLAIMS: An act to appropriate money to pay deficiencies in appropriations for expressage, furniture for and cleaning of capitol building, and for other expenses.....	270		444	526		574	592	607	643
203. COMMITTEE ON TIDE LANDS: An act to amend section 8 of an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington," approved March 26, 1890.....	270		443	621		639	667	667	
204. Mr. JONES, of Chehalis: An act to provide for the registration of voters in precincts where an incorporated city or town, or any portion thereof forms a part of a voting precinct.....	270	577	446	582		619	635	644	657
205. Mr. JONES, of Chehalis: An act to amend an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections".....	270	576	446	588	605	597	628	639	657
206. Mr. McCLORE, of Lewis: An act to amend an act entitled "An act defining trespass on the public lands of the State of Washington, and providing punishment therefor".....	270		447						

207. Mr. READY, of Kittitas: An act to enumerate the cases in which appeals may be taken from decisions of the superior courts to the supreme court.....	270		446						
208. Mr. MEGLER, of Wahkiakum: A bill for an act to amend an act entitled "An act to amend section 1188 of the code of 1881, relating to the marking of barrels, packages or cans containing fish".....	271		445						
209. Mr. JOHNSON, of San Juan: An act to amend section 2 of chapter 10 of the session laws of 1890, relating to fees and salaries of county officers.....	271		447						
210. Mr. JOHNSON, of San Juan (by request): An act to establish and locate the Washington state school of horticulture and college of higher mathematics on Shaw Island, in San Juan county, creating a board of commissioners for its control, and making an appropriation therefor.....	271	483		484					
211. Mr. CUSHMAN, of Lincoln: An act to prohibit the use of railroad or other transportation company's passes by public officers of the state, and fixing penalties for the same.....	271		463						
212. Mr. PLUMMER, of Jefferson: An act authorizing the employment of legal representatives of the State of Washington at Washington, D. C., and to provide for compensation of such, and declaring an emergency.....	271		444						
213. Mr. SHAW, of Clarke: An act in relation to execution of death penalty.....	271								
214. Mr. HUTCHINSON, of Lincoln (by request): An act for the protection of employes.....	271	549	558						
215. Mr. HUTCHINSON, of Lincoln (by request): An act in relation to the liability of employers to make compensation for personal injuries suffered by employes in their services.....	271								
216. Mr. CHAMBERS, of Thurston: An act to provide for the survey and improvement of the capitol grounds and the erection of a building thereon for the use of the state pending the erection of a permanent capitol building, and declaring an emergency.....	272								
217. Mr. BOTHELL, of King: An act regulating the business of logging.....	272	576	447	583	{ 618 } { 656 }	619	633	639	655
218. Mr. SHARPSTEIN, of Walla Walla: An act authorizing the establishment of public libraries in cities.....	272	461			461				
219. Mr. PAINTER, of Walla Walla: An act regulating the manufacture and sale of jute fabrics and brick at the Washington penitentiary, and making an appropriation for the purchase of material.....	272	{ 536 } { 557 }	{ 447 } { 536 } { 559 }	559		537	633	639	657
220. Mr. PAINTER, of Walla Walla: An act appropriating money for the improvement of the Washington penitentiary.....	272	517	447	522		592	635	644	657

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.	Third reading, and vote on passage.....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by Presi- dent of Senate.....	Message from Governor.....
221. Mr. PUTNEY, of Pacific: An act to protect occupants and improvers of real estate under color of title.....	272	409			409				
222. COMMITTEE ON ROADS AND HIGHWAYS: An act to amend section 2 of an act entitled "An act to authorize county commissioners to issue bonds for road purposes".....	293		441 493	494	567	563	592	607	644
223. Mr. SMYTH, of Pierce: An act to amend an act entitled "An act for the preservation of large game," approved Feb. 6, 1890.....	293		447						
224. Mr. JONES, of Chehalis: An act providing a penalty for selling or offering to sell, for purchasing or offering to purchase, a registration certificate issued under the provisions of the registration or election laws.....	293		447						
225. Mr. JONES, of Chehalis: An act providing compensation for county auditors and county treasurers for official services performed after office hours.....	293	367			367				
226. Mr. GODMAN, of Columbia: An act to amend section 3303 of the code of 1881, in relation to the descent of real estate.....	293								
227. Mr. GODMAN, of Columbia: An act to amend section 1 of an act entitled "An act to provide for prosecuting public offenses on information," approved January 27, 1890.....	293	528	530	625		639	663	667	674
228. Mr. ROCKWELL, of Kitsap: An act to prevent the destruction of forests by fire on public lands.....	294	461	463	548		644	663	667	674
229. Mr. MILLER, of Whatcom (by request): An act to amend section one (1) of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890, and to amend the title of said act.....	294								
230. Mr. MEANY, of King: An act to protect innocent purchasers of community real property, and declaring an emergency.....	294								

231. Mr. SPINNING, of Pierce: An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants.....	294	448	607	619	633	639	657		
232. Mr. GANDY, of Spokane: An act to provide for the appointment of a state veterinary surgeon, and prescribing his duties.....	294	446							
233. Mr. HANSON, of Spokane: An act in relation to community property.....	294	665	666	666	669	675	678		
234. Mr. ADAMS, of King: An act authorizing the incorporation of detective associations, and defining their powers, duties and liabilities.....	294	463	464						
235. Mr. SHARPSTEIN, of Walla Walla: An act to encourage the establishing and to aid in the maintenance of law libraries in the several counties in the State of Washington, and declaring an emergency.....	294	461		461					
236. JUDICIARY COMMITTEE: An act to amend section 42 of an act entitled "An act to provide for the organization, maintenance and discipline of the militia of the State of Washington," approved March 27, 1890.....	388	446							
237. Mr. SHARPSTEIN, of Walla Walla: An act in relation to separate property, and to protect titles thereto.....	388	484	488						
238. Mr. SHARPSTEIN, of Walla Walla: An act requiring railroad employes to report stock killed or found dead along the track of railroads.....	388	386	{ 386 / 447 }						
239. Mr. SMITH, of Okanogan: An act to provide for a miner's lien.....	388	471	472						
240. Mr. MEGLER, of Wahkiakum: An act to protect and promote the fishing industry of the State of Washington and to collect money from certain persons engaged in said industry to be used to protect and promote the same.....	388	447							
241. Mr. WALKER, of King: An act to provide for fees and compensation of the county clerk, ex-officio clerk of the superior court.....	388	459		459					
242. Mr. YEOMANS, of Clarke: An act to provide for the permanent survey of lands and the establishment of lost corners and repealing all conflicting laws.....	388								
243. Mr. WASSON, of Jefferson: An act regulating and fixing railroad freight rates in the State of Washington.....	388	385	{ 386 / 435 / 486 / 488 }	438	{ 437 / 531 }	531	539	548	
244. COMMITTEE ON CORPORATIONS OTHER THAN MUNICIPAL AND RAILROADS: An act to amend section 33 of an act entitled "An act relating to building, loan and saving associations doing a general business," and declaring an emergency.....	352	448	{ 580 / 581 }			619	650	653	673
245. Mr. WYMAN, of Chehalis: An act to protect laborers who are compelled to sue to recover their wages.....	352	549	559						

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.	Third reading and vote on passage.....	Other action in House.....	Report from Senate.....	Signed by Speaker.	Signed by Presi- dent of Senate.....	Message from Governor.....
246. Mr. PEARSON, of Pierce: An act to create and establish a state board of insurance, prescribe its powers and duties, and to provide for cheap and safe insurance in this state against losses by fire.....	352								
247. Mr. SPINNING, of Pierce: An act granting to cities of the third class the power and authority to vacate streets and alleys, and declaring an emergency.	352	513	448	513					
248. Mr. MILLER, of Whatcom: An act to authorize cities and towns to borrow money for municipal purposes and to issue negotiable bonds therefor.....	352	462	463	273		609	663	667	674
249. Mr. SNIVELY, of Yakima: A bill for an act to repeal division VIII, including sections 59, 60, 61, 62, 63, 64, 65 and 66 of an act entitled "An act providing for the use of water for the purposes of irrigation, and providing for the condemnation of the right-of-way for ditches to carry water for such purposes," approved March 4, 1890.....	353	516			517				
250. Mr. ADAMS, of King: An act to amend section 1 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," and declaring an emergency.....	353	471	{ 472 637 }	637		649			
251. Mr. YOUNG, of Whitman: An act providing for the laying out and opening of public highways.....	353	483			483				
252. Mr. SALLEE, of King: An act to prohibit prize fighting in the State of Washington.....	353								
253. COMMITTEE ON STATE UNIVERSITY AND NORMAL SCHOOLS: An act providing for the location of two state normal schools.....	353		448						
254. COMMITTEE ON TIDE LANDS: An act to protect persons who have planted oysters upon tide and shore lands in this state prior to March 26, 1890.....	353		{ 448 542 }	542		609	633	639	657
255. COMMITTEE ON TIDE LANDS: A bill for an act relating to tide and shore lands.	353		{ 448 543 }	{ 543 544 }		609	635	644	

256. Mr. MCKNIGHT, of King: An act making eight hours a legal day's work in and around all coal mines in the State of Washington.....	353	549	558					
257. Mr. SNIVELY, of Yakima: A bill for an act to amend sections numbers one (1), two (2), four (4), ten (10), eleven (11), twelve (12), fifteen (15), thirty-four (34), thirty-five (35), thirty-six (36), thirty-seven (37), seventy-seven (77) and seventy-eight (78) of an act entitled "An act providing for the organization and government of irrigating districts and the sale of bonds arising therefrom, and declaring an emergency," approved March 20, 1890, and adding a new section to said act called section number forty-six and one-half (46½), and declaring an emergency.....	358							
258. Mr. HUNSAKER, of Klickitat: An act requiring persons, companies, or corporations owning or controlling railroads coterminus with, or constructed around, any obstruction to navigation in any of the waters of the state, or on the boundaries thereof, to keep in good repair and operate the same on a given compensation, and declaring an emergency.....	354	470	472	606		619		
259. Mr. SHARPSTEIN, of Walla Walla: An act in relation to directors, trustees and commissioners of state institutions.....	365		365			623	635	644 673
260. JUDICIARY COMMITTEE: An act to amend section 753 of the Code of Washington providing for taking transcripts of judgments from justice courts to superior courts.....	369		449					
261. Mr. YEOMANS, of Clarke: An act to amend section 8 of an act entitled "An act to appoint a commissioner to compile, re-arrange and annotate the laws of Washington, and to provide for the publication and distribution thereof, and for payment therefor," approved February 18, 1890.....	369		369			563	582	591 644
262. Mr. MEGLER, of Wahkiakum: An act to establish a state fish hatchery, and making an appropriation therefor.....	370	459	463		{ 459 } { 645 }	667	669	671 679
263. Mr. MEGLER, of Wahkiakum: An act relating to the payment of salaries of state officers and declaring an emergency.....	370	459	463	645	459	{ 655 } { 665 }	669	671 679
264. Mr. JONES, of Chehalis: An act to repeal section 11 of "An act prescribing rules and regulations for the execution of the trust arising under the act of congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands approved March 1, 1887," approved January 31, 1888".....	370							
265. Mr. BERRY, of Douglas (by request): An act to create a capitol building commission, defining its duties and fixing its compensation.....	370	462			462			
266. Mr. SALLEE, of King: An act providing for a commission to secure plans and elevation for state capitol building and making an appropriation therefor.....	370	461			361			
267. Mr. WYMAN, of Chehalis: An act to amend section 2171 of the Code of Washington relative to the local regulation of mining claims.....	370							

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.	Third reading, and vote on passage....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by Pres- ident of Senate.....	Message from Governor.....
268. Mr. SMITH, of Okanogan: An act to amend section 2121 of the statutes and code of the State of Washington	370								
269. Mr. SMITH, of Okanogan: An act to provide for the preservation of the mining records and allow compensation therefor	370	484	488						
270. JOINT COMMITTEE ON UNIVERSITY: An act providing for the establishment, location, maintenance and support of the university of Washington.....	372	519			519				
271. Mr. SNIVELY, of Yakima: An act to provide for the manner of commencing civil actions in the superior courts and bringing the same to trial.	384	540	540						
272. Mr. READY, of Kittitas: An act providing for the relief of persons who have made improvements upon school lands within two miles of any incorporated city, town or village.....	391	470	{ 472 } { 626 }	626		649			
273. Mr. JONES, of Chehalis: An act to amend "An act to declare and regulate the powers, rights and duties of corporations organized to build booms and to catch logs and timber products therein," approved March 17, 1890.....	391								
274. Mr. MCKAY, of Skagit: An act to authorize and empower boards of county commissioners in this state to contract for the construction of bridges.....	391	483	488						
275. Mr. DE STEIGUER, of King: An act relating to the indexing of instruments concerning or affecting real estate filed for record in the office of the county auditor.....	391	470	472						
276. Mr. SMYTH, of Pierce: An act to define certain crimes and providing for the punishment thereof, and repealing sections 943 and 944 of the code of 1881.....	391	484	488						
277. Mr. POWELL, of Spokane: An act providing for the apportionment of the State of Washington into congressional districts.....	392	486	488						

278. Mr. SNIVELY, of Yakima: An act to amend and re-enact an act entitled "An act for the appraising and disposing of tide and shore lands belonging to the State of Washington," approved March 26, 1890.....	392								
279. Mr. DYSART, of Lewis: An act to provide for the committing of juvenile offenders to the state reform school at Chehalis.....	401	496	496	567	618	619	635	644	673
280. COMMITTEE ON PUBLIC REVENUE AND TAXATION: An act to provide for the assessment and collection of taxes in the State of Washington.....	402								
281. Mr. ABRASMITH, of Whitman: An act providing for the division of the State of Washington into congressional districts.....	410	486	410						
282. Mr. SALLEE, of King: An act to regulate the payment of wages in time checks and due bills.....	410	555	410						
283. Mr. MCKAY, of Skagit (by request): An act to provide for the greater safety of persons and property on railroads within the State of Washington.....	411		410						
284. Mr. TIFFANY, of Whatcom: An act providing for instruction in social and moral science in the public schools of the state.....	411		411						
285. Mr. JONES, of Chehalis: An act to amend "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890.....	411	508	{ 510 / 411 }						
286. Mr. JONES, of Chehalis: An act designating what instruments may be satisfied or released by a written release across the records of said instruments, or upon the margin thereof.....	411		411						
287. Mr. ANDERSON, of Mason: An act to provide for the appointment of an agent to prosecute the claims of the State of Washington against the United States, and to procure payment of moneys due said state from the United States on account of public lands disposed of by the United States in said State of Washington; also to present and prosecute the claims of the State of Washington for school lands due the said state from the United States; also to prosecute the claims of the State of Washington against the United States for moneys due the said state on account of expenses incurred in organizing troops for the military service of the United States, and for material and supplies furnished the same, and on account of Indian depredations.....	411	517	{ 411 / 630 }	630		639	650	653	
288. Mr. FRAME, of Snohomish: An act for the publication of the laws in the newspapers of this state, and declaring an emergency.....	411	507	411						
289. Mr. POWELL, of Spokane (by request): An act to provide for the incorporation of societies for literary and social purposes and mutual improvement.....	411		411						

TITLE AND HISTORY OF HOUSE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.	Third reading, and vote on passage....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by Pres- ident of Senate.....	Message from Governor.....
290. Mr. THALMAN, of King: An act to prescribe additional duties for the state geologist, and declaring an emergency.....	411		411						
291. Mr. GANDY, of Spokane (by request): An act for the relief of Paisley & Williams.....	412	487	412						
292. COMMITTEE ON WAYS, MEANS AND CLAIMS: An act for the relief of Wilber W. Waltman.....	412		{ 412 } { 608 }	608		620	633	639	657
293. COMMITTEE ON WAYS, MEANS AND CLAIMS: An act for the relief of the Western Union Telegraph Company.....	412		412						
294. COMMITTEE ON UNIVERSITY AND NORMAL SCHOOLS: An act for the government, management and control of normal schools.....	412		412						
295. Mr. TYLER, of Pierce: An act to provide for the organization and government of state banks.....	412		412						
296. Mr. GARRETSON, of Pierce (by request): An act providing for establishing a white shield home, for the erection of a building therefor, and making an appropriation for the same.....	412	483	412		483				
297. Mr. CHAMBERS, of Thurston: An act to create a commission ex-officio, composed of state officers, for the purpose of leasing suitable accommodations for the state officers, and for the preservation and safe keeping of the state archives, and making an appropriation therefor.....	412	{ 483 } { 638 }	{ 412 } { 638 }	638	483	649	665	678	679
298. Mr. MORSE, of Island (by request): A bill for an act to authorize the procuring of accommodations for the state officers, providing for a commission for the same, making an appropriation therefor, and declaring an emergency.....	412	575	412		575				
299. Mr. MORSE, of Island: An act defining the boundaries of Island county.....	412	507	412	590		628	665	565	673

300. COMMITTEE ON APPROPRIATIONS: An act making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes.....	413	610	{ 413 610 611 617 413 612 }	617	{ 628 629 }	626	663	667	673
301. Mr. GANDY, of Spokane: An act for the dissection of dead bodies.....	413	530	{ 413 612 }	612		653	665	667	674
302. Mr. GARRETSON, of Pierce (by request): An act relating to the appointment of guardians of idiots and insane persons, and prescribing their powers and duties, and declaring an emergency.....	413		413						
303. Mr. ADAMS, of King (by request): An act providing for the changing of person's names; also, what shall be the evidence of the same, and declaring an emergency.....	413		413						
304. Mr. THALMAN, of King: An act providing for the appointment of shorthand reporters, defining their duties, fixing their compensation, and making their report part of the record on appeal, after being properly certified; also, providing for bill of exceptions in case of the death of the reporter; also, providing for additional bill of exceptions to be filed with the report, and declaring an emergency.....	413		413						
305. Mr. WYMAN, of Chehalis: An act providing an exemption law for the State of Washington.....	413		413						
306. Mr. PETERSON, of Kittitas: A bill for an act to be entitled "An act to appropriate money for the prosecution of the artesian well authorized and commenced under an act passed by the legislature of the Territory of Washington and approved on the second day of February, 1888".....	414	576	414	605		619	650	665	673
307. Mr. PETERSON, of Kittitas: A bill for an act to be entitled "An act to amend section 15 of an act entitled 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors'".....	414		414						
308. Mr. DE STEIGUER, of King (by request): A bill for an act to be entitled "An act to amend sections 1 and 2 of an act approved February 2, 1888, and entitled 'An act to regulate, restrain, license and prohibit the sale of intoxicating liquors'".....	414		414						
309. Mr. MEANY, of King: An act appropriating the sum of twelve hundred and fifty dollars to pay certain officers of the late constitutional convention.....	414		414						
310. Mr. MEANY, of King (by request): An act providing for transcribing the shorthand notes of the official stenographers of the late constitutional convention and making an appropriation therefor.....	414		414						
311. Mr. FRAME, of Snohomish: An act providing for the organization of new counties in the State of Washington.....	414	587	{ 414 639 }	639					

TITLE AND HISTORY OF HOUSE BILLS—CONCLUDED.

NUMBER, AUTHOR AND TITLE.	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.	Third reading, and vote on passage....	Other action in House.....	Report from Senate.....	Signed by Speaker..	Signed by Pres- ident of Senate.....	Message from Governor.....
312. COMMITTEE ON CORPORATIONS OTHER THAN MUNICIPAL AND RAILROADS: An act to prevent companies or corporations engaged in the telephone business from charging any fee or bonus for supplying telephones to applicants...	468	.....	468	.....	468	.....	.....	.....	.....
313. COMMITTEE ON ROADS AND HIGHWAYS: An act to provide for laying out, establishing, altering, changing the width of or vacating any county road, providing for the assessment and payment of damages and condemnation proceedings, and declaring an emergency.....	489	.....	489	.....	.....	.....	.....	.....	.....
314. JUDICIARY COMMITTEE: An act relating to county boundaries.....	633	.....	633	633	.....	662	669	671	.....
315. COMMITTEE ON CONSTITUTION AND REVISION: An act to provide for voting on a constitutional amendment at the general election to be held in 1892.....	658	.....	658	677	.....	678	679	679	680

TITLE AND HISTORY OF SENATE BILLS.

NUMBER, AUTHOR AND TITLE.	Received in House.	Read first time, and referred.	Report of Committee.	Read second time, and amendments.	Third reading, and vote on passage.	Other action in House.	Signed by President of Senate.	Signed by Speaker.
1. Senator DYER, of King: An act fixing the salaries of justices of the peace and constables in incorporated cities and towns having more than five thousand inhabitants, providing for the payment thereof, and providing for clerks, office quarters, books, blanks and stationery for said officers, and declaring an emergency.....	67	69	99	{ 99 / 124 }	125	.....	155	156
2. Senator KINNEAR, of King: An act declaring Labor Day a legal holiday.....	133	136	205	205	205	.....	283	286
3. Senator KINNEAR, of King: An act declaring eight hours shall constitute a legal work day on all work done by and for the state or any county or municipality therein.....	133	136	165	.....	.....	165	.....	.....
4. Senator DYER, of King: An act providing that nine (9) jurors may make a verdict in all civil cases tried by a jury of twelve (12); declaring the duty of the jury when the verdict is agreed upon; also, when the jury may be discharged, repealing all laws in conflict, and declaring an emergency.....	55	58	187	{ 118 / 187 }	{ 207 / 208 }	{ 152 / 214 }	.....	.....
12. Senator KINNEAR, of King: An act in relation to costs in convictions for felony in the superior courts of the state, providing the manner of payment of the same, and declaring an emergency.....	67	70	119	.....	.....	119	.....	.....
13. Senator KINNEAR, of King: An act to amend section 5 of an act entitled "An act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such cases," approved March 22, 1890.....	67	70	148	.....	.....	148	.....	.....
15. Senator EDENS, of Skagit: An act in relation to transfer of community real property.....	215	217	269	.....	.....	269	.....	.....
19. Senator KINNEAR, of King: An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor.....	250	253	471	472	572	.....	606	607

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received in House...	Read first time, and referred.....	Report of Committee.....	Read second time, and amendments.	Third reading, and vote on passage....	Other action in House.....	Signed by President of Senate.....	Signed by Speaker..
22. JUDICIARY COMMITTEE: An act providing for the distribution to the members of the legislature the code of 1881 and the journals and session laws of 1889-90.....	64	65	92	92	105	.....	144	145
24. Senator DYER, of King: An act regulating fees of county clerks for services to be rendered as ex-officio clerks of the superior courts.....	133	{ 136 } { 613 }	220	{ 220 } { 221 }	221	{ 253 } { 613 }	.....	.....
25. Senator DYER, of King: An act regulating fees to be charged by the clerk of the superior court.....	133	136	.....	.....	.....	.....	.....	.....
28. Senator VAN HOUTEN, of Spokane: An act to create and establish a board of health and bureau of vital statistics in the State of Washington.....	224	228	539	413	544	.....	619	623
30. Senator VAN DE VANTER, of King: An act to permit poor persons to sue in the courts of this state without paying costs in advance.....	133	136	.....	.....	.....	.....	.....	.....
40. Senator DYER, of King: An act to provide for the payment of certain mileage of the attorney general of the state and of the judges of the superior courts, and to declare an emergency.....	203	204	380	.....	.....	.....	.....	.....
41. Senator CLAYPOOL, of Pierce: An act to amend section 2 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 appeal," approved March 7, 1890.....	144	151	.....	580	.....	.....	.....	.....
42. Senator KINNEAR, of King: An act to amend section 324 of chapter XXIX of the Code of Washington, relating to the revival and continuance of judgments.....	113	131	274	274	399	.....	563	563
44. Senator CLAYPOOL, of Pierce: An act appropriating \$250 to procure from the office of the adjutant general of the U. S. army copies of the record of the volunteers who served in the war of the rebellion from the Territory of Washington.....	242	243	{ 444 } { 529 }	.....	.....	.....	.....	.....

46. Senator McCROSKEY, of Whitman: An act to regulate warehouse men, wharfingers, commission men, and others of like character and employment, and to declare the effect of warehouse receipts, and providing penalties for violations of this act.....	277	294	653	{ 447 / 653 }	654	.....	678	678
47. Senator Eshelman, of Yakima (by request): An act for the relief of Lindley E. Moore.....	173	182	341	341	341	.....	388	394
49. Senator LUCE, of Lincoln: 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.....	537	541	.....	541	674	.....	678	678
51. Senator WILSON, of Kittitas: An act to amend section 2551 of chapter CXCVIII of the Code of Washington, relating to marks and brands.....	133	137	{ 155 / 395 }	161	396	.....	489	489
53. JUDICIARY COMMITTEE: An act to provide for the publication, distribution and sale of the supreme court reports of the State of Washington, and declaring an emergency.....	133	137	161	{ 161 / 162 }	345	296	388	394
54. JUDICIARY COMMITTEE: An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency.....	133	137	.....	141	141	.....	155	156
57. Senator KNEELAND, of Mason: An act to fix the time of the commencement of the term of office of state officers.....	224	228	545	443	545	.....	604	607
58. Senator KNEELAND, of Mason: An act to fix the time for the meeting of the legislature.....	215	217	267	267	268	.....	350	350
59. Senator CLAYPOOL, of Pierce: An act appropriating nineteen thousand one hundred and eighty-three dollars and nineteen cents, on account of a deficiency in the fund for the support of the national guard of Washington for the years 1889 90.....	428	433	663	433	664	.....	678	678
60. Senator KINNEAR, of King: An act to cede the jurisdiction of the State of Washington to the United States of America over land needed for the improvement of rivers and harbors, and for the purchase and condemnation thereof.....	203	204	275	275	276	.....	350	350
66. Senator FOREST, of King: An act authorizing and empowering boards of county commissioners to sell and convey property belonging to their respective counties, and declaring an emergency.....	220	243	267	{ 267 / 381 }	381	386	523	523
68. Senator RUTTER, of King: An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspector.....	291	295	352	445	514	.....	537	538
69. Senator O'NEIL, of Stevens: An act to amend section 165 of an act providing for the organization, classification and incorporation and government of municipal corporations, and declaring an emergency.....	291	295	{ 462 / 539 }	614	614	{ 463 / 488 / 620 }	678	678

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received in House.....	Read first time, and referred.....	Report of Com- mittee.....	Read second time, and amendments.....	Third reading, and vote on passage.....	Other action in House.....	Signed by Pres- ident of Senate.....	Signed by Speaker.....
71. Senator RICHARDS, of Whatcom: An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor.....	334	338	594	{ 448 } { 596 }	597	567	650	650
72. JUDICIARY COMMITTEE: An act relating to proceedings to vacate or modify judgments in the courts in which they were rendered.....	163	168	254	254	254	.....	349	350
73. JUDICIARY COMMITTEE: An act relating to referees.....	163	168	255	255	255	.....	349	350
74. JUDICIARY COMMITTEE: An act providing for appeals in the superior court.....	173	182	642	642	642	.....	678	678
75. JUDICIARY COMMITTEE: An act relating to writs of mandate and prohibition, amending section 689 of the Code of Washington of 1881.....	163	168	256	256	256	.....	349	350
76. JUDICIARY COMMITTEE: A bill for an act relating to proceedings supplementary to execution, amending section 384 of the Code of Washington of 1881, as amended by an act entitled "An act to amend section 384 of the Code of Washington Territory, and to secure to the people of the territory the right of trial by jury," approved January 15, 1886.....	173	182	258	258	{ 258 } { 259 }	259	349	350
77. JUDICIARY COMMITTEE: An act declaring the rule of decision in the State of Washington, amending section 1 of the code of 1881.....	163	168	260	260	260	.....	350	350
78. JUDICIARY COMMITTEE: An act concerning the construction of statutes.....	173	182	260	260	261	.....	349	350
79. JUDICIARY COMMITTEE: An act in relation to applications for divorce, amending sections 2000, 2001, 2005, 2006, 2007, 2008, 2009, 2010 and 2012 of the Code of Washington of 1881.....	163	168	261	261	261	.....	350	350
80. JUDICIARY COMMITTEE: An act in relation to proceedings in probate, amending sections 1299, 1300, 1311, 1313, 1314, 1345, 1353, 1360, 1361, 1368, 1384, 1385, 1399, 1404, 1409, 1410, 1411, 1413, 1415, 1419, 1430, 1456, 1481, 1482, 1485, 1488, 1489, 1508, 1515, 1547, 1556, 1568, 1572, 1573, 1594 and 1601 of the Code of Washington of 1881, and repealing sections 623, 624, 625, 627, 628, 630, 631, 632, 633 and 634 of said code.....	173	182	641	642	642	.....	671	671

81. JUDICIARY COMMITTEE: An act in relation to prosecutions for public offenses, and amending sections 782, 779, 760, 1072, 1073, 1076, 764, 977, 919, 981, 984, 985, 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, [1014.] 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1028, 1030, 1038, 1039, 1066, 1064, 1065, 1045, 1048, 1049, 1050, 1051, 1052, 1054, 1055, 1058, 1059, 1060, 1061, 1070, 1043, 1044, 1078, 1083, 1084, 1067, 1088, 1091, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1105, 1107, 1121, 1125, 1134, 1138, 1139, 765, 766, 767, 769, 771, 772, 773, 775, 958 and 971 of the Code of Washington, 1881.....	186	190	190	190	291	292
82. JUDICIARY COMMITTEE: An act relating to procedure in criminal actions and proceedings in justices' courts and before magistrates, and amending sections 1890, 1891, 1894, 1893, 1895, 1896, 1902, 1905, 1916, 1917, 1923, 1926, 1927, 1929, 1932 and 1972 of the Code of Washington of 1881.....	186	191	191	191	250	250
83. JUDICIARY COMMITTEE: An act in relation to evidence in actions and judicial proceedings, and amending sections 391, 393, 406, 407, 408, 423 and 425 of the Code of Washington of 1881.....	186	191	262	191	262	350
84. JUDICIARY COMMITTEE: An act relating to appeals from justices' courts, and amending sections 1858, 1859, 1861, 1863, 1865 and 1914 of the Code of Washington of 1881.....	186	191	263	191	263	350
85. JUDICIARY COMMITTEE: An act relating to judgments upon promissory notes and similar instruments.....	178	183	311	183	311	389
86. JUDICIARY COMMITTEE: An act in relation to the effect of judgments of other states and territories, and amending section 739 of the Code of Washington of 1881.....	194	199	310	199	310	389
87. JUDICIARY COMMITTEE: An act in relation to proceedings in the nature of <i>ne exeat</i> , and amending sections 637, 638 and 642 of the Code of Washington of 1881.....	186	191	311	191	311	389
88. JUDICIARY COMMITTEE: An act relating to proceedings upon habeas corpus.....	186	192	312	192	312	389
89. JUDICIARY COMMITTEE: An act relating to actions to abate nuisances, and amending section 606 of the Code of Washington of 1881.....	186	192	312	192	312	389
90. JUDICIARY COMMITTEE: An act in relation to the appropriation of property by corporations.....	186	192	313	192	313	389
91. JUDICIARY COMMITTEE: An act relating to proceedings in case of forcible entry into a forcible detainer of lands.....	186	192	314	192	314	389
92. JUDICIARY COMMITTEE: An act relating to claims of third persons to property taken upon execution or attachment, and amending sections 350 and 352 of the Code of Washington of 1881.....	167	192	314	192	315	388

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received in House...	Read first time, and referred.....	Report of Committee.....	Read second time, and amendments.	Third reading, and vote on passage....	Other action in House.....	Signed by President of Senate.....	Signed by Speaker..
93. JUDICIARY COMMITTEE: An act in relation to the enforcement of judgments by execution, and amending sections 328, 330, 357 and 367 of the Code of Washington of 1881.....	186	192	{ 314 } { 471 }	{ 192 } { 472 }		314		
94. JUDICIARY COMMITTEE: An act relating to procedure in civil actions in justices' courts, and amending sections 1714, 1720, 1753, 1754, 1755, 1758, 1759, 1764, 1746, 1748 and 1809 of the Code of Washington of 1881.....	194	199		199				
95. JUDICIARY COMMITTEE: An act relating to the taking and entry of judgments and amending sections 301 and 302 of the Code of Washington of 1881.....	186	192	315	192	315		388	394
96. JUDICIARY COMMITTEE: An act relating to exceptions and amending section 260 of the Code of Washington of 1881.....	186	192	316	192	316		389	394
97. JUDICIARY COMMITTEE: An act in relation to arbitration and award, and amending sections 266 and 269 of the Code of Washington of 1881.....	186	192	316	192	316		436	437
98. JUDICIARY COMMITTEE: An act relating to trial by jury, and amending sections 232, 234 and 241 of the Code of Washington of 1881.....	186	192	317	192	317		436	437
99. JUDICIARY COMMITTEE: An act in relation to receivers.....	186	192	318	192	318		436	437
100. JUDICIARY COMMITTEE: An act relating to motions to dissolve or modify injunctions and amending section 169 of the Code of Washington of 1881.....	186	192	318	192	318		389	394
101. JUDICIARY COMMITTEE: An act relating to the proceedings against persons who violate injunctions, and amending section 168 of the Code of Washington of 1881.....	186	192	306	192	306		436	437
102. JUDICIARY COMMITTEE: An act relating to the proceedings to obtain possession of personal property during the pendency of an action for the recovery thereof, and amending section 152 of the Code of Washington of 1881.....	186	192	305	192	305		389	394

103. JUDICIARY COMMITTEE: An act relating to arrest and bail in civil action, and amending sections 115, 116, 124, 126 and 131 of the Code of Washington of 1881.....	186	{ 192 / 368 }	307	192	307	{ 308 / 368 }	.....	.....
104. JUDICIARY COMMITTEE: An act relating to pleadings in civil actions, and amending sections 76, 77 and 109 of the Code of Washington of 1881.....	194	199	320	199	320	.....	436	437
105. JUDICIARY COMMITTEE: An act relating to the manner of commencing civil actions.....	194	200	323	200	324	.....	436	437
106. JUDICIARY COMMITTEE: An act relating to the place of trial of actions and proceedings, and amending sections 50 and 53 of the Code of Washington of 1881.....	186	192	308	192	308	.....	389	394
107. JUDICIARY COMMITTEE: An act with relation to parties to civil actions and proceedings, and amending sections 12 and 15 of the Code of Washington of 1881.....	186	193	309	193	309	.....	389	394
108. JUDICIARY COMMITTEE: An act relating to the time within which actions may be commenced, and amending section 25 of the Code of Washington of 1881.....	186	193	306	193	307	.....	389	391
109. JUDICIARY COMMITTEE: An act relating to the powers and duties of clerks of courts.....	187	193	{ 307 / 309 }	197	309	.....	436	437
110. JUDICIARY COMMITTEE: An act relating to attorneys.....	194	200	320	200	320	.....	436	437
111. JUDICIARY COMMITTEE: An act in relation to sheriffs.....	187	193	304	193	304	.....	389	394
112. JUDICIARY COMMITTEE: An act in relation to the powers of courts and judicial officers.....	194	200	319	200	319	.....	436	437
113. JUDICIARY COMMITTEE: An act in relation to juries.....	194	200	325	200	325	.....	389	394
114. JUDICIARY COMMITTEE: An act in relation to legal holidays.....	194	200	322	200	322	.....	389	394
115. JUDICIARY COMMITTEE: An act in relation to magistrates.....	194	200	324	200	324	.....	436	437
116. JUDICIARY COMMITTEE: An act in relation to holding sessions of courts.....	194	200	325	200	325	.....	389	394
118. JUDICIARY COMMITTEE: An act relating to new trials, and amending section 282 of the Code of Washington of 1881, and repealing sections 279 and 280 of said code of 1881.....	194	200	323	200	323	.....	436	437
119. JUDICIARY COMMITTEE: An act defining certain crimes and declaring their punishment, and amending the code of 1881, and certain other statutes in relation to the same subject.....	194	200	321	200	322	.....	479	479

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received in House...	Read first time, and referred.....	Report of Committee.....	Read second time, and amendments.	Third reading, and vote on passage.....	Other action in House.....	Signed by President of Senate.....	Signed by Speaker..
120. Senator KNEELAND, of Mason: An act providing for the establishment and location of a state normal school, the creation of a commission to locate the same, and making an appropriation therefor.....	537	542		542				
121. Senator SMITH, of Whitman: An act authorizing the owners of elevators, warehouses and mills to build connections with railroads.....	428	483	462	{ 433 / 463 }				
122. Senator LONG, of Lewis: An act authorizing county commissioners to build bridges across navigable streams.....	334	339	{ 443 / 628 }	446	629		665	665
123. COMMITTEE ON CLAIMS: An act for the relief of L. P. Berry, Agent.....	194	200	373	{ 200 / 373 }	373		450	451
124. Senator SMITH, of Whitman: A bill for an act entitled "An act for the protection of farmers, ranchmen, herders of cattle, tavern keepers, and livery and boarding house stable keepers, and other persons for herding, keeping, pasturing, feeding and caring for stock".....	247	254		472	472		523	523
125. Senator DYER, of King: A bill for an act relating to the civil jurisdiction of justices' courts, amendatory of section 1710 of the Code of Washington of 1881, as amended by an act entitled "An act to correct errors and supply omissions in the Code of Washington," approved November 28, 1883.....	194	200	400	{ 200 / 274 }	402		502	502
127. COMMITTEE ON EDUCATION: An act to amend section twenty-eight (28) of an act entitled "An act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890.....	224	228		445				
128. Senator EASTERDAY, of Pierce: An act authorizing the removal of a case for trial from before one judge of the superior court to another, and declaring an emergency.....	324	339	367			367		
129. Senator DYER, of King: An act regulating fees of county clerks for services rendered as clerks ex-officio of the superior courts in probate cases, and declaring an emergency.....	450	455	555	415				

131. Senator OWINGS, of Thurston: An act to regulate the mode of proceeding to acquire and appropriate land, real estate and other property for public uses of the State of Washington, and prescribing the method of ascertaining and making compensation therefor, and declaring an emergency.....	236	243	382	382	382	387	450	451
132. Senator LONG, of Lewis: An act to amend an act entitled "An act providing for the organization and government of municipal corporations," and declaring an emergency.....	478	490	541	490	652		680	680
136. Senator WILSON, of Kittitas: An act to amend an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections," approved March 19, 1890.....	388	393	578	578				
137. Senator CLAYPOOL, of Pierce: An act to amend section 2315 of the Code of Washington relative to acknowledgments of deeds, mortgages and other instruments.....	534	541		541				
140. COMMITTEE ON EDUCATION: An act to amend sections three, four, eleven, twelve, fourteen, sixteen, nineteen, twenty, twenty-four, twenty-eight, thirty, thirty-four, thirty-five, thirty-seven, thirty-eight, fifty-two, fifty-three, fifty-four, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-one and eighty-eight of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890.....	291	295	578	{ 445 } { 593 }	594	579	665	665
141. COMMITTEE ON EDUCATION: An act to provide for the compulsory and reformatory education of juvenile disorderly persons.....	215	218		445				
142. COMMITTEE ON EDUCATION: An act to authorize school districts to establish and maintain libraries, and to provide for the management and care of the same.....	215	218		445				
143. Senator HYDE, of Spokane: An act requiring state and county officers to administer oaths required in the execution of pension papers and vouchers free of charge, and declaring an emergency.....	252	254		445				
145. COMMITTEE ON STATE LIBRARY: An act relating to state library.....	224	228	374	{ 374 } { 464 }	465		523	523
147. Senator SMITH, of Whitman: An act to amend section 1975 of the Code of Washington.....	291	295	474	446	474		501	502
151. Senator FORREST, of King: An act to increase the punishment for crimes and misdemeanors committed a second or more times by the same person, and repealing all acts or parts of acts in conflict with this act.....	377	393	458	463				
152. Senator LUCE, of Lincoln: An act to create and organize the county of Ferry, and declaring an emergency.....	242	243	279			279		

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received in House...	Read first time, and referred.....	Report of Committee.....	Read second time, and amendments.	Third reading, and vote on passage....	Other action in House.....	Report from Senate.....	Signed by Speaker..
154. Senator McCROSKEY, of Whitman: An act to prevent the sale, removal and secretion of mortgaged personal property and to provide a penalty therefor.....	563	575						
157. Senator O'NEIL, of Stevens: An act providing for the location and registration of mines and mineral deposits, and for other purposes.....	563	575						
159. Senator KINNEAR, of King: An act to provide for the conveyance of lands sold for taxes levied under the laws of the Territory of Washington.....	548	558		558				
162. Senator CLAYPOOL, of Pierce: An act to amend section one (1) of an act entitled "An act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," approved March 6, 1890.....	350	354	367			367		
163. Senator DYER, of King: An act to amend sections 74, 86 and 87, and to repeal sections 88 and 89 of the Code of Washington Territory.....	350	354						
164. Senator DYER, of King: An act authorizing corporations other than religious to hold and possess property.....	250	253	268	268	268		349	350
165. Senator DYER, of King: An act providing in what cases, by what persons, and in what courts an action may be brought against the state, and how summons shall be served therein.....	548	558		558				
166. Senator DYER, of King: An act to amend section 753 of the Code of the State of Washington.....	350	354		446				
168. Senator COOPER, of Chehalis (by request): An act to supplement an act to create a board of harbor line commissioners, prescribing their duties and compensation, approved March 28, 1890.....	478	489	539	489	659	670		
171. JUDICIARY COMMITTEE: An act relative to incorporation of bar associations..	334	339	367			367		
174. Senator KINNEAR, of King (by request): An act requiring the appointment of police matrons in certain cities, designating their duties and directing their compensation.....	502	509	529	509				

175. Senator THOMPSON, of Walla Walla: An act to provide for the purchase of Barton's Legislative Hand-Book and Manual of the State of Washington for 1891-92 for the use and benefit of the state and state legislature, officials and others, and making an appropriation therefor.....	252	254	487	443	494	523	525
177. Senator DYER, of King: An act to amend section 9 of an act entitled "An act to provide for the appointment, qualification and duties of notaries public, certifying their official acts, and declaring an emergency to exist," approved December 21, 1889, and declaring an emergency to exist for the passage of this act.....	388	393					
178. Senator KNEELAND, of Mason: An act relating to garnishment in superior courts.....	478	490		490			
179. Senator KNEELAND, of Mason: An act making the state treasurer ex-officio fiscal agent of the state, and defining his duties, and declaring an emergency.....	388	993	672	446	672	680	680
180. Senator FORREST, of King: An act to enable cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency to exist.....	277	295	593	594	647		
181. Senator FORREST, of King: An act authorizing cities and towns to submit to the voters therein propositions to fund indebtedness of such cities and towns by the issuing of bonds therefor, at the same election at which the previous attempted incurring of such indebtedness, or any part thereof, may be ratified.....	277	295	646	646	646	667	667
182. Senator LONG, of Lewis: An act to provide for the drainage of cities of the second and third class by the construction of sewers and drains.....	502	510		510	671	679	680
183. Senator LONG, of Lewis: An act to prevent the obstruction of highways, to abate nuisances thereon, providing a penalty therefor, and declaring an emergency.....	548	558		558			
187. Senator DYER, of King: An act to amend section 210 of the Code of Washington, concerning general causes of challenge of jurors.....	428	433		433			
188. Senator DYER, of King: An act to amend section 2080 of the Code of Washington as amended by an act entitled "An act to * * * amend section 2080 of chapter CLII of the Code of Washington Territory as amended by an act entitled 'An act to amend section 2080 of chapter CLII of the Code of Washington Territory relating to grand and petit jurors,' approved November 27, 1883; and also to amend section 2082 of chapter CLII of the Code of Washington Territory, and add to said chapter sections 2085 $\frac{1}{4}$ and 2085 $\frac{1}{2}$, relating to grand and petit jurors," approved February 2, 1888.....	350	354	484	488			

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	<i>Ascertained in House</i>	<i>Read first time, and referred</i>	<i>Report of Committee</i>	<i>Read second time, and amendments</i>	<i>Third reading, and vote on passage</i>	<i>Other action in House</i>	<i>Signed by President of Senate</i>	<i>Signed by Speaker</i>
189. Senator KINNEAR, of King (by request): An act to amend section 1 of an act entitled "An act to provide for the redemption of real estate sold under execution," approved February 3, 1886.....	548	558		558				
190. Senator KINNEAR, of King (by request): A bill for an act to amend section 3 of an act entitled "An act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such causes," approved March 22, 1890, and declaring an emergency.....	548	558		558				
193. Senator LONG, of Lewis: An act to amend section 2 of an act entitled "An act authorizing cities and towns to construct internal improvements, and to issue bonds to pay therefor, and declaring an emergency," approved March 26, 1890, and to declare an emergency.....	548	558	668	558	668		680	680
194. Senator HASTINGS, of Jefferson: An act requiring the United States flag to be floated over the public schools of the state during school hours, and providing penalties for violations of the same, and declaring an emergency.....	451	455		455				
195. Senator CLAYPOOL, of Pierce: An act to provide for the incorporation of associations for social, charitable and educational purposes.....	377	393						
196. Senator DYER, of King (by request): An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings.....	345	355	495	496	546		606	607
198. COMMITTEE ON PRIVILEGES AND ELECTIONS: An act to amend an act entitled "An act to provide for and to regulate the registration of voters in cities and towns, and in precincts having a voting population of two hundred and fifty (250) or more," approved March 27, 1890.....	478	490		490				
200. COMMITTEE ON STATE PENITENTIARY: An act to define, regulate and govern the state penitentiary, and declaring an emergency.....	465	476	507	476	648		680	680

202. Senator CLAYPOOL, of Pierce: An act to provide for the building of armories for the National Guard of Washington, and to authorize the levying of a special county tax therefor.....	334	339		448				
205. COMMITTEE ON JUDICIARY: An act providing for special verdicts, and further providing for special findings of the jury upon particular questions of fact to be stated in writing, and for recording findings so made with the verdict.....	291	295		446				
206. Senator PRESTON, of Walla Walla: An act to amend section 2421 of chapter CLXXXV of the Code of Washington of 1881, relating to corporations, as amended by an act approved February 3, 1886.....	533	542	540	542	607		650	650
208. Senator ESHELMAN, of Yakima: An act for the prevention of cruelty to children, animals, fowls and birds.....	644							
209. Senator DYER, of King: An act regulating fees of justices of the peace for services rendered by them.....	388	393		488				
212. Senator PRESTON, of Walla Walla: An act declaring Arbor Day a legal holiday.....	623							
214. Senator KINNEAR, of King: An act to provide for fees and compensation of the county clerk, ex-officio clerk of the superior court, and declaring an emergency.....	428	433		433				
217. COMMITTEE ON EDUCATION: An act making an appropriation for the maintenance and improvement of the state reform school.....	350	355	568	447	568		607	607
219. Senator FORSYTH, of Cowlitz: An act to amend an act entitled "An act to regulate, restrain, license or prohibit the sale of intoxicating liquors," approved February 2, 1888.....	450	455		455				
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ERRATTA.

- Page 76, make Senate concurrent resolution No. "2" read No. 4.
Page 94, make matters affecting state "penitentiary" read *university*.
Page 95, make House bill No. "21" read No. 2.
Page 166, make House concurrent resolution No. "10" read House concurrent resolution No. 11.
Page 168, insert *Senate bill No. 75, Relating to writs of mandate and prohibition, was read first and second time, and referred to Committee on Judiciary.*
Page 194, make House bill No. "69" read No. 59.
Page 270, make House bill No. "200," Assignees, creditors and debtors, read House bill No. 201.
Page 286, insert *Senate bill No. 2 was signed by the speaker.*
Page 291, make Senate bill No. "91" read Senate bill No. 69.
Page 299, make February "10th" read February 18th.
Page 355, insert *Senate bill No. 196, An act defining forcible entry and unlawful detainer of real property, and providing remedies therefor by summary proceedings, was read first and second time, and referred to Committee on Judiciary.*
Page 389, make House bill No. "96" read House bill No. 98.
Page 393, make Senate bill No. "191" read Senate bill No. 195.
Page 437, make February "20th" read February "26th."
Page 453, make House bill No. "166" read House bill No. 161.
Page 457, make page 162 Appendix "C" read page 162 Appendix "B."
Page 462, make House bill No. "165" read House bill No. 265.
Page 469, make House bill No. "171" read House bill No. 172.
Page 483, make House bill No. "218" read House bill No. 210.
Page 491 (at bottom), make Senate bill No. "304" read Senate bill No. 305.
Page 497 (at top), make Senate bill No. "317" read Senate bill No. 318.
Page 497, insert in Senate message *Senate bill No. 317, Indebtedness of school districts.*
Page 509, make Senate bill No. "321" read Senate bill No. 322.
Page 544, make House bill No. "28" read *Senate bill No. 28.*
Page 607, insert *Senate bill No. 57 was signed by the speaker.*
Page 618, make House bill No. "276" read House bill No. 279.
Page 667, in Senate message insert *The president has signed Senate bill No. 180, To enable cities and towns to validate certain warrants and other indebtedness.*
Page 667, in next to bottom line insert 180 and before "181."
Page 49, Appendix "B," make Representative "Grady" read *Gandy*.