

SENATE JOURNAL

OF THE

EXTRAORDINARY SESSION, FIRST LEGISLATURE

OF THE

STATE OF WASHINGTON.

BEGUN AND HELD AT

OLYMPIA, THE STATE CAPITAL,

SEPTEMBER 3, 1890.

ADJOURNED SINE DIE, SEPT. 11, 1890.

OLYMPIA, WASH.:

O. C. WHITE, STATE PRINTER.
1891.

OFFICERS OF THE SENATE.

PRESIDENT:

LIEUTENANT GOVERNOR CHAS. E. LAUGHTON,
CONCONULLY.

SECRETARY:

CLARENCE M. BARTON,
OLYMPIA.

ASSISTANT SECRETARY.....	J. W. ROMAINE.
SERGEANT-AT-ARMS	JOHN N. CONNA.
MESSENGER	HARRY D. COWLES.
PAGE	WILLIE HAGEMEYER.
WATCHMAN	WILLIAM LYNCH.
WATCHMAN	GEORGE WILLIAMS.

JOURNAL OF THE SENATE, EXTRAORDINARY SESSION.

FIRST DAY.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 3, 1890. }
12 o'clock M.

Senate called to order, pursuant to governor's proclamation, at 12 o'clock meridian. President of the Senate Laughton in the chair.

The following was read:

PROCLAMATION BY THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.

To the Legislature of the State of Washington:

WHEREAS, An extraordinary occasion exists requiring the assembling of the Legislature of the State of Washington:

Now, therefore, I, Elisha P. Ferry, governor of the State of Washington, by virtue of authority vested in me by the constitution, do hereby convene the legislature of the State of Washington in extraordinary session, in the capitol at Olympia, on Wednesday, the third day of September, A. D. one thousand eight hundred and ninety, at the hour of twelve o'clock meridian.

The purpose for which the legislature is convened is the enactment of a legislative apportionment law.

In testimony whereof, I have hereunto set my hand and caused the seal of the state to be affixed, at Olympia, this 25th day of August, A. D. one thousand eight hundred and ninety.

[Seal.]

ELISHA P. FERRY, Governor.

By the governor:

ALLEN WEIR, Secretary of State.

A true copy:

ELISHA P. FERRY, Governor.

Roll called, and Senators Austin, Baker, Fariss, Forsyth, Guilfoil, Houghton, Kinnear, Landes, Long, Luce, Parkinson, Payne, Preston, Rinehart, Thompson (G. T.), Van Houten, Vestal, Wil-

son, and Wolfe present, and Senators Clough, Drum, Fairweather, Hunsaker, Hyde, Jones, Kneeland, Lawrence, Owings, Seaborg, Snow, Thompson (L. F.), Watt, Whalley, Wood, and Wooding absent.

Telegrams from Senators Hunsaker, Owings, and Fairweather were read, and they were excused.

The resignation of Sergeant-at-arms H. A. Clarke, of Spokane Falls, was read, and, on motion of Senator Rinehart, accepted.

The following resolution, offered by Senator Parkinson, was read and adopted:

Resolved, That the services of all committee clerks and the folding clerk of the sergeant-at-arms be and are hereby dispensed with.

Senator Parkinson offered the following:

SENATE CONCURRENT RESOLUTION NO. 1.

Resolved by the Senate, the House concurring, That no business be considered by this legislature, except the passage of the necessary appropriation bills and an apportionment bill.

Which, on motion of Senator Houghton, was postponed until tomorrow.

The sergeant-at-arms of the House appeared and reported that the House is now in session.

Senator Kinnear offered the following resolution, which was adopted:

Resolved, That the officers of the late regular session of the Senate be and are hereby continued as the officers of this special session, except as to the office of sergeant-at-arms, who has resigned.

On motion of Senator Houghton, the sergeant-at-arms was instructed to inform the House that the Senate is now organized and ready for business.

On motion of Senator Long, a committee of three was appointed by the Senate to act in conjunction with a like committee of the House to wait on the governor and notify him that the legislature is organized and ready to receive any communications from his excellency.

Senators Long, Forsyth, and Thompson (G. T.) were appointed such committee.

On motion of Senator Houghton, the Senate, at 12 o'clock m., took a recess until 3 p. m.

AFTER RECESS.

SENATE CHAMBER,
 OLYMPIA, WASHINGTON, September 3, 1890. }
 3 o'clock P. M.

Senate called to order by President Laughton.

Roll called; Senators Austin, Baker, Fariss, Forsyth, Guilfoil, Houghton, Kinnear, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Thompson (L. F.), Thompson (G. T.), Van Houten, Vestal, Wilson, Wolfe, and Wooding present, and Senators Clough, Drum, Fairweather, Hunsaker, Hyde, Jones, Lawrence, Seaborg, Snow, Watt, Whalley, and Wood absent.

On motion of Senator Houghton, Senator Hyde was granted indefinite leave of absence on account of illness.

Senator Drum excused for the day.

Senator Long, as chairman of committee to wait on governor, reported their work done, and that the governor would report separately to each House at 3:10 P. M.

Communications from secretary of state accompanying Senate bills No. 263 and 193, vetoed by the governor, read.

The chief clerk of the House appeared and delivered the following message:

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASHINGTON, September 3, 1890.

MR. PRESIDENT:

I am instructed by the House to inform you that the House of Representatives is now organized and is ready for the transaction of business.

CHAS. E. CLINE, Chief Clerk.

Communication from Governor Ferry, stating his objections to and reasons for vetoing Senate bill No. 263 and Senate bill No. 193, read, and action thereon postponed until to-morrow.

A message from the governor regarding an apportionment bill was read, and, on motion of Senator Owings, 250 copies ordered printed for the use of the Senate, and, on motion of Senator Long, referred to committee of the whole.

The following communication from the secretary of state was read and ordered spread on the journal, and referred to Committee on Printing:

STATE OF WASHINGTON, OFFICE OF SECRETARY OF STATE,
OLYMPIA, September 3, 1890.

To the Honorable President and Members of the Washington State Senate:

GENTLEMEN—I find no authority by law or resolution directing the distribution of the Senate journals of the late regular session of the legislature. The number of copies ordered printed by your honorable body have been delivered to this office by the state printer.

These books are held awaiting your pleasure.

Very respectfully,

ALLEN WEIR, Secretary of State.

On motion of Senator Long, the secretary was instructed to furnish the history to the Senate of Senate bill No. 147.

On motion of Senator Houghton, the Senate, at 3:30 P. M., adjourned until to-morrow at 2 P. M.

SECOND DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 4, 1890. }
2 o'clock P. M.

Senate called to order pursuant to adjournment; the president in the chair.

President pro tem. Parkinson called to the chair.

Roll called; Senators Austin, Baker, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Whalley, Wilson, Wolfe, Wood, and Wooding present, and Senators Clough, Drum, Hyde, Jones, Lawrence, Snow, and Watt absent.

Senator Watt was granted an indefinite leave of absence.

President Laughton in the chair.

Senator Drum granted leave of absence until Monday.

The minutes of yesterday read and approved.

REPORT OF COMMITTEE.

OLYMPIA, WASHINGTON, September 4, 1890.

MR. PRESIDENT:

We, your Committee on Printing, to whom was referred the matter of providing for the distribution of the House and Senate journals, beg leave to report by the following concurrent resolution.

Respectfully submitted,

E. T. WILSON, Chairman,

H. H. WOLFE.

E. B. HYDE, absent.

Senator Wilson offered the following concurrent resolution No. 2, which was adopted:

Be it resolved by the Senate, the House concurring, That the secretary of state be and is hereby empowered to distribute the House and Senate journals of the session of 1889-90:

1. One copy of each to the librarian of congress.
2. One copy of each to the librarian of each state, territory, and the District of Columbia.
3. One copy of each to each member of the present legislature and the state officers.
4. One copy of each to the president, secretary, assistant secretary and sergeant-at-arms of the Senate.
5. One copy of each to the chief clerk, assistant clerk and sergeant-at-arms of the House.
6. The remaining copies to the state librarian for future distribution, who is hereby empowered to sell them to citizens of the state at a price not to exceed the cost of the same, providing that the fund received for the sale of such copies shall be turned into the general fund.

VETO BY THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, April 7, 1890.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I return, with my objections thereto, Senate bill No. 263, entitled “An act granting right-of-way to railroad companies over lands belonging to the State of Washington.”

The bill grants a right-of-way to the extent of fifty feet in width, over any lands belonging to the state, to any corporation or individual who may have constructed, since the admission of the state into the Union, or who shall hereafter construct any railroad in the state, upon payment to the state of the price per acre for the lands actually taken at which such lands are open to sale to the public generally.

The right thus granted is forbidden by section 11 of the act of congress providing for the admission of Washington as a state, and also by sections 1 and 2, article 16, of the constitution.

These sections clearly provide that all lands granted to the state for educational purposes shall be disposed of only at public auction to the

highest bidder. The bill permits any railroad corporation, or individual, to purchase a right-of-way for a railroad at "the price per acre of the lands actually taken at which such lands are open to sale to the public generally." This I assume to mean the appraised value of the land. It will therefore be seen that special privileges are granted by this bill to certain corporations and individuals which are not granted to other purchasers of lands given to the state for educational purposes.

Section 1 of the bill provides that payment for the right-of-way shall be made within six months after the completion of the railroad across the lands taken, when such railroad is constructed after the passage of the act, and when the railroad is already constructed, then the payment is to be made within six months after the passage of the act.

Here, again, is a special privilege granted which is not permitted by the constitution.

Section 1, article 16, is as follows: "All the public lands granted to the state are held in trust for all the people, and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interests disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state."

It is evident from this section that no public lands granted to the state, or any interest therein, can be disposed of unless at the time of sale the full market value is paid, or safely secured, to the state.

The grant of right-of-way takes effect *in presenti*. A railroad company, or an individual, is permitted to take and occupy the lands of the state for the period of six months after the completion of the railroad, without making payment for the land or securing to the state the value thereof. This is practically disposing of an interest in the public lands of the state without payment or security, which is expressly prohibited by the constitution.

There is also another very serious objection to the bill. Under its provisions any individual or corporation may file with the commissioner of public lands a verified statement that such individual or corporation intends in good faith to construct a railroad, giving a general description of the route and termini of the proposed line, and setting forth that the proposed line will pass through the public lands of the state and giving a particular description of such land. When this certificate and a plat of the proposed line is filed with the commissioner of public lands, the right-of-way asked for is reserved for the period of three years from the date of filing, and all patents issued during this period for lands through which a right-of-way has thus been reserved shall be made subject to this right-of-way. The only condition imposed upon the applicant for the right-of-way is, that within three years from the filing of the certificate the proposed railroad must be constructed through all or some portion of the public lands taken for the right-of-way. Is this good policy? Will it not necessarily hamper and obstruct the sale of all lands of the state through which a right-of-way has been granted, and will it not depreciate the value of such lands?

After a careful consideration of the whole subject, I have arrived at the conclusion that, under the enabling act and the constitution, a right-of-way for a railroad through the lands granted to the state for educational purposes cannot be granted to any corporation or individual by the legislature.

If a right-of-way through these lands, or any portion thereof, is desired, it can be obtained by purchase of the land in the manner pointed out in the constitution or by the exercise of the right of eminent domain.

In case the laws now in force do not authorize the condemnation of the public lands of the state by railroad corporations for a right-of-way—about which I express no opinion—then the legislature can at any time enact such laws as may be necessary for this purpose.

I am aware that the congress of the United States has granted to railroad companies, almost unconditionally, the right-of-way through the public lands of the United States. But the power of congress to dispose of public lands of the United States is practically unlimited, while the power of the legislature over the public lands of this state is limited and controlled by the constitution.

ELISHA P. FERRY.

On motion of Senator Kinnear, the vote by which Senate bill No. 263 was passed was reconsidered, and on the question, "Shall the bill pass notwithstanding the objections of the governor?" the vote was as follows:

Those voting in the negative were: Senators Austin, Baker, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Wilson, Wolfe, Wood, Wooding—27.

Absent or not voting: Senators Clough, Drum, Hyde, Jones, Snow, Watt, Whalley—7.

So the objections of the governor were sustained.

The following was then read:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, April 8, 1890.

To the Honorable the Senate of the State of Washington:

GENTLEMEN— I return Senate bill No. 193, entitled "An act to provide for the bridges across navigable streams and across estuaries, ponds, swamps or arms of bays that may be outside of the line of navigable waters," with my objections thereto.

Authority is here given to the several boards of county commissioners in the state to grant franchises to corporations or individuals. The legislature has no authority to grant a franchise to an individual or a corporation, and hence cannot confer such power upon boards of county commissioners. If, however, the legislature had authority to grant the franchises proposed to be granted in section 1, it could not give this power

to county commissioners, because this would be a delegation of legislative power.

The objections herein are based on section 28, paragraph 6 of article 2, and section 12, article 1 of the constitution. ELISHA P. FERRY.

On motion of Senator Kinnear, the vote by which Senate bill No. 193 became a law was reconsidered and the matter was, on motion of Senator Long, laid on the table.

On motion of Senator Houghton, the secretary of the Senate was instructed to have the census statistics of the state, when furnished by the governor, printed at once (250 copies), should the Senate be in adjournment at the time.

The chief clerk of the House appeared and announced that the House had adjourned until to-morrow at 10 o'clock A. M.

Senate concurrent resolution No. 1 was then taken up, providing that no business be considered by this legislature except the passage of the necessary appropriation bills, and an apportionment bill, to which Senator Owings offered the following amendment: "until after the Apportionment bill is passed," which amendment was passed by the following vote, the yeas and nays having been called for without objection:

Those voting in the affirmative were: Senators Austin, Baker, Fairweather, Fariss, Guilfoil, Houghton, Kinnear, Kneeland, Luce, Owings, Preston, Rinehart, Seaborg, Thompson (G. T.), Thompson (L. F.), Wolfe, Wood, Wooding—18.

Those voting in the negative were: Senators Forsyth, Hunsaker, Landes, Long, Parkinson, Payne, Van Houten, Vestal, Whalley, Wilson—10.

Absent or not voting: Senators Clough, Drum, Hyde, Jones, Lawrence, Snow, Watt—7.

Senator Kinnear moved that the resolution as amended be made a special order for Friday at 10 o'clock, which was lost by the following vote, the yeas and nays having been called for without objection:

Those voting in the affirmative were: Senators Houghton, Kinnear, Rinehart, Thompson, (G. T.), Thompson, (L. F.), Wood—6.

Those voting in the negative were: Senators Austin, Baker, Fairweather, Fariss, Forsyth, Guilfoil, Hunsaker, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Seaborg, Van Houten, Vestal, Whalley, Wilson, Wolfe, Wooding—22.

Absent or not voting: Senators Clough, Drum, Hyde, Jones, Lawrence, Snow, Watt—7.

Senator Houghton moved that the resolution be laid on the table, which was lost by the following vote, the yeas and nays having been called for without objection:

Those voting in the affirmative were: Senators Fairweather, Guilfoil, Houghton, Kinnear, Kneeland, Luce, Preston, Rinehart, Thompson, (G. T.), Thompson, (L. F.)—10.

Those voting in the negative were: Senators Austin, Baker, Fariss, Forsyth, Hunsaker, Landes, Long, Owings, Parkinson, Payne, Seaborg, Van Houten, Vestal, Whalley, Wilson, Wolfe, Wood, Wooding—18.

Absent or not voting: Senators Clough, Drum, Hyde, Jones, Lawrence, Snow, Watt—7.

Senator Kinnear moved to adjourn, which was lost by the following vote, the yeas and nays having been called without objection.

Those voting in the affirmative were: Senators Fairweather, Guilfoil, Houghton, Kinnear, Kneeland, Preston, Rinehart, Thompson (G. T.), Thompson (L. F.)—9.

Those voting in the negative were: Senators Austin, Baker, Fariss, Forsyth, Hunsaker, Landes, Long, Luce, Owings, Parkinson, Payne, Seaborg, Van Houten, Vestal, Whalley, Wilson, Wolfe, Wood, Wooding—19.

Absent or not voting: Senators Clough, Drum, Hyde, Jones, Lawrence, Snow, Watt—7.

Senate concurrent resolution No. 1, as amended, was then passed by the following vote:

Senators voting in the affirmative were: Senators Austin, Baker, Fairweather, Fariss, Guilfoil, Hunsaker, Kinnear, Landes, Luce, Owings, Parkinson, Rinehart, Seaborg, Thompson (L. F.), Van Houten, Vestal, Wilson, Wolfe, Wood, Wooding—20.

Senators voting in the negative were: Forsyth, Houghton, Kneeland, Long, Payne, Preston, Thompson (G. T.), Whalley—8.

Absent or not voting: Senators Clough, Drum, Hyde, Jones, Lawrence, Snow, Watt—7.

On motion of Senator Houghton, the president of the senate was authorized to employ a watchman for the Senate, and George Williams was then duly sworn in as such watchman.

On motion of Senator Luce, the Senate, at 3:15 P. M., adjourned.

THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 5, 1890. }
10 o'clock A. M. }

Senate called to order at 10 A. M. pursuant to adjournment; the president in the chair.

Roll called; Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Preston, Rinehart, Seaborg, Thompson (L. F.), Van Houten, Vestal, Watt, Wilson, Wolfe, Wood, and Wooding present, and Senators Drum, Hyde, Jones, Lawrence, Snow, Thompson (G. T.), and Whalley absent.

Senator Guilfoil offered the following:

Resolved, That no officers shall be employed at this extraordinary session other than the secretary, assistant secretary, sergeant-at-arms, one page and a watchman, unless otherwise ordered.

Senator Kinnear was called to the chair.

Senator Wilson moved to amend by adding one messenger, which was adopted.

Senator Van Houten moved to amend by adding two pages, which was lost on a rising vote of yeas 10, nays 11.

Senator Long moved to amend by adding one porter, which was lost.

Senator Parkinson moved to amend by adding two pages for the Senate and one page for the presiding officer, which was lost.

The original resolution as amended was then adopted by a vote of yeas 20; and nays 4, the yeas and nays having been called without objections as follows:

Those voting in the affirmative were: Senators Austin, Baker, Clough, Forsyth, Guilfoil, Houghton, Hunsaker, Kinnear, Kneeland, Landes, Owings, Parkinson, Rinehart, Seaborg, Vestal, Watt, Wilson, Wolfe, Wood, Wooding—20.

Those voting in the negative were: Senators Fariss, Long, Thompson (L. F.), Van Houten—4.

Absent or not voting: Senators Drum, Fairweather, Hyde, Jones, Lawrence, Luce, Payne, Preston, Snow, Thompson (G. T.), Whalley — 10.

The president in the chair.

Senator Whalley was granted an excuse for the day.

COMMUNICATION FROM THE GOVERNOR.

The following communication from the governor was read:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, September 4, 1890.

To the Senate and House of Representatives:

I have the honor to transmit herewith copies of the communication received from Hon. Robert P. Porter, superintendent of the eleventh census of the United States, showing the population of this state on the first day of June last.

Respectfully,

ELISHA P. FERRY.

WASHINGTON, D. C.

Hon. Elisha P. Ferry, Governor, Olympia:

The population of First district, by counties, precincts and wards:

CHEHALIS COUNTY.

Ochut, 1; township twenty, range ten, 2; Humtulup, 28; Grey Harbor, 523; Quinaeilt, 55; North Beach, 172; Hoquiam, 1,319; Montesano, 1,716; Aberdeen, 1,638; township seventeen, 246; township eighteen, 278; township nineteen, 119; township twenty, 8; twenty-one, 1. (These five townships in enumeration district No. 2.) Elma precinct, 454; Lathrop precinct, 350; Porter, 190; Cedarville, 104; Sharon, 138; Oakville, 237; Greenwood, 65; Chehalis Indian reservation, 40; Moch Chehalis, 27; Summit, 67; Elma, 58; town of Cosmopolis, 287; Cosmopolis precinct, 61; Markum precinct, 180; South Beach precinct, 174; Wynooche precinct, 326; Elma precinct, 75; North River precinct, 175. Total, 9,226.

CLALLAM COUNTY.

Jamestown, 108; Port Angeles, 1,019; New Dungeness, 368; Segurn, 290; Forks, 111; Quillayute, 82; Beaver, 70; [end sheet 2] Pysht, 35; Turn River, 74; Gallysburgh, 48; Port Crescent, 367; Neah Bay, 47; Pysht township, 23; township thirty-one, 4; township thirty-two, enumeration district 8 A, 5; Clallam Bay, 58; Hoke, 12; Lapush, 7; Beaver precinct, 21. Total, 2,757.

CLARKE COUNTY.

City of Vancouver, 2,656; Vancouver barracks, 662; not given enumeration district, 1,171; East Vancouver, 431; Preston, 513; LaCamas, 227; Columbia, 323; Fern Prairie, 240; [end sheet 3] eight; Fourth Plain, 417; St. John, 11; LaCamas, 417; Washougal, 529; Lewisville, 572; Procostal, 18; Battle Ground, 67; Hockinson, 114; Union Ridge, 873; Ridge, 441; Lincoln precinct, 159; Polock precinct, 101; Manor, 96; Celatoehie, 379; Cedar

Creek, 189; Cathlapoodle precinct, 301; Lacontre, 603; Eastern precinct, 219; House of Providence, 59; Home for the Aged, 8; St. Genevieve Orphan Asylum, 90; St. Joseph's Hospital, 20; St. Vincent's Orphan Asylum, 60. (These five institutions in Vancouver.) Total, 11,635.

COWLITZ COUNTY.

Monticello, 404; Marysville, 71; Freeport, 113; Stella, 354; Oaks Point, 132; Arkansas, 405; Olequa, 178; Congar Flat, 42; Jackson, 5; Castle Rock, 694; Kelso, township eight, 303; township nine, 295; township ten, 557; total for Kelso, 353; Kelso precinct, 240; Oral Creek precinct, 345; Kalama precinct, 766; Lancaster precinct, 467; St. Helens precinct, 164. Total, 5,888.

ISLAND COUNTY.

Coupeville, 509; San Delucia, 246; Oak Harbor, 285; Useless Bay, 115; Utsalady, 217; Clinton, 94; Camino, 124; Lexington Bay, 18; Davis Hugh, 34; Indian Head, 11; Skagit Head, 5; Miller Marsh, 31; Dotch Harbor, 95. Total, 1,774.

JEFFERSON COUNTY.

Port Townsend, first precinct, 1,931; second precinct, 2,567; Irondale, 42; Hadlock, 304; Chemicum, 172; Discovery, 914; Port Townsend, 1,119; not given, enumeration district [end sheet 6] 24, 989; Brumo precinct, 227; Western Washn, 38. Total, 8,304.

KING COUNTY.

Seattle—First ward, 12,380; Second ward, 9,581; Third ward, 9,522; Fourth ward, 12,364; Vashon and Mary Islands, 717; Slaughter, 1,539; Kent precinct, 1,323; White River, 318; Des Moines, 210; Milton, 31; Pialchi, 164; O'Briens, 75; township twenty-three, enumeration district 55, 1,170; West Seattle, 1,100; [end sheet 7, 5.] Dowamish precinct, 1,007; Mercer Island, 132; Ross Station, 218; township twenty-five, enumeration district 57, 322; Boulevard, 331; Ballard, 1,173; Fremont, 805; Edgewater, 193; Latona, 116; Green Lake, 110; Ravenna, 51; Yesler, 147; Pontiac, 50; Woodland, 13; Enumclaw, 588; Osceola, 231; Boise, 121; Dunham precinct, 178; Kangley precinct, 188; Muckles Hant, 42; Franklin, 646; Black Diamond, 565; Denny, 88; Cedar [end sheet 8] River precinct, 357; Cedar Mountain precinct, 147; Newcastle, 849; Gilman precinct, 65; Maple Valley, 56; Arthur precinct, 345; Black Diamond precinct, 18; Mandiam precinct, 33; Kent precinct, 22; Olney precinct, 970; not given, enumeration district 59, 977; same, part of enumeration district 61, 278; enumeration district 64, 1,113; enumeration district 65, 368; enumeration district 66, 433; enumeration district 67, 730; enumeration district 68, [end sheet 9] 371; Academy of Holy Names, 86. Total, 65,031.

KITSAP COUNTY.

Seabeck precinct, 257; Port Gamble, 834; Dog Fish Bay, 245; Port Washington, 581; Port Blakely precinct, 987; Port Madison precinct, 452; Colby precinct, 234; Olala, 160; Big Bottoms, 314; Port Orchard, 353; Sidney, 228. Total, 4,823.

LEWIS COUNTY.

Vance precinct, 219; Mossy Rock precinct, 89; Klickitat precinct, 431; Salkum, 3 [end sheet 10]; Alpha, 411; Toledo precinct, 384; Cowlitz, 383; Salmon Creek, 289; Edonia, 250; Winlock precinct, 877; Little Falls, 440; Napavine precinct, 900; Chehalis precinct, 1,157; Centralia, 2,824; Paraford, 138; Lincoln, 319; Cloquab, 720; Bosport, 520; Elk, 184; not given, enumeration district 78, 650. Total, 11,483.

MASON COUNTY.

Amon City, 214; Dematto, 150; Clifton, 110; North Bay, 342 [end sheet 11]; Mason Lake, 11; Cushman, 8; Spencer Lake, 3; Satsop, 3; Hogg, 1; Indian Reserve, 4; Oakland, 20; Arcadia, 119; enumeration district 82, this district not yet received, but supervisor gives population as 1,828. Total, 2,815.

These three districts, including Kelso, are in enumeration district 17.

PACIFIC COUNTY.

Nemah River, 48; Ilwaco, 517; Cape Disappointment, 21; Long Branch, 107; Long Island, 26; Bear River settlement, 34; South Bay, 61; Bay Center, 165; North River, 51; Topes postoffice, 11 [end of sheet 12]; North Cove, 69; township fourteen, range eleven, 19; Briceport, 36; Waiilatpu River, 31; Chenook River, 66; Chenook Beach, 58; Chenook, 99; Sunshine, 109; Seland, 85; Oysterville, 195; Sea View, 27; Ocean Site, 18; March Land, 20; township twelve, range eleven, 15; Stanley, 18; Nasal River settlement, 32; Nasal, 200; Salmon Creek, 11; Nappleton, 137; Frankport, 60; North Pacific, 3; Willapa Port, 875; South Bend, 836; Riverside, 143; Port Candy, 122. Total, 4,348.

PIERCE COUNTY.

City of Tacoma, First ward, 3,678; Second ward, 13,440; Third ward, 10,213; Fourth ward, 8,529; Seattle, 28; Lake Bay, 194; McNeil Island, 133; Vaughan, 185; Purdy Winter township, 3; Springfield, 11; Springfield Winter township, 5; Winter No. 22, 3; Winter, 152; Rosedale, 21; Gig Harbor Hamlet, 488; Fog Island, 120; Otondale, 295; Lake View, 253; Lake View precinct, 185; Lake Steilacoom precinct, enumeration district 14, 35; Town of Steilacoom, 270; Steilacoom, 109; Steilacoomlet, 66; Cloon Creek precinct, 158; Cloon Creek, 32; Farm Hill, 556; Tacoma extension, 1,060; Tacoma, 626; Elmwood addition, 19; Squire's addition, 27; Lathshame, 34; Wing addition, 42; Gouette addition, 94; Prescott addition, 33; Hayden's addition, 67; Boyle's addition, 115; Motor Line addition, 13; Oakland addition, 26; Noble's addition, 6; Pikeson and McMillan's addition, 49; Rigrocle addition, 57; Roy, 762; Much, 277; Lenwax, 278; End, 15; Muck, 60; Puyallup, 1,990; Alderton, 297; Sumner precinct, 616; Sumnertown, 560; Sumner, 31; Lake Topp, 8; Lake Topp precinct, 1,008; South Prairie, 514; Buckley, 861; Wilkeson, 427; Lawn Mill, 29; township nineteen, enumeration district one hundred and twelve, population 3; Pittsburgh, 90; Orting precinct, 391; Orting Village, 591; Carbonado, 730; township fifteen, range five east, 52; township sixteen, range five east,

156; township seventeen, range five east, 124; Western Washington insane hospital, 400. [End of sheet 16]. Total, 50,775.

SAN JUAN COUNTY.

San Juan Island, 1,005; Orcas Island, 541; Lopex Island, 326; township thirty-five, range one west, 56; township thirty-six, range two west, 74; township thirty-seven, range three west, 65. Total, 2,067.

SKAGIT COUNTY.

Anacortes, 1,133; Whatcom, 3; Bures Island, 2; Vandore Island, 1; Deception, 297; Cypress Island, 29; Gibraltar, 25; Sinclair Island, 36; Fidlage, 114; Guemas Island, 173; LaConnor, 400; Aron, [end 17] 142; Sedro, 333; Woolley, 42; Mt. Vernon, 766; Blosney Lake, 9; Beaver Lake, 24; Sterling, 21; Skagit City, 196; Big Lake, 76; Clear Lake, 126; Franklin, 126; Fir, 280; Lake McMurry, 56; Birdsvew, 29; Lyman, 55; Hamilton, 203; Sauk River, 23; Sauk Prairie, 222; Tiny Creek, 11; Marble Mount, 10; Cascade River, 4; Cascade Forks, 4; Cascade, 39; Portage, 8; Rouse, 14; Baker River, 56; township thirty-three, enumeration district 120, population [end sheet 18] 24; township thirty-three, range six east, 14; township thirty-four, enumeration district 120, population 792; township thirty-five, enumeration district 119, population 493; township thirty-five, range four east, 554; township thirty-five, range five east, 792; township thirty-six, enumeration district 119, 883; township thirty-six, range five east, 1. Total, 8,731.

SKAMANIA COUNTY.

Cape Horn, 232; Bear Prairie, 73; Chenwith, 54; Cascade, 86; Lower Cascade, 78; Wind River, 253. Total, 776.

SNOHOMISH COUNTY.

Edmunds precinct, 336; Muckilteo, 72; Bear Creek, 113; Lowell, 286; Fernwood, 200; Noucher Lake, 73; Port Susan precinct, 19; Mount precinct, 95; North Fork precinct, 186; Florence precinct, 249; Stanwood precinct, 812; Stillagaumish precinct, 774; Pitchurch precinct, 488; Lake precinct, 126; Hightland precinct, 150; Portage precinct, 126; Marysville precinct, 519; Kent's Prairie precinct, 514; Snohomish, 196; Gold Bar, 97; Park Place, 103; Sultan, 236; Yulaco [signature end 20], 214; Silver City, 18; Wallace, 17; Sallate, 1; Horse Shoe Bend mining camp, 7; Snohomish city, 2,003; Snohomish precinct, 269; Industrial Boarding School, 145. Total, 8,511.

THURSTON COUNTY.

City of Olympia—First ward, 2,343; Second ward, 1,154; Third ward, 1,199; Gull Harbor, 850; Budd's Inlet, 93; Nisqually, 8; Tumwater, 535; township 18, enumeration district 134, population 355; township 19, enumeration district 134, population 73; Yelm precinct 671; Bucoda, 968; township 16 [end sheet 21], enumeration district 136, population 75; Grand Mound, 234; Meadow, 50; South Union, 261; Baker, 219; Perion, 39; Tenino, 301; Black River, 65; Mud Bay, 66; Little Rock, 9. Total, 9,968.

WAHIAKUM COUNTY.

Cathlamet, 343; Waterford, 253; Skaomkawa, 513; township 9, enumer-

ation district 139, population 482; township 10, population 735. Total, 2,526.

WHATCOM COUNTY.

Whatcom City, 3,977; New Whatcom, 2,151; Fairhaven, 4,059 [end of 22]; Bellingham, 216; Laminix Island, 77; West Ferndale, 571; East Ferndale, 350; Lummi, 238; Blaine City, 1,559; Excelsior precinct, 144; Port Roberts, 36; Birch Bay, 237; Semiahmoo, 189; Lynden precinct, 819; Perry precinct, 80; Delta precinct, 235; Whatcom, 768; Rome, 236; Ten Mile, 363; Lake precinct, 82; Fort Saken precinct, 349; Woodsack precinct, 669; Lyking precinct, 231; township 39, enumeration district 150, population, 140; township 40, enumeration district 150, population 188; township 41, enumeration district 150, population 39; Barnes, 190; Lumas, 170. Total, 18,351.

ROBERT P. PORTER, Superintendent of Census.

SECOND DISTRICT.

WASHINGTON, D. C., September 3, 1890.

Hon. Elisha P. Ferry, Governor, Olympia, Wash.:

The population of the Second district by counties, precincts and wards:

ASOTIN COUNTY.

Asotin town, 201; Asotin precinct, 433; Pleasant precinct, 128; Lake precinct, 135; Cottonwood precinct, 12; Theon precinct, 228; Arotom precinct, 167; Grand Road precinct, 271. Total, 1,575.

ADAMS COUNTY.

Township fifteen, 216; township sixteen, 25; township seventeen, 133; township eighteen, 106; township nineteen, 201; township twenty, 63; Ritzville, 723; Washtunca, 171; Hadper, 38; Paha, 9. Total, 1,085.

COLUMBIA COUNTY.

South Dayton City, 1,870; Dayton, 81; Dayton precinct, 1,188; Mountain precinct, 145; Patit precinct, 287; Harmony precinct, 259; Huntsville precinct, 128; Huntsville, 268; McCoy, 290; South Hollow, 92; Smith Hollow precinct, 92; Alto, 132; Starbuck, 233; Lost Spring, 129; Tuckanow, 9; Brooklyn, 48; Highland precinct, 300; Highland, 14; Marengo precinct, 118; Burksville precinct, 185; Delaney precinct, 119; Cahill precinct, 7; Bundy precinct, 331; Pine Grove, 270; Mountain, 95. Total, 6,697.

DOUGLAS COUNTY.

Parnell precinct, 18; Mountain precinct, 246; Moses Lake, 1; Orends precinct, 26; Fairview precinct, 191; Midland precinct, 241; Foster Creek precinct, 102; Foster Creek, 88; Douglas precinct, 88; Douglas, 33; Waterville precinct, 538; Waterville, 1; Chester precinct, 21; Chester, 59; Conler precinct, 282; Okanogan precinct, 130; Okanogan, 43; Paradise Valley, 192; Paradise Valley precinct, 102; Wanor precinct, 90; Condel, 4; Herod, 39; Voorhees, 26; Columbia, 130; McIntor, 22; Crab Creek, 4; Beaver, 40; Cooley City, 76; township twenty-one, enumeration district 33, 50; township twenty-two, enumeration district 33, 15; township twenty-three

enumeration district 33, 43; township twenty-four, enumeration district 32, 147; township twenty-five, enumeration district 33, 66; township twenty-seven enumeration district 32, 2; south fifth standard parallel, 53. Total, 3,161.

FRANKLIN COUNTY.

Wishtnia precinct, 110; Fishhook precinct, 105; Pasco precinct, 478. Total, 693.

GARFIELD COUNTY.

Ilia, 12; Pomeroy, 642; Pataha, 273; township 12, enumeration district 26, population 457; township 13, enumeration district 26, population 380; township 14, enumeration district 26, population 100; enumeration district 24, population 1,390; enumeration district 27, population 644. Total, 3,898.

KITTITAS COUNTY.

Eastern precinct, 172; Ellensburgh, 2,758; Mastin, 77; precinct seventeen, 504; precinct eighteen, 992; precinct nineteen, 411 (these three precincts in enumeration district thirty); Rosa Station, 12; township fifteen, 15; township sixteen, 21; township seventeen, 256; township eighteen, 328; township nineteen, 117; township twenty, 45 (these six precincts in enumeration district twenty-nine); Cleellum, 337; Deerlick Swamp, 2; Fish Lake, 17; Lake Mokches, 2; Mission Creek, 185; McCallum's, 8; Ryepatch, 3; Ronald, 409; Roslyn, 1,481; Seaton Mill, 28; Silver Dump, 99; Swank precinct, 34; Tionaway, 14; Winatches, 81; unsurveyed, 38; Winatches Point, 203. Total, 8,761.

Klickitat County.

Highland, 207; Roskland, 112; Centerville, 405; Paradise, 122; White Salmon, 189; Trout Lake, 63; Timber Valley, 130; Spring Creek, 676; Camas Prairie, 318; Gondenville, 1,818; Columbus, 209; Lima, 222; Dock House, 140; Alder Creek, 336; Cleveland, 312; Gournt, 81; Hardison, 19; Dot, 284; Brincklan, 14. Total, 5,150.

LINCOLN COUNTY.

Sprague, 1,722; Monelovi, 16; Reardon, 31; Preston, 1; Pilson Co., 5; Earl, 180; Davenport, 502; Larene, 255; Egypt, 264; Brent, 299; Miles, 73; Harrington, 314; Wolfe, 22; Geer, 45; Thomas, 34; Wheatage, 27; Stookey, 6; Lower Wilson Creek, 26; Goovan, 33; Wilson Creek, 28; Almira, 156; Sherman, 60; Sherman precinct, 17; Sherman township, 152; Wilbur township, 15; Wilbur, 405; Hesseltine township, 68; Hesseltine precinct, 27; Hesseltine, 162; Grand Coulee, 178; Garwood, 107; Enos, 130; Hisshaw, 166; Crab Creek, 65; Moses, 41; Grand Bluff, 86; part of Spokane, 341; township twenty-one (enumeration district 35), 250; township twenty-two (enumeration district 35), 170; enumeration district 36, 262; total for township, 432; township twenty-three (enumeration district 36), 498; township twenty-four, 356 in enumeration district 36 and 240 in enumeration district 37; total for township, 596; township twenty-five, range 35 east, 203; township twenty-five (enumeration district 37), 366; township twenty-six (enumeration district 37), 502; township twenty-six, range 34 east, 322; township twenty-seven, range 35 east, 1; township twenty-seven (enumeration district 37), 74. Total, 9,313.

OKANOGAN COUNTY.

Ruby, 191; Conconnully, 235; Looploop, 138; Spring Cowles, 4; Methou, 132; Bear Creek, 15; Chitawist, 52; Upper Methune, 27; Okanogan, 39; Scotch Creek, 7; Sweet Creek, 11; Fish Lake, 1; French Creek, 3; Columbia, 51; Alma, 62; Toatscohtats City, 5; Loomis, 47; Palmer Creek, 40; Ivanhoe, 9; Wannicut, 21; Osveras, 16; Spectacle Lake, 11; Raytown, 28; Similikeen, 26; Pine Lake, 21; Horse Springs, 30; Lime Belt, 4; Duck Lake, 6; Pinnacle, 91; Chelan, 149; Antioch, 49. Total, 1,465.

SPOKANE COUNTY.

Rockport precinct, 1,309; Mount Hope, 244; Latah precinct, 721; Richland precinct, 89; Fairfield postoffice, 325; Farister, 6; Chattenoi, 52; Mayor, 230; Hazard, 160; Spangle, 681; Rock Creek, 173; Spring Valley, 215; Buckeye, 223; Rock Lake, 81; Cheney, 650; Medical Lake, 594; Cooley precinct, 483; Deep Creek, 464; Medical precinct, 223; township twenty-seven, range forty-two, 10; township twenty-seven, range forty-three, 206; township twenty-seven, range forty-four, 265; township twenty-seven, range forty-five, 10; township twenty-eight, range forty-two, 165; township twenty-eight, range forty-three, 127; township twenty-eight, range forty-four, 193; township twenty-nine, range forty-two, 70; township twenty-nine, range forty-three, 117; township twenty-nine, range forty-four, 57; (enumeration district 42), 1,274; (enumeration district 43), 1,157; township twenty-one, (enumeration district 46,) 103; township twenty-two, (enumeration district 46,) 248; township twenty-three, (enumeration district 46,) 530; township twenty-three, (enumeration district 47,) 406; township twenty-four, (enumeration district 46,) 186; township twenty-four, (enumeration district 47,) 1,150; township twenty-five, (enumeration district 49,) 982; township twenty-five, (enumeration district 50,) 74; (unsurveyed enumeration district 44), 2; Spokane City—First ward, 5,199; Second ward, 4,867; Third ward, 3,456; Fourth ward, 6,396; Spokane Falls, 2,709. Total, 37,402.

STEVENS COUNTY.

Stranger's Creek, 66; Macey, 283; Hunter, 138; Fruitland, 149; Harvey, 160; Kettle Falls, 69; Marcus, 361; Chewelah, 483; Springdale, 206; Loon Lake, 188; Watt's Lake, 33; Eagle Mount, 46; Thetis precinct, 114; Comus Prairie, 126; Walker's Prairie, 168; Jump Off, 49; Valley Station, 43; Old Town Colville, 35; Colville, 542; Colville precinct, 492; Dalles, 208; Little Dalles, 6; Netatine district, 7; Echo Valley, 40; Chewelah, 107; Boar Creek, 4; (enumeration district 11), 286. Total, 4,307.

WALLA WALLA COUNTY.

Walla Walla, 7,239; Wallula, 519; township six, 478; township seven, 544; township eight, 281; township nine, 181; township ten, 3. (These five townships all in enumeration district 6). Waitsburg, 2,272; Walla Walla penitentiary, 267; Walla Walla fort, 431. Total, 12,215.

WHITMAN COUNTY.

Union Town, 279; Johnson's Siding, 5; Pullman, 866; Clinton, 200; Staly, 236; Ewertsville, 234; Seat, 42; Colton, 4; Beuridell, 141; Wawai,

75; Grey precinct, 422; Onecho precinct, 238; Colfax precinct, 2,253; Pullman precinct, 124; Almota precinct, 186; Branham precinct, 464; Palouse City, 1,117; Farmington, 415; Garfield, 317; Belmont, 31; Elberton, 399; Colfax, 49; Oakesdale, 530; Tekoa, 301; Village of Roslyn, 248; Pampa precinct, 284; Texas Ferry precinct, 103; Sutton precinct, 77; Penewawa precinct, 185; Harper precinct, 125; township eleven, 71; township twelve, 361; township thirteen, 752. (All in enumeration district 56). Township nineteen (720 in enumeration district 61, and 469 in enumeration district 64), total for township, 1,189; township twenty (735 in enumeration district 61, and 512 in enumeration district 64), total for township, 1,247; precinct four and one-half, 272; precinct five, 374; precinct five and one-half, 306 (these three precincts in enumeration district 60); (enumeration district 63), 1,148; (enumeration district 65) 885; (enumeration district 66), 1,066; township sixteen (enumeration district 59), 887; township seventeen (enumeration district 59), 585. Total, 19,072.

YAKIMA COUNTY.

North Yakima precinct, 95; Yakima precinct, 396; Moxee precinct, 505; township six, 1; township seven, 112; township eight, 150; township nine, 31 (these four townships in enumeration district 15); Prosser, 33; Tenee, 63; railroad section five, Corriche, 220; Wide Hollow, 117; Ashtamun, 148; Marks precinct, 82; Tampoca, 159; Nothill, 38; Natchez, 407; Wenas, 362. Total, 4,455. ROBERT P. PORTER, Superintendent of Census.

SUMMARY.

Population of the State of Washington by Counties, forwarded by Hon. Robert P. Porter, Superintendent of Census.

FIRST SUPERVISOR'S DISTRICT.

Chehalis	9,226	Pacific	4,348
Clallam	2,757	Pierce	50,775
Clarke	11,635	San Juan	2,067
Cowlitz	5,888	Skagit	8,731
Island	1,774	Skamania	776
Jefferson	8,304	Snohomish	8,511
King	65,031	Thurston	9,668
Kitsap	4,623	Wahkiakum	2,526
Lewis	11,463	Whatcom	18,351
Mason	2,813		

SECOND SUPERVISOR'S DISTRICT.

Adams	2,085	Lincoln	9,313
Asotin	1,575	Okanogan	1,465
Columbia	6,697	Spokane	37,402
Douglas	3,161	Stevens	4,307
Franklin	693	Walla Walla	12,215
Garfield	3,898	Whitman	19,072
Klickitat	5,150	Yakima	4,455
Kittitas	8,761		

[NOTE.—The names of the towns and precincts telegraphed to Governor Ferry by Supt. of Census Porter are given precisely as they came over the wires to the Governor and were by him forwarded to the Senate.]

The president notified the Senate that the governor was having 500 copies printed for the use of the House and Senate, and the secretary was instructed to dispense with reading the tabulated census report pending the printing of the same.

Senator Houghton moved that a special committee of five on the part of the Senate be appointed to meet with a committee appointed by the House, to consider the apportionment of the state, and report by bill or otherwise.

Senator Kinnear moved to amend by referring the subject matter to the committee of the whole, which was lost by a rising vote of yeas 9, nays 12.

The original motion was then adopted.

Senator Houghton moved that the House be invited to meet in joint convention to consider the question of apportionment. The motion was ruled out of order.

The secretary of the Senate then read the following:

Gentlemen of the Senate of Washington:

In accordance with the request of the Senate, of 3d inst., to give the history of Senate bill No. 147, entitled "An act to prevent the obstruction of highways and to abate nuisances and to provide a penalty," I beg leave to say that the joint Committee of Roads, Bridges and Highways offered said bill in the Senate January 30, 1890; that it passed through the usual course of bills, as shown by the journal of the Senate, passed both houses, was duly enrolled, reached the governor, and was returned to the Senate by him on March 20th (page 543 Senate journal), approved except as to sections 7, 9 and 10.

It does not appear upon the records that any action with reference to the bill was taken by the Committee on Enrolled Bills after the Senate on March 20th reconsidered the vote by which sections 7, 9 and 10 of the bill were passed, and the Senate refused to pass them notwithstanding the objections of the governor (page 544 Senate journal); or, in other words, what remained of the enrolled bill is lost sight of from that time.

Respectfully,

C. M. BARTON,

Olympia, September 5, 1890.

Secretary of the Senate.

The communication was placed on file.

On motion of Senator L. F. Thompson, John N. Conna was declared the sergeant-at-arms of the Senate, and was then duly sworn in.

On motion of Senator Van Houten, Willie Hagemeyer was retained as page for the Senate.

Senator Thompson moved to adjourn until Monday, at 10 A. M.

Senator Wilson moved to adjourn, which was adopted on a rising vote of yeas 17, nays 8, and at 11:15 A. M. the Senate adjourned.

FOURTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 6, 1890. }
11:15 o'clock A. M.

Senate called to order pursuant to adjournment, the president in the chair.

Roll called; Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Kinnear, Landes, Long, Luce, Owings, Payne, Preston, Rinehart, Seaborg, Van Houten, Vestal, Watt, Whalley, Wilson, Wolfe, Wood, and Wooding present, and Senators Drum, Hyde, Jones, Kneeland, Lawrence, Parkinson, Snow, Thompson (G. T.), and Thompson (L. F.) absent.

Minutes of yesterday read and approved.

On motion of Senator Owings, the vote by which the president was authorized to appoint a committee of five senators to act with a like committee of the House in considering the apportionment of the state was reconsidered, and the motion was then placed on final passage and lost.

On motion of Senator Fairweather, Hon. J. B. Montgomery, member elect of the Oregon legislature, was invited to take a seat within the bar of the Senate.

Senator Kinnear offered Senate concurrent resolution No. 3, which was read and referred to the Committee on Resolutions and Memorials, consisting of Senators Forsyth, Seaborg and Rinehart.

SENATE CONCURRENT RESOLUTION NO. 3.

Inasmuch as the State of Washington, of all her sister states, lies farther to the Northwest, and her people are the last to see the sun set from her shores in the bosom of the wide Pacific, from which she might be appropriately called "The Sunset State." And inasmuch as other

states are known by such names as the Empire state, the Corn Cracker, the Hoosier, the Sucker, the Puke, the Buckeye, and the Golden state: And whereas, it seems meet and proper for the first legislature of Washington to suggest a preference in this behalf, be it therefore

Resolved by the Senate, the House concurring, That the sobriquet of "The Sunset State" be and is hereby suggested for the State of Washington, as appropriate and suggestive.

INTRODUCTION OF BILLS.

Senator Rinehart introduced Senate bill No. 1, A bill to apportion and district the members of the Senate and House of Representatives of the State of Washington, and declaring an emergency therefor.

Read first time; rules suspended and read second time by title, and referred to committee of the whole, and 250 copies ordered printed.

Senator Houghton moved to adjourn until Monday, at 2 o'clock P. M.

Senator Owings moved to amend to adjourn subject to the call of the president.

Senator Kinnear moved that the Senate take a recess for thirty minutes, which was adopted, and at 10:15 the Senate took a recess till 10:45.

AFTER RECESS

Senate called to order at 10:45 A. M., the president in the chair.

The printed copies of the tabulated census report having been distributed, Senator Payne moved to adjourn till Monday, at 2 o'clock P. M., which was adopted by a rising vote of 9 in the affirmative, and 4 in the negative; and at 10:30 the Senate adjourned till Monday, Sept. 8, at 2 o'clock P. M.

SIXTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 8, 1890. }
2 o'clock P. M.

Senate called to order at 2 o'clock P. M. pursuant to adjournment, the president in the chair.

Roll called; Senators Baker, Clough, Drum, Fariss, Hunsaker, Jones, Sands, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (L. F.), Van Houten, Vestal, Watt, Whalley, Wilson, Wolfe, Wood, and Wooding present, and Senators Austin, Fairweather, Guilfoil, Houghton, Hyde, Kinnear, Kneeland, Lawrence, Long, Snow, and Thompson (G. T.) absent.

Senators Austin, Fairweather, Kinnear and Kneeland granted one day's leave of absence.

Lieutenant Governor Dickey, of Dakota, was invited to take a seat with the president of the Senate.

Journal of Saturday, September 6th, read and approved.

The Committee on Memorials made the following report regarding Senate concurrent resolution No. 3, which, on motion of Senator Wood, was laid on the table.

REPORT OF COMMITTEE ON MEMORIALS.

We, your standing Committee on Memorials, to whom was referred Senate concurrent resolution No. 3, relating to the subject of an appropriate sobriquet for the State of Washington, would respectfully report that we have carefully considered the same, and while we fully concur as to the necessity for selecting our own name early so that no one may forestall us by the application of an unpleasant nick-name, yet we are of the opinion that the names cited in the joint resolution refer to the *people* rather than to the *states*. "Hoosiers," "Buckeyes," "Suckers," "Hawkeyes," "Webfeet" and "Wolverines" designate both the people and the states from which they hail. It is not unlikely that Alaska may yet become a state of our Union and the sunset upon our continent will then be watched from her shores when our state is wrapped in darkness. Many amendments have been suggested to your committee, such as the "Sound state," the "Evergreen state," the "Finback" and "Cohog state," the "New Keystone," "Lumber state" and the "Cascade state." It has been suggested that "Sunset" is too late in the day, unless we select as our motto the suggestive legend, "Sur Genus"—*We will rise*. We would therefore report the resolution back to the Senate without recommendation.

C. E. FORSYTH,

W. V. RINEHART,

B. A. SEABORG.

MESSAGE FROM THE HOUSE.

The clerk of the House appeared with the following message:

HOUSE OF REPRESENTATIVES, September 8, 1890.

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House has refused to concur in Senate concurrent resolution No. 1, relative to no

business being introduced until after the passage of an apportionment bill.

CHAS. E. CLINE, Chief Clerk.

Senator Fariss then moved to adjourn, which was lost.

Senator Payne moved that the Senate take a recess for one hour, which, on motion of Senator Wilson, was amended to read fifteen minutes, and was adopted, and at 2:15 the Senate stood at recess for 15 minutes.

At 2:30 Senate called to order, and the Senate being informed that the House had adjourned until to-morrow at 2 P. M., the Senate, on motion of Senator Payne, at 2:30 adjourned until to-morrow at 2 P. M.

SEVENTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 9, 1890. }
2 o'clock P. M.

Senate called to order at 2 P. M. pursuant to adjournment, the president in the chair.

Roll called; Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Hunsaker, Jones, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, Whalley, Wilson, Wolfe, and Wooding present, and Senators Drum, Hyde, Lawrence, Snow, and Wood absent.

All senators absent were excused for the day.

Senator Kinnear offered the following resolution, which was unanimously adopted:

Resolved, That the state librarian be allowed the use of the desk of the secretary of the Senate during the recess of the Senate.

MESSAGE FROM THE HOUSE.

The clerk of the House appeared with the following message:

HOUSE OF REPRESENTATIVES, September 6, 1890.

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House has

passed Senate concurrent resolution No. 2, Relative to distribution of Senate and House journals of the first session, with amendments to section 3, section 5 and section 6, and the same is transmitted to the Senate for your action.

CHAS. E. CLINE, Chief Clerk.

INTRODUCTION OF BILLS.

Senator Kinnear offered (by request) the following Senate bills:

Senate bill No. 2, An act concerning the crime of rape, amending section 812 of the Code of Washington.

Read first time; rules suspended, read second time by title, and referred to the Committee on Judiciary.

Senate bill No. 3, An act concerning pleadings in civil actions, amending sections 76 and 77 of the Code of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 4, An act relating to the manner of commencing civil actions in the superior court.

Read first time; rules suspended, read second time by title, and referred to the Committee on Judiciary.

Senate bill No. 4, An act concerning the admissibility of evidence in actions and proceedings.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 6, An act concerning the crime of larceny, amending sections 830 and 831 of the Code of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 7, An act relating to the time of commencing actions, amending section 25 of the Code of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 8, An act with regard to the crime of setting fire to one's own building, amending section 825 of the Code of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senator Rinehart introduced, for the Committee on Claims of the Senate, Senate bill No. 9, A bill appropriating money to defray expenses of the special session of the legislature of the State of Washington.

Read first time; rules suspended, read second time by title, and

referred to the committee of the whole. Read in committee of the whole, and reported back favorably. Read third time; rules suspended, and placed on final passage.

Passed by vote of yeas 24, nays 0, as follows:

Those voting in the affirmative were: Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Hunsaker, Jones, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Preston, Rinehart, Thompson (G. T.), Van Houten, Vestal, Watt, Wolfe, Wooding—24.

Absent or not voting: Senators Drum, Houghton, Hyde, Lawrence, Payne, Seaborg, Snow, Thompson (L. F.), Whalley, Wilson, Wood—11.

The title of the bill was read and adopted.

Senator Rinehart introduced Senate bill No. 10, To amend section 5 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 250 or more," and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senator Long asked leave to introduce the original Senate bill No. 147, but the bill being cumbered with riders, the president requested Senator Long to prepare the bill for introduction.

MESSAGE FROM THE GOVERNOR.

The following communication from the governor was then read:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, September 8, 1890.

To the Senate of the State of Washington:

I have this day appointed A. A. Phillips, Esq., of Thurston county, a regent of the university of the State of Washington, in place of John F. Gowey, Esq., resigned. I ask that the Senate advise and consent to this appointment.

Very respectfully,

ELISHA P. FERRY, Governor.

The Senate went into executive session with open doors, and the appointment of the governor was confirmed by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Fariss, Forsyth, Guilfoil, Hunsaker, Jones, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Rinehart, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Wolfe, Wooding—22.

Absent or not voting: Senators Austin, Drum, Fairweather, Houghton, Hyde, Lawrence, Preston, Seaborg, Snow, Watt, Whalley, Wilson, Wood—13.

The House amendments to sections 3, 5 and 6 of Senate concurrent resolution No. 2 were concurred in by the Senate.

The resignation of J. G. McClinton, as engrossing clerk, was read and placed on file.

The following communication from the board of trade of the city of Olympia was read, and, on motion of Senator Rinehart, accepted; and, on motion of Senator Owings, the secretary of the Senate was instructed to notify the proper officers of such acceptance.

BOARD OF TRADE ROOMS,
OLYMPIA, September 9, 1890.

To the President and Members of the Senate of the State of Washington:

SIRS: The board of trade of the city of Olympia hereby extend to you a cordial invitation to be present at the banquet to be given this evening at 9 o'clock at the Hotel Olympia.

Very respectfully,
T. I. MCKENNY, Vice President.

The Judiciary Committee reported favorably on Senate bills Nos. 2, 3, 4, 5, 6, 7 and 8, and, on motion of Senator Kinnear, the rules were suspended, and Senate bill No. 2, Concerning the crime of rape, amending section 812 of the code, was read third time; placed on final passage, and passed by the following vote:

Those voting in the affirmative were: Senators Clough, Fairweather, Forsyth, Guilfoil, Hunsaker, Jones, Kinnear, Kneeland, Luce, Owings, Parkinson, Preston, Rinehart, Thompson (G. T.), Van Houten, Vestal, Whalley, Wolfe, and Wooding—19.

Those voting in the negative were: Senators Austin, Landes, Thompson (L. F.), and Watt—4.

Absent or not voting: Senators Baker, Drum, Fariss, Houghton, Hyde, Lawrence, Long, Payne, Seaborg, Snow, Wilson, and Wood—12.

On motion of Senator Kinnear, the rules were suspended, and Senate bill No. 3, Concerning pleadings in civil actions, amending sections 76 and 77 of the code, was read third time.

Senator Austin moved that Senate bill No. 3 be laid on the table. The yeas and nays being called for without objection, the roll was called, and the motion lost by the following vote:

Those voting in the affirmative were: Senators Austin, Fariss, Landes, Van Houten, Watt, Wilson, and Wooding—7.

Those voting in the negative were: Senators Clough, Fairweather, Forsyth, Guilfoil, Hunsaker, Jones, Kinnear, Kneeland, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Thompson (G. T.), Thompson (L. F.), Vestal, and Wolfe—19.

Absent or not voting: Senators Baker, Drum, Houghton, Hyde, Lawrence, Seaborg, Snow, Whalley, and Wood—9.

On motion of Senator Rinehart, the Senate, at 2:55 p. m., took a recess for five minutes, to allow Code Commissioner W. Lair Hill to address the members of the Senate regarding Senate bills Nos. 2, 3, 4, 5, 6 and 7.

At 3 p. m. Senate called to order, and Senate bill No. 3 placed on final passage, and lost by the following vote:

Those voting in the affirmative were: Senators Clough, Fairweather, Guilfoil, Hunsaker, Jones, Kneeland, Long, Luce, Parkinson, Payne, Rinehart, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, and Wolfe—16.

Those voting in the negative were: Senators Austin, Forsyth, Kinnear, Landes, Seaborg, Wooding—6.

Absent or not voting: Senators Baker, Drum, Fariss, Houghton, Hyde, Lawrence, Owings, Preston, Snow, Watt, Whalley, Wilson, and Wood—13.

Senator Kinnear, who had changed his vote, gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 3 was lost.

On motion of Senator Kinnear, a call of the Senate was had, 27 senators answering and 8 absent, as follows:

Present: Austin, Clough, Fairweather, Forsyth, Guilfoil, Hunsaker, Jones, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, Whalley, Wilson, Wolfe, and Wooding—27.

Absent: Baker, Drum, Fariss, Houghton, Hyde, Lawrence, Snow, and Wood—8.

On motion of Senator Rinehart, further action under the call of the Senate was dispensed with, and those absent excused.

On motion of Senator Kinnear, the rules were suspended, and Senate bill No. 4, Relating to the manner of commencing civil actions in the superior court, was read third time and placed on final passage, and passed by the following vote:

Those voting in the affirmative were: Senators Clough, Fairweather, Guilfoil, Hunsaker, Jones, Kinnear, Kneeland, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Whalley, Wolfe, and Wooding—22.

Those voting in the negative were: Senator Forsyth—1.

Absent or not voting: Senators Austin, Baker, Drum, Fariss, Houghton, Hyde, Landes, Lawrence, Snow, Watt, Wilson, and Wood—12.

On motion of Senator Kinnear, the rules were suspended, and Senate bill No. 5, Concerning the admissibility of evidence in actions and proceedings, was read third time and placed on final passage, and lost by the following vote:

Those voting in the affirmative were: Senators Fairweather, Forsyth, Guilfoil, Hunsaker, Jones, Kinnear, Long, Owings, Payne, Rinehart, Thompson (L. F.), Vestal, Whalley, and Wolfe—14.

Those voting in the negative were: Senators Austin, Clough, Fariss, Kneeland, Landes, Parkinson, Preston, Seaborg, Thompson (G. T.), Van Houten, and Wooding—11.

Absent or not voting: Senators Baker, Drum, Houghton, Hyde, Lawrence, Luce, Snow, Watt, Wilson, and Wood—10.

Senator Owings moved to adjourn until to-morrow at 2 P. M., which was lost on a rising vote of 11 yeas, 14 nays.

Senator Wilson moved to adjourn, which was adopted on a rising vote of 18 in the affirmative, and at 3:30 P. M. the Senate adjourned.

EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 10, 1890. }
10 o'clock A. M.

Senate called to order at 10 A. M. pursuant to adjournment, the president in the chair.

Roll called; Senators Austin, Baker, Clough, Drum, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Jones, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Preston,

Rinehart, Seaborg, Thompson (L. F.), Van Houten, Vestal, Watt, Whalley, Wilson, Wolfe, Wood, and Wooding present, and Senators Hyde, Lawrence, and Snow absent.

On motion of Senator Long, the reading of the journal of yesterday's proceedings was dispensed with.

On motion of Senator Kinnear, the following was adopted:

Resolved, That the assistant secretary of the Senate be and is hereby authorized to write up the journal of this extraordinary session, and that he be allowed the sum of fifty dollars for such work.

REPORTS OF COMMITTEES.

The Committee on Enrolled Bills made the following report:

MR. PRESIDENT:

Your Standing Committee on Enrolled Bills begs leave to report, that Senate concurrent resolution No. 2, providing for the distribution of the House and Senate journals of the session of 1889-90, has been carefully compared with the engrossed copy thereof, and found correctly enrolled.

W. V. RINEHART, Chairman,
J. HUNSAKER.

The Committee on Judiciary report Senate bill No. 10 without recommendation.

Senate bill No. 10, read third time and, on motion of Senator Rinehart, the number of section "2" was changed to "5," and section "3" to number "2."

Placed on final passage, and passed by vote of ayes 24, nays 0, as follows:

Those voting in the affirmative were: Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Kinnear, Landes, Long, Owings, Parkinson, Rinehart, Seaborg, Thompson (L. F.), Van Houten, Vestal, Watt, Whalley, Wilson, Wolfe, and Wooding—24.

Absent or not voting: Senators Drum, Hyde, Jones, Kneeland, Lawrence, Luce, Payne, Preston, Snow, Thompson (G. T.), and Wood—11.

Title of the bill adopted.

The emergency clause was passed by vote as follows:

Those voting in the affirmative were: Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Jones, Kinnear, Landes, Long, Luce, Owings, Parkinson, Preston, Rinehart, Seaborg, Thompson (L. F.), Van Houten, Vestal, Watt, Whalley, Wilson, Wolfe, and Wooding—27.

Absent or not voting: Senators Drum, Hyde, Kneeland, Lawrence, Payne, Snow, Thompson (G. T.), and Wood—8.

Senator Long, as special committee, reported Senate bill No. 11, being an engrossed copy of Senate bill No. 147 of the late session, which, under suspension of the rules, was read first and second time by title, read third time, placed on final passage, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Jones, Kinnear, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (L. F.), Vestal, Watt, Wilson, Wolfe, and Wooding—26.

Absent or not voting: Senators Drum, Hyde, Kneeland, Lawrence, Snow, Thompson (G. T.), Van Houten, Whalley, and Wood—9.

The title of the bill was adopted, and the emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Jones, Kinnear, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (L. F.), Vestal, Watt, Wilson, Wolfe, and Wooding—26.

Absent or not voting: Senators Drum, Hyde, Kneeland, Lawrence, Snow, Thompson (G. T.), Van Houten, Whalley, and Wood—9.

MESSAGE FROM THE HOUSE.

The clerk of the House appeared with the following message:

HOUSE OF REPRESENTATIVES, OLYMPIA, September 10, 1890.

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House has passed House bill No. 1, An act to prescribe the number of senators and members of the house of representatives of the State of Washington, to provide for the election of the same, and for the apportionment of the state into senatorial and representative districts, and declaring an emergency.

The speaker has signed Senate concurrent resolution No. 2, and the same is transmitted to the Senate for your action.

CHAS. E. CLINE, Chief Clerk.

The Committee on Mileage made the following report, which was adopted:

REPORT OF COMMITTEE ON MILEAGE.

To the Senate:

Your Committee on Mileage beg leave to report the mileage of each member as follows:

H. H. WOLFE, Chairman,
L. B. CLOUGH,
C. E. FORSYTH.

<i>Names.</i>	<i>No. Miles.</i>	<i>Names.</i>	<i>No. Miles.</i>
C. G. Austin.....	892	N. H. Owings	2
John S. Baker.....	72	Platt A. Preston.....	788
L. B. Clough.....	284	Thomas Payne.....	330
Harry Drum.....	72	W. J. Parkinson.....	460
H. W. Fairweather.....	840	W. V. Rinehart.....	128
A. T. Fariss.....	1,090	B. W. Seaborg.....	324
C. E. Forsyth.....	142	J. M. Snow.....	96
O. D. Guilfoil.....	240	L. F. Thompson.....	780
H. E. Houghton.....	922	George T. Thompson.....	200
Jacob Hunsaker.....	426	Samuel Vestal.....	922
E. B. Hyde.....	186	B. C. Van Houten.....	986
J. H. Jones.....	128	Alexander Watt.....	376
J. R. Kinnear.....	44	E. T. Wilson.....	808
W. H. Kneeland.....	236	H. H. Wolfe.....	1,114
Henry Landes.....	62	John T. Whalley.....	128
J. C. Lawrence.....	936	W. C. Wood.....	146
J. H. Long.....		C. T. Wooding.....	
F. H. Luce.....			

House bill No. 1, To reapportion the state, was taken up.

The Senate went into committee of the whole and considered the bill. Senator Kinnear in the chair.

The bill having been considered, the committee arose and reported the bill to the Senate, with the following amendments, which were adopted:

In section 4 strike out the words "and Adams," and insert the word "and" between Lincoln and Okanogan.

Make the paragraph commencing "The county of Steven" read as follows: "The county of Stevens and precincts of Spokane, Twin Prairie, Chatteroy Bridge, Peone Prairie, Five Mile Prairie and Pleasant Prairie shall constitute the second senatorial district, and shall be entitled to one senator."

Make the next paragraph read, "The precincts of Ross Park, Bernard, Fairview, River, College, Bellevue, Nosler and Abernathy shall constitute the third senatorial district, and shall be entitled to one senator."

Make the next paragraph read, "The precincts of Montrose, Motor, Saunders, Cliff, Post, Monroe, Park and Ash shall constitute the fourth senatorial district, and shall be entitled to one senator."

In the ninth senatorial district, beginning with "The county of Lincoln," make it read, "The counties of Franklin, Adams," etc.

In section 5, relative to district No. 2, make it read, "The county of Stevens and precincts of Spokane, Twin Prairie, Chatteroy Bridge, Peone Prairie, Five Mile Prairie and Pleasant Prairie shall constitute the second representative district, and shall be entitled to one representative."

Make the next paragraph read, "The precincts of Ross Park, Barnard, Fairview, River, College, Bellevue, Nosler and Abernathy shall constitute the third senatorial district, and shall be entitled to one senator."

Make the next paragraph read, "The precincts of Montrose, Motor, Saunders, Cliff, Post, Monroe, Park and Ash shall constitute the fourth representative district, and shall be entitled to one representative."

District No. 11 was changed to district No. 10.

District No. 34 was changed to No. 35, and all the other districts renumbered.

The bill was then read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Jones, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Rinehart, Seaborg, Thompson (L. F.), Van Houten, Vestal, Watt, Whalley, Wilson, Wood, and Wooding—28.

Those voting in the negative were: Senators Drum, Preston, and Wilson—3.

Absent or not voting: Senators Hyde, Lawrence, Snow, and Thompson (G. T.).

The emergency clause was passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Clough, Drum, Fairweather, Fariss, Forsyth, Guilfoil, Houghton, Hunsaker, Jones, Kinnear, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Thompson (L. F.), Van Houten, Vestal, Watt, Whalley, Wilson, Wood, Wooding—30.

Those voting in the negative were: Senator Wolfe—1.

Absent or not voting: Senators Hyde, Lawrence, Snow, and Thompson (G. T.)—4.

The title of the bill was then adopted.

MESSAGE FROM THE HOUSE.

The clerk of the House appeared with the following message:

HOUSE OF REPRESENTATIVES, OLYMPIA, September 10, 1890.

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House has passed Senate bill No. 9, Appropriating money for legislative expenses; also, Senate bill No. 10, Amending the law in relation to registration of voters; and has also passed the emergency clause thereof; and the same are returned to the Senate for your action.

CHAS. E. CLINE, Chief Clerk.

Senator Rinehart offered the following:

CONCURRENT RESOLUTION NO. 4.

Resolved by the Senate, the House of Representatives concurring, That we send our congratulations to the fearless and intrepid Tom Reed, speaker of the House of Representatives of the United States, upon his splendid victory.

Adopted.

On motion of Senator Whalley, the Senate, at 12:40, took a recess until 4 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 9, 1890. }
4 o'clock P. M.

Senate called to order at 4 P. M. pursuant to adjournment, the president in the chair.

Roll called; Senators Austin, Baker, Clough, Fairweather, Fariss, Forsyth, Drum, Houghton, Hunsaker, Kneeland, Landes, Long, Luce, Owings, Parkinson, Payne, Preston, Rinehart, Seaborg, Van Houten, Vestal, Watt, Whalley, Wolfe, Wood, and Wooding present, and Senators Guilfoil, Hyde, Jones, Kinnear, Snow, Thompson (G. T.), Thompson (L. F.), and Wilson absent.

MESSAGE FROM THE GOVERNOR.

The following communication from the governor was read:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, September 10, 1890.

The Honorable the Senate of the State of Washington:

I have this day approved Senate concurrent resolution No. 2.

Very respectfully, ELISHA P. FERRY,
Governor.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

The following reports from the Committee on Enrolled Bills were then read and adopted:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 9, entitled "An act appropriating funds to pay the expenses of the special session of the legislature, etc.," has been carefully compared with the engrossed copy thereof, and found correctly enrolled.

W. V. RINEHART, Chairman,
J. HUNSAKER.

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 10, entitled "An act to amend section 5 of an act to provide for and to regulate the registration of voters, etc.," has been carefully compared with the engrossed copy thereof, and found correctly enrolled.

W. V. RINEHART, Chairman,
J. HUNSAKER.

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolution No. 2, Providing for the distribution of the House and Senate journals of the session of 1889-90, has, on this 10th day of September, 1890, been forwarded to his excellency the governor, for his approval.

W. V. RINEHART, Chairman,
J. HUNSAKER.

The president gave notice that he was about to sign Senate bill No. 9, also Senate bill No. 10, in open session. Which was done.

MESSAGE FROM THE HOUSE.

The clerk of the House appeared with the following message:

HOUSE OF REPRESENTATIVES, September 10, 1890.

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House has indefinitely postponed Senate bill No. 2, An act concerning the crime of rape; also Senate bill No. 4, Relating to the manner of commencing civil actions in the superior courts; also Senate bill No. 11, Relating to high-ways.

I am instructed by the House to inform the Senate that the House has passed House concurrent resolution No. 2, Fixing the time for final adjournment of this session of the legislature.

I am instructed by the House to inform the Senate that the House has concurred in all the amendments made by the Senate to House bill No. 1, except that in relation to the second senatorial district, in which amendment the word "county" following Spokane, and the word "prairie" following the words "five mile," and the word "prairie" following the word "pleasant," have been inserted by an amendment of the House.

CHAS. E. CLINE, Chief Clerk.

The secretary of the Senate was instructed to notify the House that the Senate had concurred in all of the House amendments to the Senate amendments to House bill No. 1.

House concurrent resolution No. 2, That the legislature now convened adjourn sine die at 12 o'clock noon, on Thursday, September 11, A. D. 1890, was read and indefinitely postponed.

Senator Rinehart offered the following resolution, which was adopted:

Resolved, That the secretary of the Senate be and is hereby instructed to draw his warrant in favor of the sergeant-at-arms of the Senate for the sum of \$15, to reimburse him for cleaning and putting in order the Senate chamber, and accounting for and turning over the surplus stationery and effects to the secretary of state.

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

Resolved, That the secretary of state be and is hereby instructed to have printed 2,000 copies of House bill No. 1 after its approval by the governor, A bill to prescribe the number of senators and members of the house of representatives of the legislature of the State of Washington, and distribute the same immediately, pro rata, to the county auditors for distribution in the various precincts; and that Senate bill No. 10, Relative to change in the registration law, be also printed in the same pamphlet, and distributed in the same manner, after its approval.

On motion of Senator Whalley, the Senate, at 4:25 P. M., stood at recess until 7:30 P. M.

AFTER RECESS.

Senate called to order at 7:30 P. M., and no business being ready the Senate went into recess, subject to the call of the president.

Senate called to order at 7:50 P. M., and the president announced that House bill No. 1 would not be enrolled to-night.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the speaker has signed House bills not numbered, appropriating money to pay special session expenses; also Senate bill without number, amendatory to the laws governing the registration of voters, and the same are returned to the Senate for transmission to the governor.

CHAS. E. CLINE, Chief Clerk.

Senator Parkinson offered the following resolution, which was adopted:

Resolved, That the secretary of state be and he is hereby instructed to have the record of the Senate journal for this extra session of the legislature correctly prepared, and that it be incorporated in the journal of the Senate for the next regular session.

Senator Rinehart offered the following Senate concurrent resolution No. 5, which was read and adopted:

Resolved by the Senate, the House concurring, That a joint committee consisting of three from each house be appointed to wait upon the governor and inform him that we have performed the duty for which we were convened, and ascertain if he has any further communication to make before final adjournment.

Senators Rinehart, Van Houten and Vestal were appointed committee on part of the Senate.

The Senate adjourned until to-morrow at 9 A. M.

NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, September 11, 1890. }
9 o'clock A. M.

The Senate called to order at 9 A. M. pursuant to adjournment, the president in the chair.

Roll called; Senators Austin, Clough, Forsyth, Long, Rinehart, Seaborg, Thompson (G. T.), Vestal, Watt, and Wooding present.

There being no quorum present, on motion of Senator Rinehart, the Senate took a recess subject to the call of the chair.

AFTER RECESS.

Senate called to order at 9:15 A. M., the president in the chair.

Roll called; Senators Austin, Baker, Clough, Forsyth, Houghton, Hunsaker, Long, Luce, Owings, Parkinson, Preston, Rinehart, Seaborg, Thompson (G. T.), Van Houten, Vestal, Watt, Whalley, Wolfe, and Wooding present, and Senators Drum, Fairweather, Fariss, Guilfoil, Hyde, Jones, Kinnear, Kneeland, Landes, Lawrence, Payne, Snow, Thompson (L. F.), Wilson, and Wood absent.

On motion of Senator Rinehart, the reading of yesterday's journal was dispensed with.

COMMUNICATION FROM THE GOVERNOR.

The following communication from the governor was read:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, September 11, 1890.

To the Honorable the Senate of the State of Washington:

I have this day approved and signed Senate bill No. 9, entitled "An act appropriating money to defray the expenses of the special session of the legislature of the State of Washington;" also Senate bill No. 10, entitled "An act to amend section five (5) 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 or more,' and declaring an emergency."

ELISHA P. FERRY, Governor.

The committee appointed on the part of the Senate made report that they had performed their duty, and that the governor would be in attendance at the library at the capitol, and after the presentation of the apportionment House bill No. 1, he would then inform the special committee whether or not he had any further communication to the Senate.

On motion of Senator Owings, the Senate, at 9:25 A. M., stood in recess, subject to the call of the chair.

Senate called to order at 9:50, the president in the chair.

MESSAGE FROM THE HOUSE.

The following message from the House was then read:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., September 11, 1890.

MR. PRESIDENT:

I am instructed by the House to inform you that the speaker has signed House bill No. 1, Apportioning the state into senatorial and representative districts, and the same is herewith transmitted to the Senate for the signature of the president.

CHAS. E. CLINE, Chief Clerk.

On motion of Senator Rinehart, the Senate, at 9:55, stood at recess, subject to the call of the chair.

The Senate called to order at 10 A. M., president in the chair.

MESSAGE FROM THE HOUSE.

The following message from the House was read:

MR. PRESIDENT:

I am instructed by the House to inform the Senate that the House has adopted Senate concurrent resolution No. 5, and has appointed Messrs. Geoghegan, Grant and Oliphant as the committee on the part of the House.

CHAS. E. CLINE, Chief Clerk.

The Senate again stood at recess, subject to call of the chair at 10:05 A. M.

At 10:10 the Senate was called to order.

On motion of Senator Houghton the secretary was instructed to inform the House that the Senate had completed its business and is ready and awaits the action of the House *sine die*.

The special committee to wait on the governor, pursuant to resolution, again waited on his excellency, and reported that the governor had no further communication for the Senate.

On motion of Senator Houghton, unanimously agreed to, the Senate presented to Lieutenant Governor Laughton the gavel used by him as presiding officer of the first Senate of the State of Washington, as a token of appreciation and esteem of the members for the able and impartial manner in which the president had presided over the deliberations of that body.

The gavel was presented by Senator Rinehart, the presiding officer replying in a brief and feeling speech.

MESSAGE FROM THE HOUSE.

The clerk of the House appeared with the following message:

MR. PRESIDENT:

I am instructed to inform the Senate that the House has finished its business and stands ready to adjourn without day.

CHAS. E. CLINE, Chief Clerk.

On motion of Senator Parkinson, the Senate, at 10:40 A. M., adjourned *sine die*.

CLARENCE M. BARTON,

CHAS. E. LAUGHTON,

Secretary.

Lieutenant Governor and Presiding Officer.



SENATE JOURNAL

OF THE

SECOND LEGISLATURE

OF THE

STATE OF WASHINGTON.

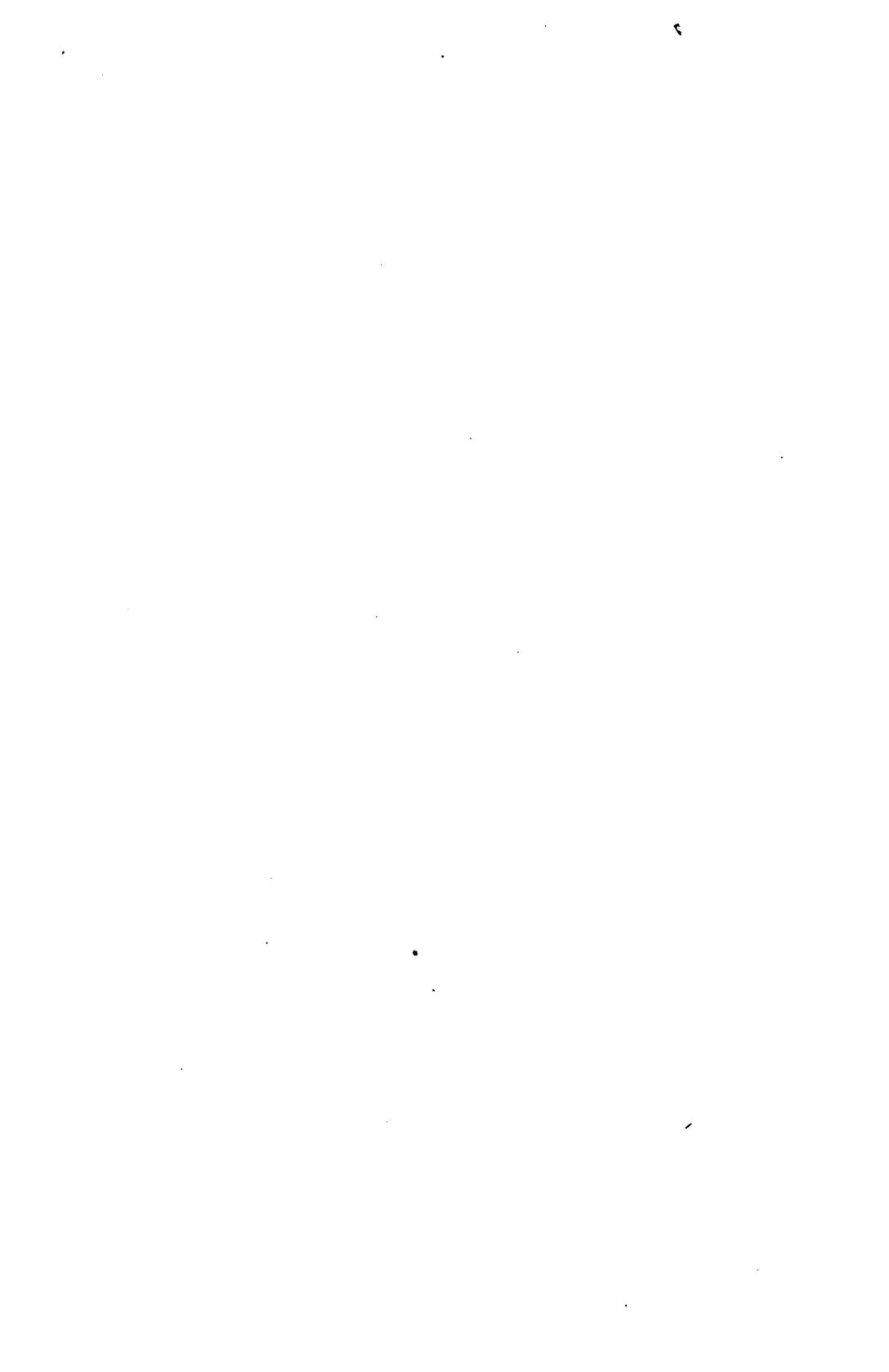
BEGUN AND HELD AT

OLYMPIA, THE STATE CAPITAL,

JANUARY 7, 1891.

ADJOURNED SINE DIE, MARCH 7, 1891.

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



OFFICERS OF THE SENATE.

PRESIDENT PRO TEM.:

EUGENE T. WILSON,

ELLENSBURGH.

SECRETARY:

CLARENCE M. BARTON,

OLYMPIA.

ASSISTANT SECRETARY	CARL H. POMEROY.
MINUTE CLERK	D. C. LAZIER.
JOURNAL CLERK	MRS. JOSIE FERRY.
ENROLLING CLERK (in charge of Engrossing) ..	JAMES G. McCLINTON.
ENGROSSING CLERK	MRS. NELLIE P. CROWL.
BILL CLERK	MISS EFFIE CARLSON.
SERGEANT-AT-ARMS	MARK D. SMITH.
ASSISTANT SERGEANT-AT-ARMS	J. S. TAYLOR.
MESSENGER AND POSTMASTER	R. T. REYNOLDS.
JANITOR	J. L. CHISHOLM.
ASSISTANT JANITOR	ASBURY F. HAYNES.
ASSISTANT JANITOR	J. A. CLARENDON.
WATCHMAN	R. H. MILROY, Jr.
PAGE	HUGH THOMPSON.
PAGE	MORTON MATSON.

JOURNAL OF THE SENATE.

FIRST DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, January 7, 1891. }
12 o'clock M.

The second Senate of the State of Washington assembled at the Senate chamber, in the state capitol, pursuant to law, at 12 M. on this day. President pro tem. Parkinson, of the first Senate, called the Senate to order. After referring to the absence of Governor Ferry from the state, and the fact that the former presiding officer of the Senate was now acting as governor, and regretting his enforced absence from the chair, he laid before the Senate the following, which was read by Secretary Barton, of the first Senate:

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 Senate 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:

<i>Name.</i>	<i>District.</i>
James O'Neill.....	2
R. C. McCroskey.....	6
T. J. Smith.....	7
J. T. Eshelman.....	12
C. E. Forsyth.....	14
H. C. Cooper.....	16
Charles E. Claypool.....	20
C. M. Easterday.....	23
A. T. Van de Vanter.....	24

<i>Name.</i>	<i>District.</i>
J. M. Frink.....	25
W. R. Forrest.....	26
Trusten P. Dyer.....	27
J. R. Kinnear.....	28
W. C. Rutter.....	29
F. W. Hastings.....	30
J. J. Edens.....	32
Morris McCarty.....	34

That the following named senators are entitled to seats in said Senate by virtue of the constitution and laws of the State of Washington, as shown by the election returns of a general election held October 1, 1889, now on file in this office:

<i>Name.</i>	<i>District.</i>
F. H. Luce.....	1
B. C. Van Houten.....	3
E. B. Hyde.....	4
Alexander Watt.....	5
C. G. Austin.....	8
George T. Thompson.....	9
P. A. Preston.....	10
E. T. Wilson.....	11
L. B. Clough.....	13
J. H. Long.....	15
W. H. Kneeland.....	17
N. H. Owings.....	18
L. F. Thompson.....	19
Henry Drum.....	21
J. S. Baker.....	22
Samuel Vestal.....	31
W. J. Parkinson.....	33

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.

Secretary Barton was then directed to call the roll, which was done, all of the above named senators responding "present," except Senators Baker and Drum.

On motion of Senator Kinnear, it was ordered that a committee of three be appointed to wait on the chief justice and request him to administer the oath of office to the members.

Senators Kinnear, Preston and Kneeland were appointed such committee.

Upon returning to the Senate chamber with Chief Justice Anders, that official administered the oath of office to the newly elected senators, namely:

O'Neill, Forsyth, Easterday, Forrest, Rutter, McCarty, McCros-

key, Cooper, Van de Vanter, Dyer, Hastings, Smith, Eshelman, Claypool, Frink, Kinnear, and Edens.

On motion of Senator Owings, the rules of the first Senate were adopted temporarily as the rules of the Senate.

Senator Luce in the chair.

Senator Long nominated for presiding officer pro tem. Senator Eugene T. Wilson, of Kittitas, which was seconded by Senator Parkinson, who again resumed the chair.

There being no other nominations, the roll was called.

Those voting for Mr. Wilson were:

Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—30.

Mr. Wilson, at his own request, was excused from voting.

No other votes were cast, and the chair declared Mr. Wilson elected.

On motion of Senator Dyer, a committee of two (Senators Long and L. F. Thompson) were appointed to conduct the presiding officer pro tem. to the chair, which was done.

Senator Wilson thanked the Senate for the honor conferred, with a deep sense of the responsibilities of the position, and stated that he would endeavor to be fair and impartial.

Senator Kinnear nominated for secretary C. M. Barton, of Thurston county. No other nominations were made.

The roll was called, and those voting for Mr. Barton were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—30.

No other votes were cast, and Mr. Barton was declared elected secretary.

For sergeant-at-arms, Senator Watt nominated Martin D. Smith, of Spokane county. No other nominations were made.

The roll was called, and those voting for Mr. Smith were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Rutter,

Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 30.

No other votes were cast.

On motion of Senator Owings, it was ordered that the election of subordinate officers of the Senate be postponed for the present.

On motion of Senator Kinnear, it was ordered that the rules of the first Senate be adopted as the permanent rules of this session.

On motion of Senator Van Houten, the oath of office was administered to the secretary and sergeant-at-arms by the chief justice.

On motion of Senator Kinnear, the oath of office was administered to the president pro tem., E. T. Wilson, by the chief justice.

On motion of Senator Long, the secretary was instructed to inform the House that the Senate was organized and ready for business, which was done.

Senator Dyer offered the following, which was passed:

Resolved, That the privilege of the floor of the Senate be and is hereby extended to the members of the press.

The Senate then, on motion of Senator L. F. Thompson, adjourned until 1 P. M. to-morrow, January 8th.

SECOND DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, January 8, 1891. }
1 o'clock P. M.

Senate met at 1 o'clock P. M. pursuant to adjournment, President Wilson in the chair.

Roll called; all present except Senator Drum.

Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 7, 1891.

MR. PRESIDENT:

The House has organized for the transaction of business by the election of the following officers, to wit:

T. G. Nicklin, chief clerk; W. M. Chandler, assistant chief clerk; Fred. H. Lyons, journal clerk; Miss Anna Tarbell, docket clerk; Miss Dora Sternberg, enrolling clerk; Mrs. Mamie J. Culver, engrossing clerk; D. E. Lesh, sergeant-at-arms; J. W. Horner, assistant sergeant-at-arms; A. J. Mills, postmaster and messenger; W. E. Jester, doorkeeper; Jesse Elliott, watchman; Chas. F. Ingle, page; L. Macleay, page; Thomas Parker, page; Louis H. Snook, page. T. G. NICKLIN, Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 8, 1891.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 1, Relative to the appointment of a joint committee to wait on the governor, and the speaker has appointed Messrs. Megler, Sharpstein, Wasson, Meany and Godman as members of said committee on the part of the House, and the same is herewith transmitted to the Senate for its action.

T. G. NICKLIN, Chief Clerk.

On motion of Senator Long, House concurrent resolution No. 1 was concurred in.

Senators Long, O'Neil and Eshelman were appointed the committee on behalf of the Senate.

On motion of Senator Owings, a recess was taken, subject to the call of the president at 1:25.

At 1:45 the Senate was called to order, quorum present.

On motion of Senator Claypool, the Senate proceeded to the election of subordinate officers.

D. T. Lusk, of Whatcom, was nominated for assistant secretary. No other nomination was made. The roll was called and Mr. Lusk received the following votes:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 28.

Absent or not voting: Senators Drum, Eshelman, Long, McCarty, and O'Neill — 5.

Mr. Lusk was unanimously elected.

D. C. Lazier, of Thurston, was nominated by Senator Clough for minute clerk. No other nominations were made, and Mr. Lazier received the following votes:

Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 29.

Mr. Lazier was unanimously elected.

Mr. Luce nominated the following officers:

Bill clerk, Effie Carlson; journal clerk, Josie Ferry; assistant sergeant-at-arms, James S. Taylor; engrossing clerk, Fannie Crowl; enrolling clerk, J. G. McClinton; messenger and postmaster, R. T. Reynolds; watchman; R. H. Milroy, Jr.; janitor, C. H. Chisholm; assistant janitor, Asbury F. Haynes; pages, Hugh Thompson and Morton Matson.

The above named persons were unanimously elected by the following vote:

Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 29.

On motion of Senator Austin, the president pro tem. delivered the oath of office to all of the above named except C. H. Chisholm, janitor, who was absent.

Senator Kinnear offered the following:

Resolved by the Senate, That the secretary of state be requested to furnish each member of the Senate with a copy of the journals of the last session of each house, and a copy of the general laws of the state.

Adopted.

Senator Smith offered Senate concurrent resolution No. 1, Relative to the Senate and House meeting in the hall of the House at 2 p. m., January 8, for the purpose of receiving the message of the governor.

The rules were suspended, the resolution read the first and second time; rules were again suspended, and the resolution was read the third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 30.

Absent or not voting: Senators Drum, Eshelman, Long, and McCarty — 4.

On motion of Senator Owings, it was ordered that the telegraph and telephone companies of this city be requested, without expense to the state, to place a telephone, also telegraph instrument, in the capitol building.

Senator Rutter offered a resolution that the courtesies and privileges of the floor be extended to the ex-members of the first Senate of this state.

It was amended by Senator Owings to include the members of the House and state officers, and thus amended, the resolution passed.

Senator Parkinson asked leave of absence for Senator McCarty for eight or ten days. Granted.

The president announced that he had received from the secretary of state the papers in the case of Frank H. Richards contestant and Morris McCarty incumbent senator from Whatcom county.

On motion of Senator Austin, the Senate took a recess for a few minutes.

MESSAGE FROM THE HOUSE.

On reassembling, the following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 8, 1891.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 1, relative to receiving the governor's message, and the same is herewith returned to the Senate.

T. G. NICKLIN, Chief clerk.

Senator Owings moved that the papers in the contested election case of Richards v. McCarty be referred to the proper committee, when appointed.

Adopted.

On motion of Senator Dyer, the Senate repaired, at 2 o'clock, to the hall of the House for a joint session.

JOINT SESSION.

The Senate and House met in joint session, President pro tem. Wilson, of the Senate, presiding.

The roll of both houses was called, a quorum appearing.

Acting Governor Laughton was introduced by the committee ap-

pointed to wait upon him for that purpose, and he proceeded to read his message to the legislature. The message being concluded, the two houses, on motion of Senator Kinnear, separated.

The Senate assembled at 4:30 p. m., President pro tem. Wilson in the chair.

The following was laid before the Senate by the president, and read:

FROM GOVERNOR FERRY.

REDONDO BEACH, CALIFORNIA, January 8, 1891.

To Hon. E. T. Wilson, President of Senate:

My compliments and best wishes to members of the Senate. May your session be fruitful in legislation that will meet with the approval of our fellow citizens, and tend to promote their welfare and happiness.

Elisha P. FERRY.

The Senate then, on motion of Senator Owings, adjourned until 1 p. m. Friday, January 9.

THIRD DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, January 9, 1891. }
1:30 p. m.

Senate called to order pursuant to adjournment, the president pro tem. in the chair.

Roll called; all present excepting Senators Drum, Long, and Preston.

President Wilson announced that the sergeant-at-arms had been excused from attendance for a few days.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 9, 1891.

MR. PRESIDENT:

The House has passed House bill No. 7, entitled "An act extending the time for payment of taxes, remitting penalties, and declaring an emergency," and the same is herewith transmitted to the Senate for its action.

T. G. NICKLIN, Chief Clerk.

On motion of Senator Claypool, the reading of the journal of yesterday was suspended.

President Wilson announced the following committees:

SENATE STANDING COMMITTEES.

- Appropriations.*—Luce, Clough, Parkinson.
Agriculture.—McCroskey, Watt, Long.
Claims.—Vestal, Baker, Preston.
Commerce.—Hastings, Van de Vanter, Baker.
Constitution and Revision.—Owings, Easterday, Forrest.
Corporations other than Municipal.—Van Houten, Kinnear, Claypool, Luce, McCroskey.
Counties and County Boundaries.—Smith, Luce, Clough.
Education.—Easterday, Frink, Drum.
Elections and Privileges.—Long, Forrest, McCroskey.
Engrossed Bills.—Baker, Van de Vanter, Eshelman.
Enrolled Bills.—Forsyth, Parkinson, Watt.
Federal Relations.—Cooper, Forsyth, Edens.
Fisheries.—McCarty, Cooper, Clough.
Harbors and Harbor Lines.—Austin, Cooper, Van Houten.
Indian Affairs.—O'Neill, McCarty, Smith.
Internal Improvements.—Kneeland, Cooper, O'Neill.
Judiciary.—Kinnear, Claypool, Easterday, Dyer, Thompson (G. T.), Parkinson, Austin.
Medicine, Surgery, Hygiene and Dentistry.—Luce, Hyde, Drum.
Labor and Labor Statistics.—Rutter, Clough, Edens.
Manufactures.—Frink, Kneeland, Long.
Memorials.—Thompson (G. T.), Kinnear, Rutter.
Military.—Dyer, Claypool, Parkinson.
Mines and Mining.—O'Neill, Rutter, Luce.
Municipal Corporations.—Hyde, Van de Vanter, Thompson (L. F.).
Printing.—Drum, Kinnear, Clough.
Public Buildings and Grounds.—Owings, Long, Kneeland.
Public Morals.—Eshelman, Dyer, McCarty.
Public Revenue and Taxation.—Forrest, Van Houten, Forsyth, Owings, Thompson (L. F.), Drum, Hastings, Vestal, Van de Vanter.
Roads and Bridges.—Edens, McCroskey, Preston.
Rules and Joint Rules.—Vestal, Thompson (G. T.), Austin.
Salaries and Mileage.—Van de Vanter, Baker, Hyde.

State Granted and School Lands.—Thompson (L. F.), Van Houten, Austin, Dyer, Forsyth, Smith, Preston.

State Library.—Claypool, Owings, Thompson (G. T.).

State Prison.—Preston, Smith, Watt.

State School for Defective Youth.—Clough, Van Houten, Kneeland.

State Tide Lands.—Parkinson, Hyde, Frink, Edens, McCarty, Hastings, Eshelman.

State Insane.—Watt, Thompson (L. F.), Forrest.

Senator L. F. Thompson introduced the following, which was read and adopted:

Be it resolved, That the sergeant-at-arms be instructed to purchase \$5 worth of postage stamps for each senator.

Senator Edens introduced the following, which was read and adopted:

Resolved, That a committee of five be appointed by the president to determine and fix the salary of the officers and employes of the Senate, and report as soon as convenient.

Senator Kinnear introduced the following, which was read and adopted:

Resolved by the Senate, the House concurring, That the Standing Committee on Rules and Joint Rules of the Senate, be instructed to confer with the Standing Committee on Rules and Orders of the House, with reference to the adoption of joint rules, and report the result of such conference at an early date.

Senator Forrest introduced Senate memorial No. 1, Relative to fortifications. Read first time; rules suspended, read second time by title, and referred to Committee on Memorials.

On motion of Senator Forrest, amended by Senator Easterday, it was ordered that 250 copies of the list of committees be printed and furnished to the members of the Senate.

INTRODUCTION OF BILLS.

Senator Dyer introduced Senate bill No. 1, Relative to fixing the salaries of justices of the peace and constables. Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senator Kinnear introduced Senate bill No. 2, "An act declaring Labor day a legal holiday." Read first time; rules suspended, read second time by title, and referred to Committee on Labor.

Senator Kinnear introduced Senate bill No. 3, "Declaring eight hours shall constitute a legal work day on all work done by and for the state, or any county or municipality therein." Read first time; rules suspended, read second time by title, and referred to Committee on Labor.

Senator Dyer introduced Senate bill No. 4, "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, repealing all laws in conflict, and declaring an emergency." Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

President Wilson announced that the matter of the contest of *McCarty v. Richards* was referred to the Committee on Election and Privileges.

On motion of Senator L. F. Thompson, the Senate adjourned at 1:50 P. M. until Monday, January 12th, at 2 o'clock P. M.

SIXTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,

OLYMPIA, WASHINGTON, Monday, January 12, 1891. }
 2 o'clock P. M. }

Senate called to order pursuant to adjournment, the president in the chair.

Roll called. All present excepting Senators Kneeland, McCarty, McCroskey, and Thompson (G. T.), excused.

Senator Austin asked that Senator McCroskey be excused for a few days. So ordered.

The journal of Friday, January 9th, was read and approved.

Senator Dyer introduced the following, which was adopted:

Resolved, That the secretary be and is hereby directed to arrange and refer the portions of the governor's message appertaining to the respective committees.

Senator Van Houten offered the following, which was read and adopted:

Resolved by the Senate, That the president pro tem. be empowered and authorized to secure the services of a stenographer to act as clerk to the presiding officer as soon as he in his judgment thinks it necessary to employ such assistance.

Senator Van Houten introduced Senate concurrent resolution No. 2, Relative to printing the governor's message in pamphlet form; read and adopted.

Senator Kinnear introduced the following, which was read and adopted:

Resolved by the Senate, That the sergeant-at-arms of the Senate be and is hereby authorized to procure a letter file for each member of the Senate as soon as practicable.

Senator Rutter introduced the following, which was read and adopted:

Resolved by the Senate, That the state auditor be requested to furnish a copy of the code of 1881, and a copy of such other session laws since 1881 as he may have, to each member of the Senate, and that he deliver the same to the sergeant-at-arms of the senate, to be by him laid on the desk of members.

Senator Kinnear introduced Senate concurrent resolution No. 3, which was read and adopted, Relative to examining the annotated code as arranged by Code Commissioner Hill, by the joint Judiciary Committee of Senate and House.

The president announced the following Committee on Salaries of Subordinate Officers: Senators Edens, Eshelman, Preston, Drum, and Smith.

CATALOGUE OF STATE LIBRARY.

A message was received from the state librarian, which was referred to the Committee on Libraries.

Accompanying the message was a catalogue in manuscript of the state library, complete as regards the law department—the miscellaneous works yet to be catalogued.

He asked that the catalogue be approved, and that the complete catalogue be printed.

INTRODUCTION OF BILLS.

House bill No. 7, Extending the time for payment of taxes, remitting penalties, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Taxation and Revenue.

Senate bill No. 5, An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency, by Senator Parkinson.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 6, Relating to an act providing for the appointment and election of an additional superior court judge, and declaring an emergency, by Senator Parkinson.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 7, An act concerning the appointment and qualifications, and defining the duties of court commissioners, and declaring an emergency, by Senator Parkinson.

Rules suspended, read first and second time by title, and referred to Judiciary Committee.

Senate bill No. 8, An act defining certain misdemeanors, and prescribing the punishment therefor; providing for the appointment of a special prosecuting attorney in certain cases, defining his duty, and fixing his compensation and the manner of payment thereof, and declaring an emergency, by Senator Dyer.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 9, An act relating to building loan and saving associations doing a local business, by Senator Kinnear.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 10, An act to amend sections one and two of an act entitled "An act to regulate, restrain, license or prohibit, the sale of intoxicating liquors," by Senator Frink.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 11, An act to provide for the assessment and collection of taxes in the State of Washington, by Senator Forrest.

Read first time; rules suspended, read second time by title, and referred to Committee on Revenue and Taxation.

The president announced that it was necessary for all employes of the senate to report to the president at the hour when the Senate convened; also, that the janitor elect, J. L. Chisholm, was sworn in on Saturday, January 10, by him, after the Senate had adjourned, and that, in accordance with the resolution previously adopted, he had appointed Miss Madge Howell as his clerk.

MESSAGE FROM THE GOVERNOR.

A message from the governor was announced and read by his private secretary, Mr. Alfred Martin, as follows:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,

OLYMPIA, January 12, 1891.

To the Honorable the Senate 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.

In accordance with section 2 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 the payment therefor," I have this day forwarded to the sergeant-at-arms, for proper distribution, thirty-four copies of the remedial code, or code of procedure, of Hon. William Lair Hill, code commissioner.

I also have the honor to transmit, for such disposition as may be deemed proper, forty-five bills submitted to me by Mr. Hill, together with explanatory letter from him, in accordance with section 4, article 2, of the act above referred to. I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor, acting Governor.

To His Excellency, Charles 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 be able 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 so doing. 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 introduction 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 requirement 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 volumes, 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 in 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 de-

cisions 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,

Dated, OLYMPIA, WASH., January 7, 1891.

W. LAIR HILL.

MESSAGE FROM THE HOUSE.

The following message was received from the House by Chief Clerk Nicklin:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASHINGTON, January 12, 1891.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 2, Relative to printing 5,000 copies of the governor's message, and the same is herewith transmitted to the Senate for your action.

T. G. NICKLIN, Chief Clerk.

Senator Long moved that the bills accompanying the communication of the governor, which were prepared by Code Commissioner Hill, be read and referred to appropriate committees.

Senator Kinnear moved to amend, that they lie on the table for future action.

The amendment was agreed to, and the motion as amended was adopted.

Senator Owings moved that the reports of the various institutions referred to in the message of the governor be referred to the Committee on Printing, to report to the Senate the number necessary to be printed for distribution.

On motion of Senator Owings, the Senate, at 2:45 P. M., adjourned until 2 P. M. Tuesday, January 13th.

SEVENTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, January 13, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present, except Senators McCarty and Thompson (G. T.), who were excused.

Journal of yesterday, January 12, read and approved.

Senator Thompson (L. F.) introduced Senate memorial No. 2, Relating to granted lands.

Read first time; rules suspended, read second time by title, and referred to Committee on State, School and Granted Lands.

REPORTS OF SELECT COMMITTEES.

The Committee on Public Revenue and Taxation reported as follows:

To the President and Senate of the State of Washington:

GENTLEMEN—Your Committee on Public Revenue and Taxation, to whom was referred House bill No. 7, entitled "An act extending the time for payment of taxes, remitting penalties, and declaring an emergency," having considered said bill, beg leave to report the same favorably, and recommend that it do pass.

Respectfully submitted.

W. R. FORREST, Chairman.

The following members of the committee were present and concurred: Senators Van Houten, Forsyth, Owings, Drum, Hastings, Vestal, Van de Vanter, and L. F. Thompson.

On motion of Senator Forrest, House bill No. 7 was placed on its final passage.

After being read by sections, the bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston,

Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—31.

Absent or not voting: Senators Clough, McCarty, and Thompson (G. T.)—3.

The emergency clause was passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—30.

Absent or not voting: Senators Clough, McCarty, Owings, and Thompson (G. T.)—4.

It was then ordered that the title of the bill be the title of the act.

SALARIES OF OFFICERS.

The Committee on Salaries, by Senator Edens, chairman, reported as follows:

MR. PRESIDENT:

Your special committee to whom was referred the adjustment of the salaries of the officers and employes of the Senate would respectfully submit the following report, and recommend the adoption of the same:

President of the Senate (extra), per diem.....	\$3 00
Secretary, per diem	8 00
Assistant Secretary, per diem.....	6 00
Minute Clerk, per diem	4 00
Bill Clerk, per diem.....	4 00
Journal Clerk, per diem.....	5 00
Sergeant-at-Arms, per diem	5 00
Assistant Sergeant-at-Arms, per diem.....	4 00
Engrossing Clerk, per diem.....	4 50
Enrolling Clerk, per diem.....	4 50
Messenger and Postmaster (one office), per diem.....	4 50
Watchman, per diem.....	4 00
Janitor, per diem	4 00
Assistant Janitor, per diem.....	4 00
Pages, each, per diem.....	2 50

Respectfully submitted.

J. J. EDENS,
J. T. ESHELMAN,
T. J. SMITH,
HENRY DRUM,
P. A. PRESTON.

The report adopted.

INTRODUCTION OF BILLS.

Senate bill No. 12, by Senator Kinnear of King: An act relating 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 13, by Senator Kinnear: An act to provide a single and uniform method of removing causes from the superior court to the supreme court, and to regulate the practice in the supreme court in such cases, approved March 22, 1890.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 14, by Senator Easterday: An act to provide for the publication, distribution and sale of the supreme court reports of the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House concurrent resolution No. 2, Relative to printing 5,000 copies of the governor's message, was laid on the table.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 13, 1891.

MR. PRESIDENT:

The House has instructed its Committee on Rules and Orders to confer with similar committee of the Senate, relative to joint rules.

The House has passed House concurrent resolution No. 3, Relative to appointment of a joint "World's Fair Committee," and the same is herewith transmitted to the Senate for its action. Messrs. Meany, Garretson, Watson, Berry and Sharpstein have been appointed as members of said committee on the part of the House.

T. G. NICKLIN, Chief Clerk.

The secretary of the Senate, in accordance with instructions of the Senate, announced the distribution of the various matters in the governor's message to the following committees.

Code, page 5, Committee on Judiciary.

Elections, page 6, Committee on Elections.

Convict Labor, page 7, Committee on Labor, etc.

Harbor Line and Tide Lands, page 7, Committee on Harbor Lines, etc.

Educational Matters, page 9, Committee on Education.

The University of Washington, page 10, Committee on Education.

Agricultural College and School of Science, page 12, Committee on Agriculture.

Cheney Normal School, page 13, Committee on Education.

Ellensburgh Normal School, page 14, Committee on Education.

State Library, page 14, Committee on State Library.

National Guard of Washington, page 15, Committee on Military.

State Geologist, page 17, Committee on Mines and Mining.

Fish Commission, page 18, Committee on Fisheries.

Board of Health for Puget Sound, page 20, Committee on Medicine, etc.

Pilot Commissioners, page 20, Committee on Commerce.

Hospitals for the Insane, page 21, Committee on State Insane.

Western Washington Hospital, page 21, Committee on State Insane.

Eastern Washington Hospital, page 22, Committee on State Insane.

Bureau of Statistics, Agriculture and Immigration, page 23, Committee on Labor, etc.

State Board of Health, page 24, Committee on Medicine, etc.

Preservation of our Forests, and creation of a Forest Commission, page 25, Committee on Internal Improvements.

State Capitol and other Buildings, page 29, Committee on Public Buildings.

State Offices, page 30, Committee on Public Buildings and Grounds.

Clerical services of Departments, page 32, Committee on Appropriations.

Salaries of County Officers, page 33, Committee on Salaries, etc.

Appointment of Commissioners by the Governor, page 34, Committee on Judiciary.

Newspaper publication of Laws, page 35, Committee on Printing.

Printing reports of various State Officers, page 36, Committee on Printing.

Proceedings of Constitutional Convention, page 37, Committee on Appropriations.

Coast Defenses, page 37, Committee on Commerce.

Columbia River, page 39, Committee on Commerce.

Election of United States Senators, page 40, Committee on Memorials.

Soldiers' Home, page 41, Committee on Military.

Washington School for Defective Youth, page 42, Committee on Education.

Reform School, page 43, Committee on Education.

Penitentiary at Walla Walla, page 44, Committee on State Prisons.

United States Penitentiary at McNeil's Island, page 46, Committee on State Prisons.

Railroad and Transportation Commission, page 48, Committee on Corporations other than Municipal.

Financial, page 55, Committee on Appropriations.

State Lands, page 58, Committee on State, Granted and School Lands.

Sale of School Lands, page 62, Committee on State, Granted and School Lands.

On motion of Senator Forrest, House concurrent resolution No. 2, Relative to joint committee on world's fair, was taken up, and unanimously adopted.

The president appointed on behalf of the Senate, Senators Long, Baker, and Eshelman.

Senator Kinnear presented a report of the sergeant-at-arms, relative to procuring committee rooms for the use of the Senate, as follows:

1. South hall, upper floor, Temple flat, about 30x60 feet; price, \$40 per month; furnish our own fuel.

2. Two rooms in private house corner of Washington and Fifth streets, furnished with fuel and lights; \$60 per month for both. These rooms are each about 14x18 feet.

3. Room on Sixth street, between Main and Washington, ground floor, 18x18 feet, state to furnish everything except stove; \$20 per month.

4. Parlor in Olympia hotel, second floor, all furnished, fuel and lights, about 30x40 feet; price, \$50 per month.

It was ordered that the parlor on the second floor of the Olympia hotel and the east room on the first floor of the Olympia hotel, and the south hall of the upper floor of Temple flat be secured as committee rooms of the Senate. The former at \$50 per month, and the latter at \$40 per month.

The vote was as follows, a sufficient number having ordered the yeas and nays:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, and Wilson—27.

Those voting in the negative were: Senators Hyde, Kneeland, Long, and Van Houten—4.

MESSAGE FROM THE GOVERNOR.

Alfred Martin, private secretary of the governor, appeared and read the following message:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, January 13, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day forwarded to the sergeant-at-arms, for proper distribution, thirty-four copies of the penal code prepared by Hon. William Lair Hill, code commissioner, 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 thereof." I have the honor to be

Your obedient servant,

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

CODE BILLS.

On motion of Senator Drum, the forty-five bills prepared by the code commissioner, and forwarded by the governor to the Senate, which were laid on the table yesterday, were taken up.

Senator Austin moved that they be referred to the Judiciary Committee, which was adopted.

REPORT OF COMMITTEE ON MILEAGE.

The Committee on Mileage reported as follows:

To the Senate:

Your Committee on Mileage beg to report the mileage of each member of the Senate as follows:

	<i>Miles.</i>
Austin	892
Baker	72
Claypool	72
Clough	284
Cooper	116
Drum	72

	<i>Miles.</i>
Dyer	128
Easterday	72
Edens	352
Eshelman	456
Forrest	128
Forsyth	144
Frink	128
Hastings	236
Hyde	922
Kinnear	128
Kneeland	44
Long	64
Luce	936
McCarty	460
McCroskey	1,042
O'Neill	1,102
Owings	2
Parkinson	460
Preston	788
Rutter	212
Smith	1,082
Thompson (G. T.)	730
Thompson (L. F.)	96
Van de Vanter	160
Van Houten	922
Vestal	192
Watt	986
Wilson	376

Respectfully submitted.

A. T. VAN DE VANTER, Chairman,
J. S. BAKER,
E. B. HYDE.

The report, after minor correction, was adopted.

On motion of Senator Kinnear, A. C. Bowman, of Seattle, was employed as clerk to the Judiciary Committee at a salary of \$5 per day.

On motion of Senator Forrest, David E. Bailey was ordered to be employed as clerk to the Committee on Public Revenue and Taxation when said committee found it necessary to employ a clerk, and the committee was also permitted to look for rooms and make a report.

On motion of Senator Clough, the president was directed to answer the telegram of congratulation received from Governor Ferry, which he did, as follows:

OLYMPIA, WASHINGTON, January 13, 1891.

To his Excellency E. P. Ferry, Governor of the State of Washington, Redondo Beach, Cal.:

The state Senate, in regular session assembled, extends greetings to you, and acknowledge with pleasure the receipt of your complimentary telegram. We one and all hope that beneath the sunny skies of California you may be restored to health and happiness, and return in the spring to an admiring constituency.

E. T. WILSON, President of the Senate.

On motion of Senator Smith, the Senate adjourned at 3:30 P. M. until 2 P. M. Wednesday, 14th inst.

EIGHTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, January 14, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll call; all present excepting Senator Thompson (G. T.), excused.

Journal of yesterday read and approved.

The president announced that a sufficient number of copies of the code had been received from the governor to supply each member with a copy. Also that a suitable room for committee purposes might be obtained at the corner of Fourteenth and Main streets.

MOTIONS AND RESOLUTIONS.

The following was introduced by Senator Van Houten:

Resolved, That the sergeant-at-arms be instructed to provide the representatives of the state press with such stationery as they require.

On motion, the word "state" was stricken out, and the words "in the Senate chamber" was inserted after the word "press."

Senators Owings, Kneeland, Long, Rutter, Easterday, and Claypool demanded the yeas and nays, resulting as follows:

Those voting in the affirmative were: Senators Austin, Clough,

Cooper, Dyer, Forsyth, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Parkinson, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—17.

Those voting in the negative were: Senators Baker, Claypool, Drum, Easterday, Edens, Eshelman, Forrest, Frink, Kneeland, Long, Luce, McCarty, Owings, Preston, Smith, and Watt—16.

Absent or not voting: Senator Thompson (G. T.)

So the resolution was adopted.

Senator Dyer introduced the following resolution, which was read and adopted:

Resolved, That the following committees be allowed one clerk: Military, Manufactures, Public Morals, State Library, Agriculture, and Counties and County Boundaries, and that George U. Piper be employed, at a salary of \$5 per day.

Senator Eshelman presented a communication and a petition from No. 6 Grange of Klickitat county, asking for the repeal of the present road law and resume the old law, and for the repeal of the present interest law, and for the passage of a law to draw interest on money not to exceed 6 per cent. per annum. The petition was signed by D. E. Brooks and seventy-nine others.

Ordered placed on file.

Senator Edens offered the following, which was adopted:

Resolved, That the Committees on Constitution and Revision, on Claims, on Public Buildings and Grounds, on Roads and Bridges, and on the World's Fair, be permitted to employ Thomas H. Boyd as clerk, at \$5 per day salary.

Senator Thompson (L. F.) introduced the following, which was read and adopted:

Resolved, That the Committee on State School and Granted Lands be allowed a clerk, at \$5 per day, and that C. W. Hobart be appointed.

REPORTS OF STANDING COMMITTEES.

The following reports were presented by Senator Kinnear, chairman of the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom 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," have had the same under consideration, and now respect-

fully report the same back to the Senate with the following amendments, and recommend its passage as amended:

First amendment: Page 1, section 1, line 3, strike out the word "three" and insert the word "two." Also, in same section, line 5, strike out the word "twenty-four" and insert the word "eighteen." Also, in same section, line 8, strike out the word "eighteen" and insert the word "twelve."

Second amendment: Page 1, section 2, line 2, strike out the word "twenty-four" and insert the word "twelve." Also, in the same section, line 4, strike out the word "eighteen" and insert the word "ten." Also, in the same section, line 7, strike out the word "twelve" and insert the word "eight."

Third amendment: Page 3, section 8, line 1, strike out the word "shall" and insert the word "may."

Fourth amendment: Page 4, section 10, line 2, after the words "except for the state or county," insert "and other cases provided by law."

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Easterday, Dyer, Parkinson and Austin, being the only members present.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 4, entitled "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," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and recommend its passage as amended.

First amendment: Page 1, line 5 of title, strike out the words "and declaring an emergency."

Second amendment: Page 2, strike out all of section 4.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Easterday, Dyer, Parkinson and Austin, being the only members present.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 14, 1891.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 4, Relative to completion of Cascade locks.

Also House concurrent resolution No. 5, Relative to state capitol site at Olympia.

And the speaker has appointed Messrs. McKay, Jones, and Painter on the part of the House.

The resolutions are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 14, 1891.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 2, Relative to printing governor's message, with amendments noted, and asks concurrence therein.

The House has also passed Senate concurrent resolution No. 3, Relative to examining the annotated code arranged by Code Commissioner Hill, and the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

COMMUNICATIONS.

A communication was received from the secretary of state, which was read and referred to the Judiciary Committee, as follows:

STATE OF WASHINGTON, OFFICE OF SECRETARY OF STATE,
OLYMPIA, January 13, 1891.

To the Honorable President and Members of the Senate:

GENTLEMEN—In order to expedite the business of the legislature, I have honored your request to be furnished with copies of the journals and laws of last session, there being enough copies left on hand in my office, after complying with previous law directing their distribution, to do so. I would respectfully suggest that your Judiciary Committee be directed to enquire into the necessity, if any, of passing a law to cover this last distribution.

Very respectfully,

ALLEN WEIR, Secretary of State.

A communication from the state auditor, T. M. Reed, which was read and referred to the Judiciary Committee, as follows:

STATE OF WASHINGTON, AUDITOR'S OFFICE,
OLYMPIA, January 13, 1891.

Hon. E. T. Wilson, President of the State Senate, Olympia, Washington:

DEAR SIR—I am in receipt of a copy of a resolution passed by your honorable body requesting this office to furnish copies of the code of 1881, and such other session laws since 1881 as this office may have, to each member of the Senate.

Although there is some question as to my authority for so doing, without an act of the legislature or at least a joint resolution, I have this day placed at the disposal of the serjeant-at-arms of the Senate, thirty copies of each of the codes of 1881, session laws of 1889-90 and extra session laws of 1890.

T. M. REED, State Auditor.

INTRODUCTION OF BILLS.

Senate bill No. 16, by Senator Van Houten: An act increasing the number of county commissioners in counties of 25,000 inhabitants or over.

Read first time; rules suspended, read second time by title, and referred to Committee on County and County Boundaries.

Senate bill No. 17, by Senator L. F. Thompson: 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.

Read first time; rules suspended, read second time by title, and referred to Committee on State Library.

Senate bill No. 18, by Senator Kinnear: An act to create and establish a railroad and transportation commission, and to define and regulate its powers and duties, and to fix the compensation of its members and assistants.

Read first time; rules suspended, read second-time by title, and referred to committee on Corporations other than Municipal.

Senate bill No. 19, by Senator Kinnear: An act declaring it unlawful to organize, maintain or employ an armed body of men in the state, and providing punishment therefor.

Read first time; rules suspended, read second time by title, and referred to Committee on Labor and Labor Statistics.

Senate bill No. 20, by Senator Long: An act to provide for the collection, exhibiting, 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.

Read first time; rules suspended, read second time by title, and referred to Joint Committee on World's Columbian Exposition.

Senate bill No. 21, by Senator Dyer: An act providing for the appointment of short hand 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senator Parkinson introduced the following resolution, which was read and adopted:

Resolved, That the Engrossing and Enrolling Committees be authorized to employ a clerk jointly, at \$5.00 per day, and that Albert M. Mitchell be and is hereby elected as such clerk. And when not engaged by said committees that he assist the engrossing and enrolling clerks.

Senator Rutter introduced the following resolution, which was read and adopted:

Resolved, That the following committees be allowed to employ a clerk when necessary, at a salary of \$4.00 per day: Committees on Mines and Mining, Labor and Labor Statistics, and Memorials. Such clerk to also be assigned to such other clerical work as the president may direct, when not employed as clerk to said committees.

Miss Emma Lamb was appointed said clerk.

Senator Easterday introduced the following resolution, which was read and adopted:

Resolved, That the sergeant-at-arms be instructed to have one copy each of each Senate and House bill placed in the Senate and House bill files of the members of this Senate, so soon as the same shall have been printed and be pending in the Senate.

Senator Forrest reported that he had found a suitable committee room in the basement of the Olympia Hotel, at \$35 per month, which he was instructed to secure.

On motion of Senator Rutter, the House was allowed to use one table not in use in the Senate enrolling room until needed.

On motion of Senator Kinnear, the rules were suspended, and the Senate returned to the eighth order of business, the third reading and adoption of bills.

Senate concurrent resolution No. 2 was read, the amendment of the house concurred in, and the Senate concurrent resolution ordered to be enrolled.

House concurrent resolution No. 4, on motion of Senator Long, was referred to Committee on Memorials.

House concurrent resolution No. 5, on motion of Senator Eshelman, was referred to Committee on Public Buildings and Grounds.

The report of the Judiciary Committee on Senate bill No. 1 was then taken up, and the amendments, as reported by said committee, were adopted seriatim.

The bill was then ordered to be engrossed.

Senate bill No. 4 was amended, read, and on motion of Senator Kinnear, the amendments were adopted seriatim.

On motion of Senator Kinnear, the rules were suspended; the bill was considered engrossed, and passed to a third reading and final passage by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshel-

man, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCarty, McCroskey, O'Neill, Parkinson, Preston, Smith, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—29.

Those voting in the negative were: Senators Hyde, Owings, Rutter, and Van Houten—4.

Absent or not voting: Senator Thompson (G. T.)—1.

On motion of Senator Claypool, the title of the bill was amended and adopted.

The president announced that Senator Van de Vanter was substituted in place of Senator Forrest on Committee of Elections and Privileges.

On motion of Senator Thompson (L. F.), the Senate, at 3:10 P. M., adjourned until 2 P. M. Thursday, January 15, 1891.

NINTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, January 15, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, the president in the chair.

Roll called; all Senators present.

The reading of the journal of yesterday was, on motion of Senator G. T. Thompson, dispensed with and approved.

PETITIONS AND RESOLUTIONS.

By Senator Watt:

Resolved, That the Committees on State Insane and State Prison be authorized to employ a clerk of their own selection for such time as they deem necessary, at a compensation of five dollars per day.

Adopted.

By Senator Forsyth:

Resolved, That J. G. McClinton, enrolling clerk of the Senate, be and he is hereby appointed supervising clerk of the engrossing department, with authority to assign the clerks of said departments to work in either

department, as he may find them best qualified for efficient service, subject to supervision of presiding officer, and that he be allowed for his services as enrolling clerk, and as such supervising clerk, a salary of six dollars per day.

Adopted.

By Senator Thompson (L. F.):

Resolved, That the standing Committee on State, School and Granted Lands be and are hereby empowered and instructed to thoroughly examine into the status of the state university of Washington; and are hereby empowered to send for persons and papers, subpoena witnesses, and perform all other acts necessary to the conducting of such investigation.

Adopted.

By Senator Van Houten:

Resolved, That the Committee on Corporations other than Municipal be empowered to employ a clerk, at five dollars (\$5) per day, for their use, and such other work as may be assigned to him, and that Major E. A. Routhe be named as such clerk.

By Senator Kinnear:

Resolved by the Senate, That the sergeant-at-arms is requested and authorized to furnish the several committee clerks of the Senate with necessary stationery and typewriter paper for their respective committees.

Senator Owings moved to amend, to add "not to exceed \$1,500."

Senator Kinnear moved to amend the amendment, to add "not to exceed \$40."

On motion of Senator G. T. Thompson, the resolution was laid on the table.

By Senator Dyer:

Resolved, That A. F. Haynes be and is hereby directed to serve as janitor of the Senate committee rooms, and take charge and look after the same under the supervision of the chairmen of the respective committees.

Adopted.

COMMUNICATIONS.

A communication was received from fifteen freeholders elected to frame a charter for the city of Spokane Falls, State of Washington. Meeting was held on the 12th day of January, 1891. The following resolution was unanimously adopted:

Resolved, That the legislature of the State of Washington be and is hereby urgently requested to enact, at the earliest possible moment, a law

authorizing the establishment of municipal or police courts in cities of 20,000 or more population.

Attest: JOS. LE GRAND,

Clerk of Committee.

D. P. JENKINS,
President of Committee.

Placed on file.

REPORTS OF STANDING COMMITTEES.

From the Judiciary Committee:

MR. PRESIDENT:

The Judiciary Committee has had under consideration the communications referred to it from the secretary of state and auditor of the state, with reference to the distribution of the laws and journals, and we, your committee, herewith report a bill entitled "An act providing for the distribution to the members of the legislature the code of 1881, the journals and session laws of 1889-90," and recommend its passage.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Easterday, Dyer, Parkinson, and Austin, being all the members of said committee present.

INTRODUCTION OF BILLS.

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, by Judiciary Committee.

Read first time; rules suspended, read second time by title; rules further suspended, read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCarty, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Venter, Van Houten, Vestal, and Wilson—32.

Absent or not voting: Senators Austin and Watt—2.

Title of the bill to remain the title of the act.

Senate bill No. 23, by Senator Kinnear: Relating to trusts and combinations carried on for the purpose of fixing the price, limiting the production, or regulating the transportation of any product or commodity.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 24, by Senator Dyer: An act regulating fees of

county clerks for services to be rendered as ex-officio clerks of the superior courts.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 25, by Senator Dyer: Regulating fees to be charged by the clerk of the supreme court.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 26, by Senator L. F. Thompson: An act to amend section 1957 of chapter CXXXVIII of the Code of Washington Territory, relating to liens of mechanics and others upon real property.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 27, by Senator Van Houten: An act to provide for a superior judge for the counties of Yakima and Klickitat, and declaring an emergency to exist.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 28, by Senator Van Houten: An act to create and establish a board of health and bureau of vital statistics in the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on Medicine, Surgery and Hygiene.

Senate bill No. 29, by Senator Van Houten (by request): An act concerning the appropriation of water for irrigating, mining and manufacturing purposes.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 30, by Senator Van de Vanter: An act to permit poor persons to sue in courts of this state without paying costs in advance.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 31, by Senator Rutter: A bill providing for the establishment of a bureau of labor statistics.

Read first time; rules suspended, read second time by title, and referred to Committee on Labor and Labor Statistics.

Senate bill No. 32, by Senator Parkinson: An act to amend section 10 of article 3 of chapter 6 of an act entitled "An act provid-

ing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 33, by Senator Parkinson: An act to amend an act providing for the organization, classification, incorporation and government of municipal incorporations, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 34, by Senator Parkinson: An act to regulate the taking of testimony by stenographers.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

On motion of Senator Long, it was ordered that he be allowed to hire a suitable committee room for the use of the Committees on Municipal Corporations and Elections and Privileges.

The rules were suspended to allow Senator Van de Vanter to offer the following:

Resolved, That the Committees on Privileges and Elections, Federal Relations, Fisheries, Printing, and Salaries and Mileage, be permitted to employ W. H. Whittemore as clerk for such committees, at a salary of \$5 per day.

Adopted.

By Senator Kneeland:

Resolved, That the per diem of the engrossing clerk of the Senate be raised from \$4.50 to \$5 per day.

Adopted.

The Senate, on motion of Senator L. F. Thompson, at 3:05 P. M., adjourned until 2 P. M. Friday, January 16, 1891.

TENTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, January 16, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President pro tem. Wilson in the chair.

Roll called; all present excepting Senators Drum, Frink, Thompson (G. T.), Thompson (L. F.), and Vestal.

Excused.

On motion of Senator Kinnear, the reading of the journal was dispensed with, and the journal was approved.

The president extended an invitation to Hon. J. R. Thompson, of Clarke, to a seat in the Senate chamber.

REPORTS OF COMMITTEES.

By the Committee on Rules and Joint Rules:

MR. PRESIDENT:

Your Committee on Rules and Joint Rules beg leave to report that it has conferred with the Committee on Rules and Orders on the part of the House of Representatives, and thus your committee and the Committee on Rules and Orders of the House of Representatives have agreed upon the following joint rules for the Senate and House of Representatives: [Same rules as governed the first legislature of the state], and we respectfully recommend that these rules be adopted.

S. VESTAL,

Chairman Committee on Rules and Joint Rules.

C. G. AUSTIN.

By the Judiciary Committee:

MR. PRESIDENT:

The Committee on Judiciary, to whom 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass. Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Easterday, Dyer, Austin, Claypool, and Parkinson, being all the members of said committee present.

MR. PRESIDENT:

The Committee on Judiciary, to whom 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 court to the supreme court, and to regulate the practice in the supreme court in such cases,' approved March 2, 1890," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass as amended.

First amendment: In section 5, line 1, after the words "on an appeal from a" insert the word "final." Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Easterday, Dyer, Austin, Claypool, and Parkinson, being all the members of said committee present.

By Committee on Engrossed Bills:**MR. PRESIDENT:**

Your standing Committee on Engrossed Bills begs leave to report that 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 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," has been carefully compared with the original bill, and found correctly engrossed.

JNO. S. BAKER, Chairman,

J. T. ESHELMAN,

W. R. FORREST.

By Committee on Enrolled Bills:**MR. PRESIDENT:**

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolutions Nos. 1, 2 and 3 have been carefully compared with the original copies thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,

ALEX. WATT,

W. J. PARKINSON.

INTRODUCTION OF BILLS.

Senate bill No. 35, by Senator Clough: An act appropriating money for the support of the Washington school for defective youth.

Read first time; rules suspended, read second time by title, and referred to Committee on State School for Defective Youth.

Senate memorial No. 3, by Senator Kneeland: That the report of the commission establishing a navy yard at Port Orchard be confirmed, and such legislation enacted as to the construction thereof.

Read first time; rules suspended, read second time by title, and referred to Memorial Committee.

Senate bill No. 36, by Senators Watt and Wilson: An act appropriating money for the maintenance of the state normal school at Cheney and the Washington state normal school at Ellensburg, and for the improvement and care of grounds donated to the state for normal school purposes.

Read first time; rules suspended, read second time by title, and referred to Committee on Appropriations.

Senate bill No. 37, by Senator Forrest (by request): 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."

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 38, by Senator Van de Vanter: An act granting certain powers and authority to cities of the third class, relating to assessment, levy and collection of taxes.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 16, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 7, entitled "An act extending the time for payment of taxes, remitting penalties, and declaring an emergency," which has passed both Houses and been duly enrolled, and the same is herewith transmitted to the Senate for the signature of the president of the Senate.

T. G. NICKLIN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 16, 1891.

MR. PRESIDENT:

The House has passed House bill No. 16, entitled "An act making appropriations for the expenses of the second legislature of the State of Washington," and the same is herewith transmitted to the Senate for its action.

T. G. NICKLIN, Chief Clerk.

THIRD READING OF BILLS.

Senate bill No. 12, An act in relation to costs and convictions

for felony, etc., was read by the secretary, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, McCarty, O'Neill, Parkinson, Preston, Rutter, Smith, Van de Vanter, Van Houten, Watt, and Wilson—26.

Absent or not voting: Senators Drum, Frink, Luce, McCroskey, Owings, Thompson (G. T.), Thompson (L. F.), and Vestal—8.

The emergency clause was then taken up and passed.

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, McCarty, McCroskey, O'Neill, Parkinson, Preston, Rutter, Van de Vanter, Van Houten, Watt, and Wilson—25.

Absent or not voting: Senators Drum, Frink, Long, Luce, Owings, Smith, Thompson (G. T.), Thompson (L. F.), and Vestal—9.

The title of the bill to be the title of the act.

The president announced that he was about to sign enrolled Senate concurrent resolutions Nos. 1 and 2, and House bill No. 7, which was done.

APPROPRIATION BILL.

House bill No. 10, An act making appropriations for the expenses of the State of Washington, was read first time.

Rules suspended, read second time by title, and, on motion of Senator Parkinson, it was referred to committee of the whole.

The Senate then, on motion of Senator Parkinson, resolved itself into committee of the whole.

The committee, having considered the bill, arose and reported it back to the Senate with no amendments, with the recommendation that it pass.

The rules were further suspended, and the bill was read a third time, and passed by the following vote:

Senator Easterday excused from voting.

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, McCarty, McCroskey, O'Neill, Parkinson, Preston, Rutter, Van de Vanter, Van Houten, Watt, and Wilson—25.

Absent or not voting: Senators Drum, Easterday, Frink, Luce, Owings, Smith, Thompson (G. T.), Thompson (L. F.), and Vestal—9.

Title of the bill to be the title of the act.

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 causes," approved March 22, 1890. The amendment, as reported by the Judiciary Committee, was adopted. The bill was then considered engrossed, read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, McCarty, McCroskey, O'Neill, Parkinson, Preston, Van de Vanter, Van Houten, Watt, and Wilson—25.

Absent or not voting: Senators Drum, Frink, Long, Owings, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Vestal—9.

Title of bill to be title of the act.

Senator Van Houten asked to be excused for the remainder of the day.

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. Read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Rutter, Watt, and Wilson—22.

Those voting in the negative were: Senator Long—1.

Absent or not voting: Senators Clough, Drum, Frink, McCarty, Owings, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Vestal—11.

The emergency clause passed, as follows:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, Mc-

Croskey, O'Neill, Parkinson, Preston, Rutter, Van de Vanter, Watt, and Wilson — 24.

Those voting in the negative were: Senators Long, McCarty, and Owings — 3.

Absent or not voting: Senators Drum, Frink, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Vestal — 7.

UNFINISHED BUSINESS.

Senator Parkinson introduced an unfinished resolution, which, on motion of Senator Claypool, was ordered to lie on the table.

Senator Dyer offered the following resolution:

Resolved, That the secretary of the Senate be instructed to have printed, for the use of the members of the Senate, in pamphlet form, 300 copies of the rules and joint rules of the two houses, list of members of the two houses, committees of the two houses, and list of officers and employes.

Adopted.

By Senator McCrosky.

Resolved, That a committee of two be appointed by the chair, from the senior members, whose duty it shall be to readjust the matter of rooms and clerks for the various committees, and provide such rooms and clerks as there is demand for; assigning to each room such committees as shall be least likely to conflict in their times of meeting, and report their action from time to time to this body for approval.

Adopted.

The president appointed Senators Long and Kneeland as a special committee to act on the above resolution.

Senator Forsyth asked to be excused for an indefinite period. Granted.

A resolution by Senator Owings as follows:

Resolved, That the secretary of the Senate be requested to furnish a list of the employes of the Senate, and the pay of the same, at his earliest convenience.

Adopted.

On motion of Senator Owings, the Senate, at 3:30 P. M., adjourned until Saturday, January 17, 1891.

ELEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, January 17, 1891. }
10 o'clock A. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Drum, Forsyth, Frink, Kinnear, Kneeland, McCarty, Parkinson, Thompson (G. T.), Thompson (L. F.), and Vestal. Excused.

On motion of Senator Dyer the reading of the journal of yesterday, January 16, was dispensed with and the journal was approved.

INTRODUCTION OF BILLS.

Senate bill No. 39, by Senator Dyer: An act for the incorporation of bar associations.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 40, by Senator Dyer: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

UNFINISHED BUSINESS.

The secretary read the list of Senate officers and employes, with salary of each, in response to the resolution of Senator Owings of the day before, as follows:

OFFICERS AND EMPLOYES OF THE SENATE.

<i>Office.</i>	<i>Name.</i>	<i>Postoffice.</i>	<i>County.</i>	<i>Per diem.</i>
Secretary.....	C. M. Barton.....	Olympia.....	Thurston...	\$8 00
Assistant secretary.....	D. T. Lusk.....	Whatcom.....	Whatcom...	6 00
Minute clerk.....	D. C. Lazier.....	Olympia.....	Thurston...	4 00
Journal clerk.....	Josie Ferry.....	Olympia.....	Thurston...	5 00

<i>Office.</i>	<i>Name.</i>	<i>Postoffice.</i>	<i>County.</i>	<i>Per diem.</i>
Enrolling clerk, in charge of engrossing.....	J. G. McClinton.....	Port Townsend.....	Jefferson ...	\$6 00
Engrossing clerk.....	Nellie P. Crowl.....	Port Madison.....	Kitsap.....	5 00
Sergeant-at-arms.....	M. D. Smith.....	Spokane Falls.....	Spokane.....	5 00
Assistant sergeant-at-arms.....	J. S. Taylor.....	Johnson.....	Whitman...	4 00
Bill clerk.....	Effie Carlson.....	Seattle.....	King.....	4 00
Messenger and postmaster.....	R. T. Reynolds.....	Chehalis.....	Lewis.....	4 50
Janitor.....	J. L. Chisholm.....	Roslyn.....	Kittitas.....	4 00
Assistant janitor.....	Asbury F. Haynes.....	Seattle.....	King.....	4 00
Watchman.....	R. H. Milroy, Jr.....	Montesano.....	Chehalis....	4 00
Page.....	Hugh Thompson.....	Olympia.....	Thurston...	2 50
Page.....	Morton Matson.....	Olympia.....	Thurston...	2 50
Clerk to presiding officer.....	Madge Howell.....	Seattle.....	King.....	5 00
Clerk to Judiciary Committee.....	A. C. Bowman.....	Seattle.....	King.....	5 00
Clerk to Public Revenue and Taxation Committee.....	Daniel E. Bailey.....	Seattle.....	King.....	5 00
Clerk to Committees on Constitution and Revision, Claims, Public Buildings and Grounds, Roads and Bridges, and World's Fair.....	T. Henderson Boyd.....	Tacoma.....	Pierce.....	5 00
Clerk to State, Granted and School Lands Committee.....	C. W. Hobart.....	Tacoma.....	Pierce.....	5 00
Clerk to Military, Manufactures, Public Morals, State Library, Agriculture, and Counties and County Lines Committees.....	George U. Piper.....	Seattle.....	King.....	5 00
Clerk to Enrolling and Engrossing Committees.....	A. M. Mitchell.....	Montesano.....	Chehalis....	5 00
Clerk to Committees on Mines and Mining, Labor and Labor Statistics, and Memorials.....	Emma Lamb.....	Seattle.....	King.....	4 00
Clerk to Committee on Corporations other than Municipal.....	E. A. Routhe.....	Spokane Falls.....	Spokane.....	5 00
Clerk to Committees on Privileges and Elections, Federal Relations, Fisheries, Printing, and Salaries and Mileage.....	W. H. Whittemore.....	Kent.....	King.....	5 00
Clerk to Committees on State Insane and State Prison.....	H. C. Adams.....	Spokane Falls.....	Spokane.....	5 00
Total number, 26. Per diem, \$122.50.				

The Senate, on motion of Senator Dyer, at 10:25 adjourned until 2 p. m. on Monday, January 19, 1891.

THIRTEENTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, January 19, 1891. }
2 o'clock P. M.

Senate called to order at 2 o'clock P. M. pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senator Forsyth. Excused.
Journal of Saturday, January 17th, read and approved.

PETITIONS, RESOLUTIONS, ETC.

Petition from General J. L. Reno Post No. 47, Department of Washington and Alaska Grand Army of the Republic, held at Spokane Falls on the — day of January, 1891.

Resolved, That all oaths required to be administered in the execution of papers or vouchers for payment of pensions to United States pensioners should be administered by the state and county officers of this state, authorized to administer oaths, free of charge to the pensioners.

Therefore we, the members of said General John L. Reno Post G. A. R., respectfully memorialize and petition the honorable the Senate and House of Representatives of the State of Washington for the enactment of a law directing and requiring any and all state and county officers of this state authorized to administer oaths, to whom application may be made by a United States pensioner, to administer free of charge any and all oaths that may be necessary in the execution of his pension papers or vouchers for payment of his pension, and that the law contain the necessary emergency clause to make it operative from the date of the approval thereof.

E. M. BLOOMER, Commander.

JOS. LEGRAND, Adjutant.

Placed on file.

The Committee on State, School and Granted Lands reported as follows:

MR. PRESIDENT:

The Committee on State, Granted and School Lands, to which was referred the memorial to congress No. 2, Relative to the early survey of the public lands in this state, and to the selection of the granted lands therein by the government, beg leave to report that it has had the same under consideration, and report the same back with the recommendation that it do pass.

L. F. THOMPSON, Chairman.

Senate memorial No. 2, Relative to public land donations, reported back with a recommendation that it pass.

The rules were suspended, the memorial considered engrossed, and placed upon its final passage. Read by sections, a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 30.

Absent or not voting: Senators Drum, Forsyth, Kneeland, and McCarty — 4.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 17, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 10, entitled "An act making appropriations for the expenses of the second legislature of the State of Washington," and the same is herewith transmitted to the Senate for the signature of the president.

T. G. NICKLIN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 17, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate concurrent resolutions Nos. 1, 2 and 3, and the same are herewith returned to the Senate for transmission to the secretary of state.

T. G. NICKLIN, Chief Clerk.

The president gave notice that he was about to sign House bill No. 10, which was done.

UNFINISHED BUSINESS.

The following, by Senator Parkinson, was read:

OLYMPIA, January 19, 1891.

Resolved, That the following committees, grouped, be allowed a clerk, and that D. T. Lusk be relieved as assistant secretary of the Senate, and be assigned as clerk of said committees, at a salary of \$5 per diem: Committees on State Tide Lands, Medicine, Surgery, Hygiene and Dentistry, and School for Defective Youth.

Referred to special committee on clerk hire, Senators Long and Kneeland.

On motion of Senator Clough, the sergeant-at-arms was instructed to appoint a watchman to fill Mr. R. H. Milroy, Jr.'s, place during his illness.

On motion of Senator Dyer, the Senate, at 2:30 P. M., took a recess, subject to the call of the president.

AFTER RECESS.

The Senate was again called to order at 3:40 P. M., President Wilson in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 19, 1891.

MR. PRESIDENT:

The death of the Hon. John W. Davis, member of the House from Kittitas county, has been announced, resolutions passed relative thereto, and Messrs. Sallee, Murray and Holt have been appointed as a committee to attend the funeral of deceased. The House has adjourned in memory of deceased.

T. G. NICKLIN, Chief Clerk.

Senator Dyer in the chair.

Senator Claypool introduced a claim in the case of the State of Washington, plaintiff, v. James Hull, *alias* Wm. Carpenter, defendant.

Referred to Committee on Claims.

On motion of Senator Luce, 2 o'clock to-morrow was designated as the hour for balloting for United States senator.

Resolution by President Wilson:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. John W. Davis, late a member of the House of Representatives from the county of Kittitas.

Resolved, That the Senate do now adjourn, out of respect to the memory of Representative Davis.

Adopted.

The Senate, at 2:55 P. M., adjourned.

FOURTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, January 20, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Drum, Hyde, Owings, and Preston. Excused.

Journal of yesterday, January 19, read and approved.

RESOLUTIONS AND PETITIONS.

Senate concurrent resolution No. 4, by Senator Van Houten: Relating to the appointment of a special joint committee, consisting of two from the Senate and three from the House, to examine and enquire into the management of the several state offices. Which was adopted.

President Wilson appointed Senators Van Houten and Luce on above committee.

Senator Long offered the following, which was adopted:

Resolved, That Mr. D. T. Lusk be relieved as assistant secretary of the Senate and he be assigned as a committee clerk, at a salary of \$5.00 per diem.

Adopted.

On motion of Senator Clough, the salary of the minute clerk was raised from \$4 to \$5 per day.

INTRODUCTION OF BILLS.

Senate bill No. 41, by Senator Claypool: 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Roads and Bridges.

Senate bill No. 42, by Senator Kinnear: An act to amend section 324 of chapter 29 of the code of Washington, relating to the revival and continuance of judgments.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 43, by Senator Edens: An act to amend an act providing for the organization, classification, incorporation and government of municipal corporations.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

On motion of Senator G. T. Thompson, the Senate proceeded to elect an assistant secretary.

Senator Thompson (G. T.) placed P. B. Johnson, of Walla Walla county, in nomination.

Senator Cooper placed in nomination Carl H. Pomeroy, of Chehalis county.

The roll was called, and the vote resulted as follows:

Those voting for Johnson were: Senators Austin, Clough, Forsyth, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Smith, Thompson (G. T.), Van Houten, Watt, and Wilson—13.

Those voting for Pomeroy were: Senators Baker, Claypool, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kneeland, Long, Rutter, Thompson (L. F.), Van de Vanter, and Vestal—16.

Absent or not voting: Senators Drum, Hyde, McCarty, Owings, and Preston—5.

Necessary to a choice, 15. Mr. Pomeroy was declared elected, and was then sworn in by President pro tem. Wilson.

On motion of Senator Austin, the Senate, at 10:35 A. M., adjourned till 1:30 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, January 20, 1891. }
1:30 o'clock P. M. }

Senate called to order pursuant to adjournment.

Roll called; all present excepting Senators Drum and Forsyth. Excused.

The following announcement was made by Senator Preston:

In pursuance of a resolution of the Senate, adopted January 15th, P. B. Johnson, of Walla Walla, is appointed clerk of the Committee on State Prison, at a salary of \$5 per diem.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 20, 1891.

MR. PRESIDENT:

On motion, the House has appointed Messrs. Gandy, Frater and Yancy as a committee on part of the House to confer with a like committee on part of the Senate, in relation to the printing and distribution of admission tickets for the joint ballot for United States senator.

On motion of Senator Rutter, the president appointed a committee of two to confer with the House committee of three in relation to issuing tickets of admission for to-morrow's joint ballot, as follows: Senators Rutter and Claypool.

On motion of Senator Austin, the Senate, at 1:40 p. m., took a recess until 2 p. m.

At 2 p. m. the Senate was called to order, President Wilson in the chair.

Roll called, and all the Senators present.

NOMINATIONS FOR UNITED STATES SENATOR.

The hour having arrived for taking a ballot for United States Senator, the president pro tem. called for nominations.

Senator Kinnear placed in nomination Watson C. Squire. It was seconded by Senator Geo. T. Thompson.

Senator Long nominated W. H. Calkins, which was seconded by Senator Claypool.

Senator Dyer spoke in favor of Watson C. Squire, followed by Senator Easterday in favor of W. H. Calkins.

Senator Eshelman placed in nomination Hon. Thos. Carroll, which was seconded by Senator Drum.

When Senator Parkinson's name was reached he was, by unanimous consent, allowed to explain his vote and address the Senate, which he did, and at the conclusion of his speech he nominated Chas. E. Laughton. The vote resulted as follows:

Those voting for Mr. Calkins were: Senators Austin, Baker, Claypool, Cooper, Easterday, Edens, Forsyth, Kneeland, Long, Luce, Owings, Smith, Thompson (L. F.), and Wilson—14.

Those voting for Mr. Squire were: Senators Clough, Dyer, Forrest, Frink, Hastings, Hyde, Kinnear, O'Neill, Preston, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Watt—15.

Those voting for Mr. Carroll were: Senators Drum, Eshelman, McCarty, and McCroskey—4.

Those voting for Mr. Laughton were: Senator Parkinson—1.

Total: Watson C. Squire 15, W. H. Calkins 14, Thos. Carroll 4, Chas. E. Laughton 1.

On motion of Senator Owings, the Senate, at 3:10 p. m., adjourned till 11:30 a. m. to-morrow, January 21.

FIFTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, January 21, 1891. }
11:35 o'clock A. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called, and all present.

On motion of Senator Owings, the reading of the journal was dispensed with, and considered approved.

Senator Long introduced the following:

WHEREAS, It was charged by Representative Metcalfe that he had received five hundred dollars to influence his vote for a certain candidate for United States senator; and

WHEREAS, An investigating committee was immediately appointed by the House of Representatives to investigate the truth of said charge, which committee is now engaged in such investigation, and has not completed taking testimony, and cannot therefore make a report of its findings and conclusion; and

WHEREAS, It might do great injustice, both to the members of the Senate and House and to other persons, to proceed to ballot while said investigation is in progress; therefore, be it

Resolved by the Senate, That the vote for the election of United States senator be postponed to such time as the two houses may agree upon.

Senator Frink moved to lay the resolution on the table.

Lost by a divisional vote, 14 in affirmative, 17 in negative.

The previous question was called for by Senators Long, Claypool, Owings, and Kneeland.

The main question was ordered by a divisional vote of 18 to 14, and on the passage of the resolution the yeas and nays were unanimously called, and resulted as follows:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Easterday, Edens, Eshelman, Kneeland, Long, Luce, Owings, Parkinson, Smith, and Thompson (L. F.)—15.

Those voting in the negative were: Senators Clough, Dyer, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, O'Neill, Preston,

Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Watt—16.

Absent or not voting: Senators McCarty, McCroskey, and Wilson—3.

Lost.

The Senate then, at 12 m., proceeded to the House of Representatives, to meet in joint session.

JOINT SESSION.

The Senate and House met in joint session at 12 m., to elect a United States senator, President Wilson presiding.

The rolls of the Senate and House were called, and a quorum was noted present.

The journals of the proceedings of the two houses of January 20th (Tuesday) were read, and the following ballot was then taken for United States senator:

IN THE SENATE.

Those voting for Mr. Calkins were: Senators Austin, Baker, Claypool, Cooper, Easterday, Edens, Kneeland, Long, Luce, Owings, Smith, Thompson (L. F.), and Wilson—13.

Those voting for Mr. Squire were: Senators Clough, Dyer, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, O'Neill, Preston, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Watt—16.

Those voting for Mr. Carroll were: Senators Drum, Eshelmam, McCarty, and McCroskey—4.

Senator Parkinson voted for Mr. Laughton.

For Watson C. Squire, 16; for W. H. Calkins, 13; for Thomas Carroll, 4; for Chas. E. Laughton, 1.

IN THE HOUSE.

Those voting for Mr. Calkins were: Messrs. Barlow, Caughran, Dysart, Garretson, Johnson, Lehman, McClure, Miller, Murray, Palmer, Pearson, Smyth, Spinning, Taylor, Tiffany, Tillotson, and Tyler—17.

Those voting for Mr. Squire were: Messrs. 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, Rags-

dale, Reinhardt, Ready, Reitze, Sallee, Thalman, Wasson, Walker, Wyman, Yancy, Yeomans, Young, and Mr. Speaker—42.

Those voting for Mr. Carroll were: Messrs. Anderson (A. H.), Bass, Chambers, Flummerfelt, Frame, Godman, Holt, Hutchinson, Moore, Nevin, Rockwell, Schricker, Sharpstein, Smith, Snively, Troy, and Walter—17.

The president then announced the result, as follows:

Necessary to a choice, 56.	
For Watson C. Squire.....	58
For W. H. Calkins.....	30
For Thomas Carroll.....	21
For Chas. E. Laughton.....	1
Total votes.....	110

He declared Watson C. Squire was duly elected United States senator.

The joint assembly was then dissolved, and the Senate returned to the Senate chamber; and on motion of Senator Luce, the Senate, at 12:30, adjourned until 2 o'clock to-morrow, January 22, 1891.

SIXTEENTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, January 22, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Hyde, Preston, Smith, and Thompson (G. T.). Excused.

Senator Thompson (G. T.) was granted an indefinite leave of absence.

The journal of yesterday, January 21st, was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 22, 1891.

MR. PRESIDENT:

The House has passed 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."

The House has concurred in Senate concurrent resolution No. 4, Relative to inquiry into the management of state offices, and the speaker has appointed as such committee, on part of the House, Messrs. Garretson, Anderson (of Mason), and Walker.

The House has adopted House concurrent resolution No. 7, Relative to joint committee on fisheries, and the speaker has appointed as such committee, on part of the House, Messrs. Megler, Jones, and Putney. And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

RESOLUTIONS, PETITIONS, ETC.

Senate concurrent resolution No. 5, by Senator Claypool: 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.

Read, and referred to Committee on Military Affairs.

Senators Van Houten, Watt, Austin, Thompson, and O'Neill requested to be excused in order to attend investigation committee.

Two communications were presented by Senator Kinnear. One from Iron Moulders' Union No. 158, of Seattle, and the other from Carpenters' Union No. 351, of Seattle, both petitioning the Senate to pass Senate bill No. 3, entitled "An act declaring eight hours a legal day's work."

Read, and referred to Committee on Labor and Labor Statistics.

By Senator Owings:

WHEREAS, The press of the country is extensively circulating and making public charges to the effect that money was used for corrupt purposes in the late senatorial contest in this state; and

WHEREAS, At least one member of the lower House has publicly charged that he received money for corrupt purposes in said election; and

WHEREAS, It is due to the State of Washington, and to this body, that all the facts concerning all of said matters should be fully ascertained and investigated as speedily as possible; therefore, be it

Resolved by the Senate, That a committee of three members of the Senate be appointed to investigate said matters, and to employ such clerical assistance as may be necessary, and be empowered to send for persons, papers, take testimony, and do all other things necessary for a full and

complete investigation of all said matters, and report the same to the Senate.

Adopted.

Senate concurrent resolution No. 6, by Senator L. F. Thompson: Relating to the standing committees of both houses on State, Granted and School Lands acting jointly on all matters concerning and affecting the state university, and the necessary legislation thereof. Also that said committees be authorized to visit the state university at Seattle for a period not longer than three days, to enquire into all matters touching its interests, with authority to send for persons and papers, and to administer oaths.

Read and adopted.

INTRODUCTION OF BILLS.

Senate bill No. 44, by Senator Claypool: An act appropriating \$250.00 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Appropriations.

Senate bill No. 45, by Senator Van Houten: An act providing for an additional superior court judge for Spokane and Stevens counties, and declaring an emergency to exist.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 46, by Senator McCroskey: An act to regulate warehouse men, wharfingers, commission men and others of a like character and employment, and to declare the effect of warehouse receipts.

Read first time; rules suspended and read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 47, by Senator Eshelman (by request): An act for the relief of Lindley E. Moore.

Read first time; rules suspended, read second time by title, and referred to Committee on Claims.

Senate bill No. 48, by Senator Kinnear (by request): An act to provide for the immediate publication of the decisions of the supreme court of the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 49, by Senator Luce: An act relative to the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on Medicine, Surgery, Hygiene and Dentistry.

Senate bill No. 50, by Senator Dyer: To provide the manner of commencing civil actions.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

On motion of Senator Dyer, the rules were suspended, and the communication from the House was considered.

House concurrent resolution No. 7, by Mr. Megler: Relative to joint Committee on Fisheries consulting with Oregon legislative committee.

Read and adopted, and President Wilson appointed Senators Luce and Clough on behalf of the Senate.

Senator Kinnear in the chair.

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.

On motion of Senator Wilson, the rules were suspended, read second time by title, and referred to Judiciary Committee.

On motion of President Wilson, the Senate, at 3:45, took a recess of 15 minutes to allow the Judiciary Committee time to examine House bill No. 87.

AFTER RECESS.

Senate called to order at 4 P. M., President Wilson in the chair.

The Judiciary Committee reported House bill No. 87 back to the Senate, with the recommendation that it pass without amendment.

The third reading of the bill was ordered, and while in progress Senator Kinnear moved that it be re-referred to the Judiciary Committee, which was done.

Senator McCroskey introduced the following, which, on motion of Senator Owings, was referred to Committee on Corporations other than Municipal:

Resolved, That a committee of one be appointed by the chair to procure from all railroad and transportation companies doing business in this state, an authenticated copy of the tariff cards and classification sheets, and also the rates of fare, in use by them on January 1, 1891.

On motion of Senator Owings, the Senate, at 5:15, adjourned until 2 P. M. to-morrow, January 23, 1891.

SEVENTEENTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, January 23, 1891. }
2:05 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Clough, Drum, Easterday, Frink, Long, Thompson (G. T.), and Van Houten. Excused.

Senator Van Houten excused till Wednesday; Senator Frink until Monday.

On motion of Senator Dyer, the reading of the journal of yesterday, January 22, was dispensed with, and the journal was considered approved.

PETITIONS, RESOLUTIONS, ETC.

Three communications by Senator Kinnear. One from the Brotherhood of Painters and Decorators, No. 127; one from the Musicians Mutual Protective Union, No. 143; and one from Pacific Lodge No. 5, U. O. L. Union, numbering 55, all of Seattle, petitioning the Senate and House of Representatives to pass Senate bill No. 3, entitled "An act declaring eight hours a legal day's work."

Read, and referred to Committee on Labor and Labor Statistics.

Senate concurrent resolution No. 7, by Senator Dyer: Relating to the appointment of a special joint committee to consist of the

chairmen of the House standing Committees on School Lands, State Lands, and State University and Normal Schools, and the chairman of the Senate standing Committee on State, Granted and School Lands, and one member of the Senate to be selected by the president, to visit the state university and to examine into all matters relating to it, and to report such measures as may be necessary.

Read and adopted.

Senator Austin was appointed by President Wilson on the part of the Senate.

MESSAGE FROM THE HOUSE.

The following message from the House was then read:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 23, 1891.

MR. PRESIDENT:

The speaker has signed House concurrent resolution No. 1, Relative to informing the governor that the legislature of the State of Washington is in session, and ready to receive any communication.

Also, House concurrent resolution No. 3, Relative to the appointment of a committee consisting of three senators and five representatives, to be known as the World's Fair Committee.

The House has amended Senate concurrent resolution No. 6, Relative to the state university at Seattle, and has concurred in the resolution as amended. The amendments are noted in the original resolution, and the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolutions Nos. 1, 2 and 3, heretofore reported correctly enrolled, have been delivered to the secretary of state.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT.

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolution No. 4, Relative to inquiring into the management of the state offices, has been carefully compared with the original copy thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 14, have had the same under consideration and herewith report a substitute therefor, 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," and recommend the passage of the substitute. Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Dyer, Austin, Parkinson, and Easterday, being all the members of the committee present at said meeting.

MR. PRESIDENT:

Your Committee on Judiciary, 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 court," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage.

First amendment: After the word "proceedings," in the tenth line of section 1, insert the words "to be paid in advance by plaintiff."

Also, in the same section, in line 12, strike out the figures "10.00" and insert the figures "15.00."

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Dyer, Austin, Parkinson, and Easterday, being all the members of the committee present at said meeting.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 30, entitled "An act to permit poor persons to sue in courts of this state without paying costs in advance," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage.

First amendment: After the word "advance," in the last line of section 1, add the following words: "*Provided*, That in all such cases the county shall have a lien upon the judgment obtained for fees otherwise to have been paid in advance." Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Dyer, Austin, Parkinson, and Easterday, being all the members of the committee present at said meeting.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred House bill No. 87, entitled "A bill for an act to be entitled an act relating to the filling of vacancies in the legislature of the State of Washington," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage.

First amendment: After the word "legislature," in the second line of section 1, insert "which occurs before any general election."

Second amendment: After the word "county," in the seventh line of the same section, insert the words "or counties."

Third amendment: After the word "auditor," in the last line of section 1, insert the words "or auditors;" also in the same line after the word "county" insert the words "or counties."

Fourth amendment: After the word "auditor," in the first line of section 3, insert the words "or auditors."

Fifth amendment: After the word "county," in the second line of section 3, insert the words "or counties."

After the word "district," in the fifth line of the same section, insert the words "or if said district be composed of more than one county, then in four public places in either county."

After the word "county," in the sixth line of the same section, insert the words "or counties."

After the word "county," in the sixteenth line of the same section, insert the words "or counties."

After the word "county," in the twenty-seventh line of the same section, insert the words "or counties."

After the word "county," in the twenty-eighth line of the same section, insert the words "or counties."

Sixth amendment: After the word "auditor," in the fifth line of section 4, insert the words "or auditors."

After the word "county," in the ninth line of the same section, insert the words "or counties."

Seventh amendment: After the word "county," in the third line of section 6, insert the words "or counties."

Eighth amendment: In the last line of section 7, after the word "county," insert the words "or counties."

Ninth amendment: After the word "county," in the third line of section 8, insert the words "or counties."

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Dyer, Austin, Parkin-son, and Easterday, being all the members present at said meet-
ing.

INTRODUCTION OF BILLS.

Senate bill No. 51, by Senator Wilson: An act to amend section 2551 of chapter CXCVIII of the Code of Washington, relating to marks and brands.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 52, by Senator Claypool: An act providing for the appointment of official stenographers of the superior courts of this state, and fixing their compensation and duties.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

THIRD READING OF BILLS.

House bill No. 87, An act to be entitled "An act relating to the filling of vacancies in the legislature of the State of Washington."

The amendments, as reported back to the Senate by the committee, were adopted.

The bill, as amended, was placed on its final passage. It was read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Dyer, Eshelman, Forrest, Forsyth, Hastings, Kinnear, Luce, McCarty, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Clough, Drum, Easterday, Edens, Frink, Hyde, Kneeland, Long, Thompson (G. T.), and Van Houten—10.

The emergency clause was then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Luce, McCarty, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Clough, Drum, Easterday, Frink, Kneeland, Long, Thompson (G. T.), and Van Houten—8.

The following bill was read:

OLYMPIA, WASH., January 23, 1891.

The Senate of the State of Washington to the Post Office Department: Dr.

To furnishing thirty-four members of the Senate with five dollars worth of post office stamps.....	\$170.00
Less 2 per cent. discount charged.....	3.40
Balance due.....	\$166.60

The bill was ordered to be paid.

The president announced that he was about to sign House concurrent resolutions Nos. 1 and 3, and Senate concurrent resolution No. 4, which was done.

THE CAPITOL.

The Committee on Public Buildings and Grounds offered the following report:

MR. PRESIDENT:

Your Committee on Public Buildings and Grounds, to whom was referred House concurrent resolution No. 5, Relative to ascertaining the number of acres of land belonging to the state in the city of Olympia, to be used for public buildings, beg leave to report that they have had the same under consideration, and recommend the adoption of the accompanying substitute.

N. H. OWINGS, Chairman,
W. H. KNEELAND.

Senate concurrent resolution No. 8, substitute for House concurrent resolution No. 5, by the Committee on Public Buildings and Grounds, Relating to the Committees on Public Buildings and Grounds of the Senate and House acting in conjunction, and reporting concerning the capitol grounds.

Read and adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 23, 1891.

MR. PRESIDENT:

The House has concurred in the Senate amendments to 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," and has ordered the bill to be enrolled.

T. G. NICKLIN, Chief Clerk.

THIRD READING OF BILLS.

Senate bill No. 24, An act regulating fees of county clerks for services to be rendered as ex-officio clerks of the superior courts.

The yeas and nays were unanimously called for, and the amendment relative to striking out \$10 and inserting \$15 was lost by the following vote:

Those voting in the affirmative were: Senators Austin, Forrest, Forsyth, Kinnear, Kneeland, McCroskey, Rutter, Van de Vanter, and Vestal—9.

Those voting in the negative were: Senators Claypool, Cooper, Dyer, Edens, Eshelman, Hastings, Hyde, McCarty, O'Neill, Owings, Parkinson, Preston, Smith, Thompson (L. F.), and Wilson—15.

Absent or not voting: Senators Baker, Clough, Easterday, Frink, Long, Luce, and Watt—9.

On motion of Senator Dyer, the first amendment, as reported, was adopted.

The bill was then placed on final passage.

It was read a third time by sections, as amended, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Dyer, Edens, Forrest, Hastings, Hyde, McCroskey, O'Neill, Owings, Parkinson, Preston, Smith, Thompson (L. F.), Van de Vanter, and Vestal—18.

Those voting in the negative were: Senators Eshelman, Forsyth, Kinnear, Kneeland, McCarty, Rutter, and Wilson—7.

Absent or not voting: Senators Clough, Drum, Easterday, Frink, Long, Luce, Thompson (G. T.), Van Houten, and Watt—9.

On motion of Senator Dyer, the bill was ordered to lie on the table.

Senate bill No. 53, substitute for Senate bill No. 14, by the Judiciary Committee: To provide for the publication, distribution and sale of the supreme court records of the State of Washington, and declaring an emergency.

On motion of Senator Kinnear, the bill was ordered to lie upon the table.

Senate concurrent resolution No. 6, Relative to matters affecting the State University, with House amendment, was read.

On motion of Senator Thompson (of Pierce), it was ordered to be indefinitely postponed.

Senate bill No. 30, An act to permit poor persons to sue in courts of this state without paying costs in advance. The amendment, as reported by the committee, was adopted. The bill was read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Dyer, Edens, Eshelman, Forrest, Hastings, Kinnear, Kneeland, McCarty, McCroskey, O'Neill, Parkinson, Preston, Smith, Van de Vanter, Vestal, and Wilson—19.

Those voting in the negative were: Senators Baker, Hyde, Owings, Thompson (L. F.), and Watt—5.

Absent or not voting: Senators Clough, Drum, Easterday, Forsyth, Frink, Long, Luce, Rutter, Thompson (G. T.), and Van Houten—10.

On motion of Senator Dyer, the bill was ordered to lie on the table.

The Senate, at 3:48 p. m., on motion of Senator Dyer, took a recess, subject to the call of the president.

AFTER RECESS

The Senate, at 4:10, convened, President Wilson in the chair.
A quorum present.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 23, 1891.

MR. PRESIDENT:

The speaker of the House has signed enrolled House bill No. 87, entitled "An act to be entitled 'An act relating to the filling of vacancies in the legislature of the State of Washington,'" and the same is herewith transmitted to the Senate for the signature of its president.

T. G. NICKLIN, Chief Clerk.

The president announced that he was about to sign enrolled House bill No. 87, which was done.

The president appointed Senators Owings, Drum and Vestal to act on the investigation committee, as provided for by Senator Owings' resolution of yesterday.

On motion of Senator Rutter, the Senate, at 4:15, adjourned.

EIGHTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, January 24, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called, and all present excepting Senators Austin, Clough, Drum, Easterday, Frink, Kinnear, Thompson (G. T.), Van Houten, and Watt. Excused.

On Motion of Senator Preston, the reading of the journal of yesterday, January 23, was dispensed with and considered approved.

PETITIONS, RESOLUTIONS, ETC.

A petition by Senator Preston, of Walla Walla, signed J. H. Hill and five hundred others of Walla Walla, petitioning their representatives in the legislature that they use their influence in favor of an appropriation for Washington's exhibit at the Columbian Exposition of a sum not to exceed \$50,000.

Read and referred to special committee on World's Fair.

REPORTS OF STANDING COMMITTEES.

Richards-McCarty contest, by Committee on Elections and Privileges. Read, and, on motion of Senator Kneeland, made a special order of business for 2 p. m. Tuesday.

Following is the report:

MR. PRESIDENT:

Your Committee on Elections and Privileges would respectfully report that they have had under consideration the matter of the contested seat from the thirty-fourth senatorial district, Whatcom county, wherein Frank H. Richards is the contestant and Morris McCarty the contestee. Both parties were before us in person and by counsel. To the evidence adduced and authorities cited, your committee have given undivided attention, and have come to the following conclusion:

In the inception of this report it is but proper to state that we find nothing in the evidence that reflects in the least on the strict integrity and honesty of either of the principals in this contest. From the examination and consideration thus given, your committee find, that at the last general election held in this state on the 4th day of November, 1890, in the thirty-fourth senatorial district, in the county of Whatcom, there were three candidates for the seat in the state Senate: Morris McCarty, Frank H. Richards and M. F. Chestnut. That according to the official returns the entire number of votes for senator were 1,575, of which Morris McCarty received 764, Frank H. Richards 759, and M. F. Chestnut 52, giving to McCarty a plurality of five votes of the entire number cast.

Your committee further find that there were two votes thrown out which should have been counted for Frank H. Richards. We also find that there were two fraudulent votes cast which should be taken from the vote of Morris McCarty, thus leaving the vote: Richards 761, Morris McCarty 762.

Your committee find from the evidence that in the second ward of Fairhaven frauds of a most serious character were perpetrated, and which should have received at the time legal investigation and due punishment at the hands of proper tribunals. We find that from one house in said ward between 25 and 30 men were registered on the registration book of said ward, and the evidence clearly shows that such house was incapable of accommodating that many actual residents at one time, or even half that number; that at that time there were several persons living in the house

who were not voters, among them several women. We further find that there were many votes voted from this house; several presented themselves to vote but dared not swear their votes in, and from the evidence your committee are satisfied that fraudulent voting to a great extent was indulged in in this ward, leaving the result in extreme doubt.

For these reasons your committee unanimously agree that they cannot conscientiously do otherwise than recommend that the vote of this precinct be thrown out entirely.

We also find many irregularities, but they are not of sufficient consequence to warrant any further changes in the vote.

The vote presented, according to the official count of the board of election, gives McCarty a plurality of 19 in this ward, which, being thrown out, leaves McCarty's vote in the senatorial district 646, and Richards 661.

Your committee therefore recommend that Frank H. Richards be declared entitled to the seat in the state Senate from the thirty-fourth senatorial district of Washington, now occupied by Morris McCarty.

All of which we respectfully submit, together with all evidence, exhibits and documents presented to us during the hearing of said contest.

J. H. LONG,

R. C. MCCROSKEY,

A. T. VAN DE VANTER,

Committee.

The special committee on committee rooms and clerk hire, Senators Long and Kneeland, reported five suitable committee rooms, and that an additional janitor be employed to take care of said rooms, Mr. J. A. Clarendon, at \$4 per day.

On motion of Senator Forrest, the report was adopted, and the committee authorized to secure said rooms and to employ Mr. Clarendon as janitor.

On motion of Senator L. F. Thompson, the Senate, at 10:30 A. M., adjourned till 2 P. M. Monday, January 26.

TWENTIETH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, January 26, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Easterday, Kneeland, Long, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten. Excused.

Journal of Saturday, January 24, read and approved.

PRESENTATION OF PETITIONS, RESOLUTIONS, ETC.

Petition introduced by Senator Kinnear, from the Carpenters' Union of Anacortes, No. 689, numbering 64; from the Tacoma Assembly Knights of Labor, No. 4223; from Mill Men's Union, No. 625, numbering 125, of Seattle; and the local union 612, U. B. Carpenters and Joiners, numbering 70, petitioning the Senate and House of Representatives to pass S. B. No. 3, entitled "An act declaring eight hours a legal day's work."

Read, and referred to Committee on Labor and Labor Statistics.

COMMITTEE REPORT.

By Judiciary Committee.

MR. PRESIDENT:

Your Committee on Judiciary, to whom you referred Senate bill No. 5, entitled "An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency," have had the same under consideration, and now respectfully report back a substitute therefor entitled, "An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency," with the recommendation that the substitute pass.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Dyer, Austin, and Parkinson, being all the members of said committee present.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 40, entitled "An act to provide for the payment of certain expenses of the judges of the supreme court, and of the judges of the superior courts, and to declare an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage:

First amendment: In the third line of section 1, after the word "court," strike out the words "who may have had to incur traveling and unusual personal expenses," and insert the words "shall be allowed their expenses necessarily incurred."

Second amendment: Strike out of section 2, after the word "and," in the fourth line, the words "who may have had to incur traveling and unusual personal expenses," and insert after the word "county," in the same line, the words "shall be allowed their expenses necessarily incurred. Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Dyer, Austin and Parkinson, being all the members of said committee present.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 42, entitled "An act to amend section 324 of chapter XXIX of the code of Washington, relating to the revival and continuance of judgments," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Dyer, Austin and Parkinson, being all the members of said committee present.

By Committee on Military Affairs:

MR. PRESIDENT:

We, your Committee on Military Affairs, to whom was referred Senate concurrent resolution No. 5, Providing for the removal of Indian war records from the office of the secretary of state to the custody of the adjutant general, beg leave to report it back with the recommendation that it pass.

TRUSTEN P. DYER, Chairman,
C. E. CLAYPOOL,
W. J. PARKINSON.

INTRODUCTION OF BILLS.

Senate bill No. 5, An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency.

The Judiciary Committee reported a substitute for this bill, known as Senate bill No. 54.

Senate bill No. 55, by Senator Dyer: An act providing for the cession of jurisdiction to the government of the United States, over certain lands situated in Kitsap county in the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 26, 1891.

MR. PRESIDENT:

The House has passed House memorial No. 1, Relative to naval station at Point Turner.

The speaker of the House has signed Senate concurrent resolution No. 4, Relative to the committee of three from the House and two from the Senate to enquire into the management of the several state offices.

The House has passed House bill No. 13, entitled "An act in relation to civil actions against the state."

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."

Also, Senate bill No. 22, entitled "An act providing for the distribution to the members of the legislature of the code of 1881, and the session laws of 1889-90," amending title as noted in bill.

The House has also concurred in Senate concurrent resolution No. 7, Relative to special committee to visit and examine the state university at Seattle.

The speaker of the House has signed House concurrent resolution No. 7, Relative to joint Committee on Fisheries.

The House has passed House bill No. 99, substitute for House bill No. 2, entitled "An act in relation to prosecuting attorneys, and declaring an emergency," and the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

The president stated that he was about to sign House concurrent resolution No. 7, and Senate concurrent resolution No. 4, which was done.

FIRST READING OF BILLS.

House memorial No. 1, Relative to making appropriation for maintaining a naval station at Point Turner.

Read first time; rules suspended, read second time by title, and referred to Committee on Memorials.

House bill No. 13, by E. L. Powell: An act in relation to civil actions against the state.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House bill No. 99, by Judiciary Committee: An act in relation to prosecuting attorneys, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House bill No. 77, by C. E. Flummerfelt: An act making appropriation for the per diem and expenses of boards of county commissioners in selecting and appraising school lands.

Read first time; rules suspended, read second time by title, and referred to Committee on Appropriations.

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.

Reported back from the committee with the recommendation that it pass, without amendment; read and adopted.

Senate bill No. 42: An act to amend sections 324 of chapter XXIX of the code of Washington, relating to the revival and continuance of judgments.

Reported back from the committee with amendments, with the recommendation that it pass.

Amendments were adopted.

Read a third time as amended, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCarty, McCroskey, O'Neill, Parkinson, Preston, Rutter, Smith, Vestal, and Wilson—25.

Absent or not voting: Senators Baker, Easterday, Long, Owings, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt—9.

Title of the bill to remain the title of the act.

Senate bill No. 40, 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.

Reported back from the committee with the recommendation that it pass as amended.

Senator Owings offered the following amendment to the first amendment, as reported by the committee:

That at the close of each quarter, or within a reasonable time thereafter, the several judges of the supreme court may each make an itemized and certified statement of his actual traveling expenses in attending and holding the sessions of said court during such quarter.

On motion of Senator Smith, the bill was recommitted to the Judiciary Committee for further consideration.

Senate concurrent resolutions Nos. 7 and 8 were ordered to be enrolled.

MESSAGE FROM THE GOVERNOR.

THE WALLA WALLA PENITENTIARY.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,

OLYMPIA, January 26, 1891.

To the Honorable the President and the Senate of the State of Washington:

GENTLEMEN—I have the honor to submit herewith 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 accompanying. I have the honor to be

Your obedient servant, CHAS. E. LAUGHTON,
Lieutenant Governor and acting Governor.

On motion of Senator Preston, 1,000 copies of the message and accompanying documents were ordered to be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 26, 1891.

MR. PRESIDENT:

The House has concurred in Senate concurrent resolution No. 8, Relative to public buildings and grounds inquiry, and the same is herewith returned to the Senate.

T. G. NICKLIN, Chief Clerk

On motion of Senator Rutter, the Senate, at 3:05 P. M., adjourned until 1:30 P. M. to-morrow, January 27, 1891.

TWENTY-FIRST DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, January 27, 1891. }
1:40 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Luce, Thompson (G. T.), and Van Houten.

Excused.

On motion of Senator Clough, the reading of the journal was dispensed with, and considered approved.

PRESENTATION OF PETITIONS, RESOLUTIONS, ETC.

Resolution by Senator O'Neill:

Resolved, That the following committees be allowed to employ Miss Nellie Ingalls as clerk: Committees on Appropriations, Indian Affairs, Internal Improvements, and Municipal Incorporations.

Read, and referred to the special committee on clerk hire and committee rooms, Senators Long and Kneeland.

By Senator O'Neill:

Resolved, That the following committees be allowed to employ Mr. H. W. C. Jackson as clerk: Committees on Claims, Commerce, Education, Memorials, and Rules and Joint Rules.

Read, and referred to the special committee on clerk hire and committee rooms, Senators Long and Kneeland.

Senate concurrent resolution No. 9, by Senator Frink: Relating to authorizing the state auditor to have three thousand copies of the state constitution printed for distribution among the public schools, and twenty copies to be deposited in the archives of the state. Read and adopted.

Senate memorial No. 6, by Senator McCroskey: Relative to the election of United States senators by the people.

Read, and referred to Committee on Memorials.

Senator Preston was allowed an indefinite leave of absence.

REPORTS OF STANDING COMMITTEES.

By Committee on Labor and Labor Statistics:

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, to whom was referred Senate bill No. 3, entitled "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," have considered the same, and submit the following report:

First. Amend line 2 of section 2 of printed bill by inserting after the word "state" the words "county or municipality."

Second. Amend, after word "by" in third line of section 2, by inserting the words "imprisonment in the county jail for a term of not less than six months nor more than one year."

Third. Amend line 4, section 2, by striking out all after the word "dollars" up to and including the word "jail" in line 5.

And would recommend that the bill as amended pass.

W. C. RUTTER, Chairman,

L. B. CLOUGH,

J. J. EDENS.

By Committee on Labor and Labor Statistics:

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, to whom was referred Senate bill No. 2, entitled "An act declaring Labor Day a legal holiday," have had the same under consideration, and would respectfully report the same back to the Senate with the recommendation that the bill pass.

W. C. RUTTER, Chairman,

L. B. CLOUGH,

J. J. EDENS.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 37, 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Dyer, Austin and Parkinson, being all the members of said committee present.

Read and adopted, and Senate bill No. 37 was indefinitely postponed.

Senate bill No. 56, introduced by Senator Kinnear: An act to validate the general indebtedness of the city of Seattle in excess of one and one-half per cent. on the assessed valuation of the property within the city limits, and which was incurred without the vote of the qualified electors of said city.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 27, 1891.

MR. PRESIDENT:

The House has passed 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," and the same is herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

RICHARDS-McCARTY CONTEST.

The Senate at 2 P. M. took up the special order of business set for that hour, Richards *vs.* McCarty contested case.

The complaint by the contestant, and answer by the respondent, were then read.

Senator Easterday called for the reading of the committee's report, which was done.

Senator Rutter moved that report of the committee be adopted.

Senator Austin moved that no testimony be read before the Senate except by unanimous consent.

Senator Kinnear moved to amend by substituting "a majority of all voters present."

The yeas and nays were called for on the amendment by Senators Owings, Drum, Preston, Watt, Forsyth, and Austin.

The amendment was adopted by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forsyth, Frink, Hastings, Kinnear, Long, McCroskey, Parkinson, Vestal, and Wilson — 17.

Those voting in the negative were: Senators Austin, Claypool, Dyer, Forrest, Kneeland, O'Neill, Owings, Rutter, Thompson (L. F.), Van de Vanter, and Watt—11.

Absent or not voting: Senators Luce, McCarty, Preston, Smith, Thompson (G. T.), and Van Houten—6.

The original motion as amended was then taken up.

The yeas and nays were called for by Senators Dyer, Rutter, Owings, Forsyth, Drum, and Frink.

The motion as amended was adopted by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forsyth, Hastings, Hyde, Kinnear, Kneeland, McCroskey, Parkinson, Vestal, and Wilson—16.

Those voting in the negative were: Senators Austin, Claypool, Dyer, Forrest, Frink, O'Neill, Owings, Rutter, Smith, Thompson (L. F.), Van de Vanter, and Watt—12.

Absent or not voting: Senators Long, Luce, McCarty, Preston, Thompson (G. T.), and Van Houten—6.

Senator Drum moved that certain testimony as given by S. Mills, page 127, Vol. 2, of the testimony, be read for information.

Senator Dyer moved that Senator Drum's motion be laid upon the table.

A division was called for; there being 17 in favor and 9 against, the motion was tabled.

Senator Rutter moved the previous question. That the report of the committee be adopted.

Yeas and nays called for by Senators Parkinson, Kinnear, Van de Vanter, Drum, Eshelman, and Kneeland.

The motion was adopted by the following vote:

Those voting in the affirmative were: Senators Clough, Drum, Easterday, Edens, Eshelman, Forsyth, Hyde, Kneeland, O'Neill, Owings, Rutter, Smith, Thompson (L. F.), Van de Vanter, and Vestal—15.

Those voting in the negative were: Senators Baker, Claypool, Cooper, Dyer, Forrest, Frink, Hastings, Kinnear, Long, McCroskey, Parkinson, and Wilson—12.

Absent or not voting: Senators Austin, Luce, McCarty, Preston, Thompson (G. T.), Van Houten, and Watt,—7.

Senator Frink moved to reconsider the vote by which the previous question was ordered.

Lost by the following vote:

Those voting in the affirmative were: Senators Baker, Drum, Easterday, Edens, Eshelman, Forsyth, Frink, Hyde, Kinnear, Long, McCroskey, and Parkinson—12.

Those voting in the negative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Forrest, Hastings, Kneeland, O'Neill, Owings, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—17.

Absent or not voting: Senator Luce, McCarty, Preston, Thompson (G. T.), and Van Houten—5.

A vote was then taken on the adoption of the report, which resulted in the affirmative, as follows:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Forrest, Frink, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—21.

Those voting in the negative were: Senators Baker, Drum, Easterday, Edens, Eshelman, Forsyth, Kinnear, and Parkinson—8.

Absent or not voting: Senators Luce, McCarty, Preston, Rutter, and Van Houten—5.

On motion of Senator Owings, Senator Richards was conducted to the bar by the sergeant-at-arms, and sworn in by the president.

INTRODUCTION OF BILLS.

Senate bill No. 57, by Senator Kneeland: An act to fix the time of the commencement of the term of office of state officers.

Read first time; rules suspended, read second time by title, and referred to Committee on Constitution and Revision.

Senate bill No. 58, by Senator Kneeland: An act to fix the time for the meeting of the legislature.

Read first time; rules suspended, read second time by title, and referred to Committee on Constitution and Revision.

On motion of Senator Dyer, the Committee on Elections and Privileges were authorized to inquire into the expenses of both parties during the contest of Richards *vs.* McCarty, and report by bill or otherwise.

On motion of Senator Kinnear, the Senate, at 5 p. m., adjourned until 2 p. m. to-morrow, January 28, 1891.

TWENTY-SECOND DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, January 28, 1891. }
2 o'clock P. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Luce, Preston, Thompson (G. T.), Van de Vanter, and Van Houten. Excused.

Journal of yesterday, January 27, read and approved.

PETITIONS, RESOLUTIONS, ETC.

Petition introduced by Senator Kinnear, signed by about 100 attorneys of the King county bar, petitioning the governor, the Senate, and the House of Representatives, to provide a fourth superior court judgeship for the county of King, State of Washington.

Read and referred to Committee on Judiciary.

Senate memorial No. 5, by Senator Owings, Relative to an act providing for the survey of government land.

Read first time; rules suspended, read second time by title, and referred to Committee on Memorials.

REPORTS OF COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate concurrent resolution No. 4, heretofore reported correctly enrolled, has been delivered to secretary of state.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that

Senate concurrent resolutions Nos. 7 and 8 have been carefully compared with the original copies thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT.

President Wilson stated that he was about to sign Senate concurrent resolutions Nos. 7 and 8, which was done.

REPORTS OF STANDING COMMITTEES.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred House bill No. 99, entitled "An act in relation to prosecuting attorneys, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass. Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Dyer and Parkinson, being all the members of said committee present.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred House bill No. 13, entitled "An act in relation to civil actions against the state," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed, for the reason that there is no law authorizing suits against the State of Washington, and when a law is passed by the legislature provision should be made in that law for the manner of serving process on the state. Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Dyer and Parkinson, being all the members of said committee present.

The report was adopted, and House bill No. 13 was indefinitely postponed.

By Judiciary Committee:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate bill No. 25, entitled "An act regulating fees to be charged by the clerk of the supreme court," have had the same under consideration, and now respectfully

report the same back to the Senate with the following amendments, and as amended, recommend its passage.

First amendment: Strike out the word "ten" in line 2 of section 1, and insert "fifteen" before the word "dollars."

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Dyer, and Parkinson, being all the members of said committee present.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 43, entitled "An act to amend an act providing for the organization, classification, incorporation and government of municipal corporations," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed, for the reason that it refers to the act generally without specifying any section to be amended, and that the proviso "that no more than twenty acres of unplatted land belonging to any one person shall be annexed to the city against the owner's protest," could not equitably be applied in the first, second and third classes; that is the rule which is applied now to cities and towns of the fourth class.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Dyer, and Parkinson, being all the members of said committee present.

The report was adopted, and Senate bill No. 43 was indefinitely postponed.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 48, entitled "An act to provide for the immediate publication of the decisions of the supreme court of the State of Washington," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed. Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Dyer, and Parkinson, being all the members of said committee present.

The report was adopted, and Senate bill No. 48 was indefinitely postponed.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 21, entitled "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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Dyer, Austin, and Parkinson, being all the members of said committee present.

The report was adopted, and the bill, Senate bill No. 21, was indefinitely postponed.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 34, entitled "An act to regulate the taking of testimony by stenographers," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Respectfully submitted.

J. R. KINNEAR, Chairman.

The report was concurred in by Senators Dyer, Austin, and Parkinson, being all the members of said committee present.

The report was adopted, and Senate bill No. 34 was indefinitely postponed.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 40, entitled "An act to provide for the payment of certain expenses of the judges of the supreme court, and of the judges of the superior courts, and to declare an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage.

First amendment: Amend title to read "An act to provide for the payment of certain expenses of judges of the supreme court, superior courts, and the attorney general of the state, and to declare an emergency."

Second amendment: In the third line of section 1, after the word "court," strike out the words "who may have had to incur traveling and unusual personal expenses in attending and holding," and insert "shall be allowed their necessary traveling expenses in going to and from the sessions of said court."

Third amendment: In the fourth line of section 2, after the word "county," strike out the words "who may have had to incur traveling and unusual personal expenses in attending and holding their respective courts," and insert "shall be allowed their necessary traveling expenses in going to and from their respective courts."

Fourth amendment: Incorporate a new section to be numbered section 3, as follows: "And the attorney general of the state shall be allowed his necessary traveling expenses incurred in the performance of his official

duties, to be certified to by him, and paid in the manner provided for superior court judges in section 2 of this act."

Fifth amendment: Change numbers of sections 3 and 4 of bill to sections 4 and 5.

Sixth amendment: In line six of section 5, after the word "judges," insert the words "and attorney general."

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Claypool, Easterday, Dyer and Parkinson, being all the members of said committee present.

By the Judiciary Committee.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 52, entitled "An act providing for the appointment of official stenographers of the superior courts of this state, and fixing their compensation and duties," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Claypool, Easterday, Dyer, and Parkinson, being all the members of said committee present.

Report was adopted, and the bill, Senate bill No. 52, was indefinitely postponed.

INTRODUCTION OF BILLS.

House bill No. 62, by Frank A. Spinning: An act granting certain additional powers and authority to cities of the third class, relating to assessment, levy and collection of taxes.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 59, by Senator Claypool: An act appropriating \$19,183.19 on account of a deficiency in the fund for the support of the National Guard of Washington for the years 1889-90.

Read first time; rules suspended, read second time by title, and referred to Committee on Military.

Senate bill No. 60, by Senator Kinnear: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 61, by Senator McCroskey: An act to fix the maximum rates of freights on railroads in this state, and to provide a penalty for violations of its provisions.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 62, by Senator Hyde: A bill to amend the law for the sale of property.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 63, by Senator Hyde: An act to provide for the manner of commencing civil actions, and regulating defaults therein.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 64, by Senator Hyde: An act to amend section 289 of chapter XXIV of the Code of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 65, by Senator L. F. Thompson: An act making appropriation for the survey and selection of lands granted to the State of Washington, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senators Owings and Kneeland were excused for the remainder of the day.

Senate bill No. 66, by Senator Forrest: An act authorizing and empowering boards of county commissioners to sell and convey property belonging to their respective counties, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

President Wilson stated that Senator Richards was appointed on the same committees as held by Senator McCarty.

THIRD READING OF BILLS.

Senate bill No. 3, 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.

The bill was reported back from the committee with the recommendation that it pass as amended.

The first amendment as reported was read and adopted, ten voting in the affirmative, six in the negative.

The second amendment as reported was read and lost, six in affirmative, nine in negative.

Third amendment also read and lost.

Senator Baker moved to amend by inserting the words, "or any corporation, firm, or individual," after the end of section 1.

The yeas and nays were unanimously called for.

The amendment was adopted by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Easterday, Eshelman, Forsyth, Frink, Hastings, Hyde, Long, McCroskey, O'Neill, Smith, Thompson (L. F.), Vestal, and Watt—16.

Those voting in the negative were: Clough, Cooper, Drum, Dyer, Edens, Forrest, Kinnear, Richards, Parkinson, Rutter, Van de Vanter, and Wilson—12.

Absent or not voting: Kneeland, Luce, Owings, Preston, Thompson (G. T.), and Van Houten—6.

Senator Rutter moved that the bill be indefinitely postponed.

The yeas and nays were called for by Senators Rutter, Smith, Easterday, Baker, Drum, and Van de Vanter.

The motion was lost by the following vote:

Those voting in the affirmative were: Senators Baker, Edens, Forsyth, Kinnear, McCroskey, Rutter, Thompson (L. F.), Van de Vanter, and Vestal—9.

Those voting in the negative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Long, Richards, O'Neill, Parkinson, Smith, Watt, and Wilson—19.

Absent or not voting: Senators Kneeland, Luce, Owings, Preston, Thompson (G. T.), and Van Houten—6.

Senator Drum moved to amend by inserting the words "*Provided*, That the provisions of the act shall not apply to the parties to any contracts which shall not be terminated prior to the taking effect of this act," after the end of section 2. The amendment was adopted.

On motion of Senator Claypool, section 3 was stricken out.

Senator Drum moved that the rules be suspended, the bill considered engrossed, and placed on its final passage.

Senator Dyer moved to lay the bill on the table.

Division was called for, and there being 12 affirmatives and 14 negatives, the motion to lie on the table was lost.

Senator Easterday offered the following amendment to section 1, which was rejected.

And it shall be unlawful for any state, county or municipal official, agent, corporation, firm, or person to exact, require, or permit any person in its or their employ to perform for it or them to exceed eight hours in any one day.

Senator Kinnear moved to strike out, at the close of section 1, the words "or municipality therein, for any corporation, firm or individual."

A division was called for. There being 9 in the affirmative, 14 in the negative, the motion was lost.

Senators Long, Smith, and Eshelman moved the previous question.

On the question, Shall the main question be put? the Senate decided in the affirmative, and the bill having been read a third time, it was passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Drum, Easterday, Eshelman, Forrest, Frink, Hastings, Long, Richards, McCroskey, O'Neill, Parkinson, Smith, Thompson (L. F.), Watt, and Wilson—18.

Those voting in the negative were: Senators Clough, Cooper, Dyer, Edens, Forsyth, Hyde, Kinnear, Rutter, Van de Vanter, and Vestal—10.

Absent or not voting: Senators Kneeland, Luce, Owings, Preston, Thompson (G. T.), and Van Houten—6.

After a slight correction, the title of the bill was to remain the title of the act.

Senate bill No. 25, An act regulating fees to be charged by the clerk of the supreme court. Reported back from the committee with the recommendation that it pass as amended.

The amendment was adopted, the bill read a third time, by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Baker, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Parkinson, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—20.

Absent or not voting: Senators Austin, Clough, Kneeland, Long, Luce, Richards, Owings, Preston, Rutter, Smith, Thompson (G. T.), and Van Houten—14.

The emergency clause passed, as follows:

Those voting in the affirmative were: Senators Baker, Clay-

pool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Richards, McCroskey, O'Neill, Parkinson, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, and Wilson—25.

Those voting in the negative were: Senator Long—1.

Absent or not voting: Senators Austin, Kneeland, Luce, Owings, Preston, Thompson (G. T.), Van Houten, and Watt—8.

Title of the bill to remain the title of the act.

Senate bill No. 2, by Senator Kinnear: An act declaring Labor Day a legal holiday.

Reported back from the Judiciary Committee recommending that it pass.

The bill was read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Baker, Claypool, Clough, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, and Wilson—23.

Those voting in the negative were: Senator Cooper—1.

Absent or not voting: Senators Austin, Kneeland, Luce, Richards, Owings, Parkinson, Preston, Thompson (G. T.), Van Houten, and Watt—10.

Title of the bill to remain the title of the act.

House bill No. 99, An act in relation to prosecuting attorneys, and declaring an emergency.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Parkinson, Richards, Smith, Thompson (L. F.), Van de Vanter, Vestal, and Wilson—26.

Absent or not voting: Senators Kneeland, Luce, Owings, Preston, Rutter, Thompson (G. T.), Van Houten, and Watt—8.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long,

McCroskey, O'Neill, Parkinson, Richards, Smith, Thompson (L. F.), Van de Vanter, Vestal, and Wilson—26.

Absent or not voting: Senators Kneeland, Luce, Owings, Preston, Rutter, Thompson (G. T.), Van Houten, and Watt—8.

Title of the bill to remain the title of the act.

Senator Drum in the chair.

Senate bill No. 22, An act providing for the distribution to the members of the legislature of the code of 1881, and the journals and session laws of 1889-90.

Received from the House as amended in the title.

The amendment was concurred in, and the bill ordered enrolled.

Title of the bill to remain the title of the act.

President Wilson in the chair.

Senate bill No. 54, An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency.

Reported back from the committee as a substitute for Senate bill No. 5, with the recommendation that it pass.

The bill was read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Parkinson, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Clough, Drum, Kneeland, Luce, Owings, Preston, Thompson (G. T.), Thompson (L. F.), and Van Houten—10.

The emergency clause was then taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Parkinson, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Drum, Kneeland, Luce, Owings, Preston, Thompson (G. T.), Thompson (L. F.), and Van Houten—8.

The title of the bill to remain the title of the act.

Senate bill No. 40, 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.

Reported back to the Senate from the committee, with various amendments, recommending that it pass as amended.

The amendments of the committee were adopted, and the bill was ordered to be engrossed.

Senate bill No. 51, An act to amend section 2551 of chapter CXCVIII of the Code of Washington, Relating to marks and brands.

Reported back to the Senate from the committee, recommending that it pass, without amendment.

Read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Parkinson, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Kneeland, Luce, Owings, Preston, Thompson (G. T.), Thompson (L. F.), and Van Houten—7.

The title of the bill to remain the title of the act.

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.

Read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Parkinson, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Edens, Kneeland, Luce, Owings, Preston, Thompson (G. T.), Thompson (L. F.), and Van Houten—8.

The emergency clause was then taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Parkinson, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Edens, Kneeland, Luce, Owings, Preston, Thompson (G. T.), Thompson (L. F.), and Van Houten—8.

Title of the bill to remain the title of the act.

Senate bill No. 30, An act to permit poor persons to sue in courts of this state without paying costs in advance.

Taken from the table, and the emergency clause was rejected by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—22.

Those voting in the negative were: Senators Hyde and Watt—2.

Absent or not voting: Senators Edens, Forsyth, Kneeland, Luce, Owings, Parkinson, Preston, Thompson (G. T.), Thompson (L. F.), and Van Houten—10.

Title of the bill to remain the title of the act.

Senate bill No. 24, An act regulating fees of county clerks for services to be rendered as ex-officio clerks of the superior courts.

Taken from the table, and the emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Long, McCroskey, O'Neill, Parkinson, Richards, Rutter, Smith, Van de Vanter, Vestal, and Wilson—23.

Those voting in the negative were: Senator Kinnear.

Absent or not voting: Senators Edens, Forsyth, Kneeland, Luce, Owings, Preston, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—10.

Title of the bill to remain the title of the act.

On motion of Senator Austin, the Senate, at 4:50 P. M., adjourned until 2 P. M. to-morrow, January 29, 1891.

TWENTY-THIRD DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, January 29, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Clough, Eshelman, Luce, Preston, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten. Excused.

On motion of Senator Kinnear, the reading of the journal of yesterday, January 28, was dispensed with and considered approved.

PETITIONS, RESOLUTIONS, ETC.

Senate concurrent resolution No. 10, by Senator Owings: Relative to furnishing county auditors with certified copies of House bill No. 7, To extend the time for the collection of taxes.

Read and adopted.

REPORTS OF COMMITTEES.

By Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that 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," has been carefully compared with the engrossed copy thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,
ALEX. WATT,
W. J. PARKINSON.

By Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 40, entitled "An act to provide for the payment of certain expenses of judges of the supreme court, superior courts, and the attorney general of the state, and to declare an emergency," has been carefully compared with the original bill, and found correctly engrossed.

JNO. S. BAKER, Chairman.

By Committee on Roads and Bridges:

MR. PRESIDENT:

Your Committee on Roads and Bridges, to whom was referred 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, have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

J. J. EDENS, Chairman,
R. C. McCROSKEY.

By Committee on Appropriations:

MR. PRESIDENT:

Your Committee on Appropriations, 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," have had the same under consideration, and recommend that it do pass.

L. B. CLOUGH,
W. J. PARKINSON,

Being the only members of the committee present.

By Committee on State Library:

MR. PRESIDENT:

• Your Committee on State Library, to whom was referred the catalogue of the law department of the state library, in manuscript, beg leave to report that we have examined the same, and find the work creditably executed. We herewith return it with an accompanying concurrent resolution, the adoption of which resolution we recommend.

C. E. CLAYPOOL, Chairman,
N. H. OWINGS.

By Committee on Memorials:

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred House memorial No. 1, have had the same under consideration, and respectfully report the same back to the Senate with the recommendation that it pass.

J. R. KINNEAR,
W. C. RUTTER,

Two of committee.

By Committee on Claims:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred Senate claim asking for an appropriation of \$312 for the relief of L. P. Berry, agent in the case of the State v. James Hill, an escaped prisoner, beg leave to report that

they have carefully and fully examined into the justice of paying said claim, and submit the accompanying bill, asking that an appropriation for the amount be made.

S. VESTAL, Chairman,
JNO. S. BAKER.

By the Judiciary Committee:

To the President of the Senate:

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, Code Commissioner of the State of Washington, pursuant to Senate concurrent resolution No. 3, 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 the 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 forty-six 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 forty-six 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 forty-six bills be introduced in the Senate by the Senate Judiciary Committee, 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.

J. R. KINNEAR, Chairman,
TRUSTEN P. DYER,
W. J. PARKINSON,
C. G. AUSTIN,
C. M. EASTERDAY,
C. E. CLAYPOOL,
Senate Judiciary Committee.

J. M. READY,
J. M. MILLER,
A. H. GARRETSON,
P. E. BERRY,
JOHN L. SHARPSTEIN,
G. E. DE STEIGUER,
House Judiciary Committee.

INTRODUCTION OF BILLS.

Senate bill No. 67, by Senator Claypool: An act in relation to attachments and garnishments.

Rules suspended, read first and second time by title, and referred to Judiciary Committee.

Senate bill No. 68, by Senator Rutter: A bill for an act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors.

Read first time; rules suspended, read second time by title, and referred to Committee on Mines and Mining.

Senate bill No. 69, by Senator O'Neill: An act to amend section 165 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 28, 1891.

MR. PRESIDENT:

The House has passed Senate bill No. 1, entitled "An act fixing salaries of justices of the peace and constables in incorporated cities and towns, etc.," with amendments noted in bill.

House bill No. 53, An act providing for the appointment of official stenographers for the superior courts of this state.

House memorial No. 4, Relative to the improvement of Gray's Harbor.

House memorial No. 5, Praying congress to survey the town site of Port Angeles.

House memorial No. 6, Praying congress to pass Senate bill No. 4131, donating public lands to Clallam county.

House memorial No. 7, Relative to constitutional amendment providing for election of United States senator by popular vote. And the same are herewith transmitted.

And the House has indefinitely postponed 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.

The House has passed House bill No. 21, entitled "An act to create a state board of horticulture and appropriate money therefor," with resolution of the Clark County Fruit Growers' Society.

The House has passed 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.

The House has passed 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.

The speaker of the House has signed House bill No. 99, entitled "An act in relation to prosecuting attorneys, and declaring an emergency."

Senate concurrent resolution No. 8, In relation to public buildings and grounds.

Senate concurrent resolution No. 7, Relative to a committee visiting the state university at Seattle. And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

INTRODUCTION OF BILLS.

Senate bill No. 70, by Senator O'Neill: An act relative to community property, defining it and providing for its payment.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 71, by Senator Richards: An act relating to the improvement of harbors and water ways in the State of Washington, and providing funds therefor.

Read first time; rules suspended, read second time by title, and referred to Committee on Harbors and Harbor Lines.

Senate bill No. 72, by the Judiciary Committee: An act relating to proceedings to vacate or modify judgments in the courts in which they were rendered.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 73, by the Judiciary Committee: An act relating to referees.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 74, by Judiciary Committee: An act providing for appeals to the supreme court.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 75, by Judiciary Committee: An act relating to writs of mandate and prohibition, amending section 689 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 76, by 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 en-

titled "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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 77, by Judiciary Committee: An act declaring the rule of decision in the State of Washington, amending section 1 of the code of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 78, by Judiciary Committee: An act concerning the construction of statutes.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 79, by Judiciary Committee: An act in relation to applications for divorce, amendatory of sections 2000, 2001, 2005, 2006, 2007, 2008, 2009, 2010, and 2012 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 80, by Judiciary Committee: 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 81, by Judiciary Committee: An act in relation to prosecuting for public offenses, and amending sections 782, 779, 760, 1072, 1073, 1076, 1074, 977, 979, 981, 984, 985, 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011 to 1026, inclusive, 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, 1197, 1098, 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 of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 82, by Judiciary Committee: An act relating to procedure in criminal actions and proceedings in justices' courts and before magistrates, and amending sections 1890, 1891, 1893, 1894, 1895, 1896, 1902, 1905, 1916, 1917, 1923, 1926, 1927, 1929, 1932, and 1972 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 83, by Judiciary Committee: An act in relation to evidence in actions and judicial proceedings, and amending sections 391, 393, 404, 407, 408, 423, and 425 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 84, by Judiciary Committee: An act relating to appeals from justices' courts, and amending sections 1858, 1859, 1863, 1865, and 1914 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 85, by Judiciary Committee: An act relating to judgments upon promissory notes and similar instruments.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 86, by Judiciary Committee: An act in relation to the effect of payments of other states and territories, and amending section 739 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 87, by Judiciary Committee: An act in relation to proceedings in the nature of repleat, and amending sections 637, 638, and 642 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 88, by Judiciary Committee: An act relating to proceedings upon habeas corpus.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 89, by the Judiciary Committee: An act relat-

ing to actions to abate nuisance, and amending section 606 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 90, by the Judiciary Committee: An act in relation to the appropriation of property by corporations.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 91, by the Judiciary Committee: An act relating to proceedings in cases of forcible entry and a forcible detainer of lands.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 92, by the 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 93, by the 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 94, by the Judiciary Committee: An act relating to proceedings in civil action 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 95, by the 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 96, by the Judiciary Committee: An act relating to exceptions, and amending section 260 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 97, by the Judiciary Committee: An act in relation to arbitration and award, and amending sections 266 and 269 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 98, by the Judiciary Committee: An act relating to trial by jury, and amending sections 232, 234, and 244 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 99, by the Judiciary Committee: An act in relation to receivers.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 100, by the Judiciary Committee: An act relating to motions to dissolve or modify injunctions, and amending section 169 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 101, by the Judiciary Committee: An act relating to proceedings against persons who violate injunctions, and amending section 168 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 102, by the Judiciary Committee: 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 103, by Judiciary Committee: 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 104, by the Judiciary Committee: An act relating to pleadings in civil actions and amending sections 76, 77, and 109 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 105, by Judiciary Committee: An act relating to the manner of commencing civil actions.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 106, by Judiciary Committee: An act relating to the place of trial, actions, and proceedings, and amending sections 50 and 53 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 107, by Judiciary Committee: An act with relation to parties to civil actions and proceedings, amending sections 12 and 15 of the Code of Washington of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 108, by Judiciary Committee: An act relating to the time within which actions may be commenced, amending section 25 of the code of 1881.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 109, by the Judiciary Committee: An act relating to the powers and duties of clerks of courts.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 110, by the Judiciary Committee: An act in relation to attorneys.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 111, by the Judiciary Committee: An act in relation to sheriffs.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 112, by the Judiciary Committee: An act in relation to the powers of courts and judicial officers.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 113, by the Judiciary Committee: An act in relation to juries.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 114, by the Judiciary Committee: An act in relation to legal holidays.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 115, by the Judiciary Committee: An act in relation to magistrates.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 116, by the Judiciary Committee: An act in relation to the holding of sessions of courts.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 117, by the Judiciary Committee: An act relating to the civil jurisdiction of justices of the peace.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 118, by the 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 119, by the Judiciary Committee: An act defining certain crimes and declaring their punishment, in the code of 1881, and certain other statutes in relation to the same subject.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 120, by Senator Kneeland: An act providing for the establishment and location of a state normal school, the creation of a commission to locate the same, and to declare an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Education.

THIRD READING OF BILLS.

Senate bill No. 41, An act to amend section 2 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.

Reported from the committee, recommending that it pass without amendment.

The bill was read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Clough, Edens, Eshelman, Hyde, Luce, Preston, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—10.

Title of the bill to remain the title of the act.

Senate bill No. 40, An act to provide for the payment of certain expenses of judges of the supreme court, superior courts, and the attorney general of the state, and to declare an emergency.

The bill was received from the Engrossing Committee and placed on its final passage.

Senator Forsyth offered the following amendment:

Strike out all of section 2, line 6, of printed bill after the word "expenses" and insert the following: "One-half of which expense account shall be filed with the state auditor, who shall audit and allow the same. The remaining half of said expense account shall be divided pro rata between the counties in each judicial district, including the county in which the judge usually resides, according to their assessed valuation, whereupon the several county auditors receiving said certified statement shall audit and allow the same and cause a warrant to be drawn on the general county fund for the said expenses so audited."

Read and adopted.

Senator Dyer offered the following amendment, which was rejected:

Strike out all of first, second and third lines, and change the fourth line so that said expenses shall be divided pro rata, etc., so as amended will read: "Said expenses shall be divided pro rata, etc."

On motion of Senator Owings, the whole of section 1 was stricken out.

Senator McCroskey moved that the bill be indefinitely postponed.

Senator Frink moved to strike out section 2, which was rejected, there being 8 in the affirmative and 11 in the negative.

Senator Austin moved to amend by striking out the words "in the manner provided for supreme court judges in section 1 of this act hereof," which was adopted.

Senator Austin moved that the bill be recommitted to the Judiciary Committee.

A division was called for, 15 in the affirmative, and 5 in the negative.

Recommitted.

Senate concurrent resolution No. 11, by Committee on State Library: Relative to printing 2,500 copies of the catalogue of the state library.

Read and adopted.

House bill No. 77, by C. H. Flummerfelt: An act making appropriation for the per diem and expenses of boards of county commissioners in selecting and appraising school lands.

Reported back by the committee with the recommendation that the bill pass.

The bill, on motion of Senator Dyer, was referred to Judiciary Committee.

House memorial No. 1, Relative to a naval station at Point Turner.

Reported back from the committee with the recommendation that it pass.

The memorial was read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Clough, Drum, Eshelman, Luce, Preston, Thompson (G. T.), Thompson (L. F.), and Van Houten—8.

Senate bill No. 121, by Senator Smith: An act authorizing owners of elevators, warehouses and mills to build connections with railroads.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 122, by Senator Long: An act authorizing county commissioners to build bridges across navigable streams.

Read first time; rules suspended, read second time by title, and referred to Committee on Roads and Bridges.

Senate bill No. 123, by Committee on Claims: An act for the relief of L. P. Berry, agent.

Read first time; rules suspended, read second time by title, and referred to committee of the whole.

Senate bill No. 124, by Senator Smith: 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."

Read first time; rules suspended, read second time by title, and referred to Committee on Agriculture.

BUSINESS ON GENERAL FILE.

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.

Received from the House with amendments.

The amendments of the House were concurred in by the Senate as reported by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Clough, Edens, Eshelman, Hyde, Luce, Preston, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—10.

And the bill was ordered to be enrolled.

House memorial No. 7, a substitute for House memorial No. 2, Relative to the election of a United States senator.

Read first time; rules suspended, read second time by title, and referred to the Memorial Committee.

House memorial No. 4, by D. R. Jones: Relative to improving Gray's Harbor.

Read first time; rules suspended, read second time by title, and referred to the Memorial Committee.

The president announced that he had appointed Senator Richards

to act as chairman of the Committee on Memorials during Senator Geo. T. Thompson's absence.

On motion of Senator Owings, the secretary was instructed to telegraph to Senator Thompson, of Walla Walla, and have him return the memorials now in his possession.

House bill No. 53, by H. J. Snively: An act providing for the appointment of official stenographers for the superior courts of this state, and fixing their compensation and duties.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 54, An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency.

Received from the House and ordered to be enrolled.

House memorial No. 5, by Mr. Troy: Praying congress to enact such legislation as will give relief to the town of Port Angeles and the bona fide settlers upon the government reserve at that place.

Read first time; rules suspended, read second time by title, and referred to Committee on Memorials.

House memorial No. 6, by Mr. Troy: Relative to passing Senate bill No. 4131, entitled "An act donating to Clallam county the proceeds of the sale of certain public lands."

Read first time; rules suspended, read second time by title, and referred to Committee on Memorials.

House bill No. 94, by 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

House bill No. 21, by Mr. Shaw: An act to create a state board of horticulture, and appropriate money therefor, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

On motion of Senator Kinnear, Senator Richards was allowed his mileage and pay per diem from the beginning of the session, and the secretary was authorized to draw a check for the amount due.

The president announced that he was about to sign enrolled Senate bill No. 22, and House bill No. 99, which was done.

On motion of Senator Owings, the Senate, at 4:30 P. M., adjourned.

TWENTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, January 31, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called as follows:

Those present were: Senators Hyde, Long, McCroskey, Preston, Smith, Watt, and Wilson.

Those absent were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Vestal.

A quorum not being present, the Senate, on motion of Senator Smith, adjourned.

TWENTY-SEVENTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, February 2, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Clough, Edens, Forsyth, Hastings, Kinnear, Kneeland, Luce, Rutter, Van de Vanter, and Vestal. Excused.

Senator Forsyth was excused till Wednesday.

The journal of Thursday, January 29, and Saturday, January 31, was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 2, 1891.

MR. PRESIDENT:

The House has passed House bill No. 59, entitled "An act providing for the payment of bailiffs of the superior courts, and declaring an emergency."

The speaker of the House has signed Senate bill No. 22, entitled "An act providing for the distribution to the members of the legislature of the code of 1881, and the journals and session laws of 1889-90.

The House has concurred in Senate concurrent resolution No. 10, Relative to furnishing county auditors certified copies of House bill No. 7.

Senate concurrent resolution No. 11, Relative to printing 2,500 copies of the catalogue of the state library.

Senate concurrent resolution No. 9, Relative to publishing 3,000 copies of the state constitution, as amended in House.

The House has adopted House concurrent resolution No. 9, Relating to the speedy completion of the Nicaragua canal.

House concurrent resolution No. 8, Relative to the death of Secretary Windom. And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

The president pro tem. announced that the joint Committee on Public Buildings and Grounds meets to-morrow night in the Burmeister block.

PETITIONS, RESOLUTIONS, ETC.

A communication from the Douglas County Board of Trade was laid before the Senate by the president, petitioning the Douglas county Representative to use all proper efforts to defeat unreasonable legislation touching the management of transportation lines in this state.

Read and placed on general file.

Senate concurrent resolution No. 12, by Senator Dyer: Relative to printing and binding the governor's message and reports of public officers.

Read and referred to Committee on Printing.

Senate concurrent resolution No. 13, by Senator L. F. Thompson: Relative to procuring and preserving portraits of the present governor and ex-governors of this state.

Read and adopted.

Senate memorial No. 5, by Senator Forrest: Relative to the passage of U. S. Senate bill No. 4827, relating to the construction of the Nicaragua canal.

Read first time; rules suspended, read second time by title; amended; rules further suspended, read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hyde, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Van Houten, and Wilson—19.

Absent or not voting: Senators Austin, Baker, Claypool, Clough, Edens, Forsyth, Hastings, Kinnear, Kneeland, Luce, Rutter, Thompson (L. F.), Van de Vanter, Vestal, and Watt—15.

By Committee on State Prisons:

MR. PRESIDENT:

Your Committee on State Prison, to whom was referred that portion of the message of the governor in relation to the United States penitentiary at McNeil's Island, submits the following report:

We applied to Capt. Thos. R. Brown, United States Marshal, for copies of the correspondence between the department of justice and himself in relation to the United States penitentiary at McNeil's Island, which he very kindly furnished.

By this correspondence it is made evident that the attorney general of the United States construes the enabling act as granting to Washington the lands and buildings known as the United States penitentiary at McNeil's Island, and that he insists that they shall be turned over to the state at the earliest possible moment by the United States marshal.

Your committee understands that section 15 of the enabling act grants to the State of Washington \$30,000 to be "applied exclusively to the purchase of the necessary grounds and the erection of a penitentiary" within her limits.

The attorney general of the United States evidently construes section 15 of the enabling act to mean that the lands "reserved" at McNeil's Island for a United States penitentiary are "the necessary grounds" which are authorized to be purchased by said act. But it is not clear, from the correspondence, whether that learned official construes the act to mean that the old buildings now on "the necessary grounds" are to represent the balance of the appropriation of \$30,000 made by congress to

be "applied exclusively to the purchase of the necessary grounds and to the erection of a penitentiary" in Washington.

According to the information in the possession of your committee, the twenty-seven acres which comprise "the necessary grounds" "reserved" on McNeil's Island for United States penitentiary purposes were, at the date of their reservation, valued at \$1.25 per acre. The meagre amount of information in the possession of your committee makes them very strongly of the opinion that the old buildings doing duty as a United States penitentiary on these "reserved" necessary grounds at McNeil's Island are not now, if they ever were, worth any considerable portion of the sum of \$30,000.

With the view of obtaining information for the guidance of the legislature, your committee asks for authority to correspond with the attorney general of the United States in relation to the construction he places upon the enabling act, and ascertaining whether he holds that the twenty-seven acres of reserved lands, with the old buildings, on McNeil's Island are to be turned over to Washington in full satisfaction of the grant made to Washington, for penitentiary purposes, by the enabling act.

Your committee further recommends the adoption of the following resolution:

Resolved by the Senate, the House concurring, That the Senate Committee on State Prison, and the House Committee on Penitentiary, are instructed to visit and critically examine the United States penitentiary buildings and grounds at McNeil's Island, and report their condition and value to the legislature as soon as practicable.

P. A. PRESTON,
T. J. SMITH.

The report was adopted and the committee granted the necessary authority.

Senate concurrent resolution No. 14, by the Committee on State Prisons: Relative to visiting and examining U. S. penitentiary buildings and grounds at McNeil's Island, and making a report of the same.

Read and adopted.

The president stated that he was about to sign Senate bill No. 54, and Senate bill No. 1, which was done.

REPORTS OF STANDING COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolutions Nos. 7 and 8, heretofore reported correctly enrolled, have been delivered to secretary of state.

Senate bill No. 54, substitute for Senate bill No. 5, entitled "An act

legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency."

Also, 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 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," have been carefully compared with the engrossed copy thereof, and found correctly enrolled.

W. J. PARKINSON,
ALEX. WATT.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 50, entitled "An act to provide the manner of commencing civil actions in the superior courts, and for the service and return of summons," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 10, entitled "An act to amend 'an act to regulate, restrain, license or prohibit the sale of intoxicating liquors,'" have had the same under consideration, and now respectfully report the same back to the Senate, with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate 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," have had the same under consideration, and now respectfully report the same back to the Senate, with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 9, entitled "An act relating to building, loan and saving associations doing a local business," have had the same under consideration, and now respectfully report the same back to the Senate, with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 38, entitled "An act granting certain power and authority to cities of the third class, relating to assessment, levy and collection of taxes," have had the same under consideration, and now respectfully report the same back to the Senate, with the recommendation that the bill be indefinitely postponed.

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Dyer, Claypool, and Easterday, being all the members of said committee present.

By the Committee on Municipal Corporations:

MR. PRESIDENT:

Your Committee on Municipal Corporations, to whom was referred Senate bill No. 32, entitled "An act to amend section 10 of article 3 of chapter VI of an act entitled 'An act for the organization [etc.] of

cities,'” herewith return the same to the Senate, and recommend its passage.

Your Committee on Municipal Corporations, to whom was referred Senate bill No. 33, entitled “An act to amend ‘an act providing for the organization, classification, incorporation and government of municipal incorporations, and declaring an emergency,’” herewith return the same to the Senate with an amendment, and recommend its passage as amended.

E. B. HYDE, Chairman,
A. T. VAN DE VANTER,
L. F. THOMPSON.

Ex-Speaker Feighan, of the first legislature, who was present, was invited to a seat beside the president.

INTRODUCTION OF BILLS.

House concurrent resolution No. 8, by Mr. Gandy: Relative to the death of Secretary Windom, and furnishing copies of the resolution to the widow and secretary of state.

Read and adopted.

House bill No. 59, by Mr. Sharpstein: An act providing for the payment of bailiffs of the superior court.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 125, by Senator Dyer: 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 126, by Senator Dyer: An act requiring the court to instruct the jury in writing when requested; also to indicate instructions before argument, and providing for exceptions.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 127, by the Committee on Education: An act to amend section 28 of an act entitled “An act to establish a system of common schools in cities of 10,000 or more inhabitants, and to provide for properly maintaining, governing and grading the same,” approved March 26, 1890.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 128, by Senator Easterday: 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.

Read first time; rules suspended and read second time by title, referred to Judiciary Committee.

Senate bill No. 129, by Senator Dyer: An act regulating fees of county clerks for services rendered as *ex-officio* clerks of the superior courts.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 130, by Senator Owings: An act to amend sections 1266 and 2067 of the Code of Washington, prohibiting the keeping open of certain places of business, and prohibiting certain acts to be done upon the first day of the week, commonly called Sunday, and to exempt incorporated cities from the operation thereof.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 131, by Senator Owings: 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Public Buildings and Grounds.

Senate bill No. 132, by Senator Long: An act to amend an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency."

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 133, by Senator Long: An act appropriating money for additional building for the state reform school, and to provide for the support and maintenance of the same.

Read first time; rules suspended, read second time by title, and referred to Committee on Education.

Senate bill No. 134, by Senator Easterday: An act prescribing the manner of commencing civil actions in the superior courts of the State of Washington, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 125, by Senator Frink: An act providing that railroad companies shall be liable for injuries to all persons and employes in consequence of the mismanagement of the engineers or other employes of such corporation, and providing that no contract which restricts such liability shall be legal and binding.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate concurrent resolution No. 9, by Senator Frink: Relative to publishing 3,000 copies of the state constitution.

Received from the House, the House amendments were concurred in, and it was ordered enrolled.

Senate concurrent resolution No. 10, by Senator Owings: Relative to furnishing the county auditors with certified copies of House bill No. 7.

Received from the House, and ordered to be enrolled.

Senate concurrent resolution No. 11, Relative to printing 2,500 copies of the catalogue of the state library.

Received from the House, and ordered to be enrolled.

Senate bill No. 23, An act to amend an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.

Reported back from the Committee on Municipal Corporations, with the recommendation that it pass as amended.

Amendments adopted, and the bill was ordered to be engrossed.

Senate bill No. 32, An act to amend section 10 of article 3 of chapter VI, entitled "An act to provide for the organization, etc., of cities, and declaring an emergency."

Reported back from the committee with the recommendation that the bill pass.

It was read, and ordered laid on the table.

On motion of Senator Easterday, the bill was taken from the table and ordered to be indefinitely postponed.

Senate bill No. 38, An act granting certain powers and authority to cities of the third class, relating to assessment levy and collection of taxes.

Reported back by the committee with the recommendation that the bill be indefinitely postponed.

It was so ordered.

Senate bill No. 9, An act in relation to building, loan and savings associations doing a local business.

Reported back by the committee with the recommendation that the bill be indefinitely postponed.

It was so ordered.

House bill No. 62, by Frank R. Spinning: An act granting certain additional powers and authority to cities of the third class, relating to assessments, levy and collection of taxes.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment, as follows:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hyde, Long, McCroskey, O'Neill, Parkinson, Preston, Richards, Thompson (G. T.), Thompson (L. F.), and Wilson—18.

Senator Owings voted in the negative.

Absent or not voting: Senators Austin, Baker, Clough, Edens, Forsyth, Hastings, Kinnear, Kneeland, Luce, Rutter, Smith, Van de Vanter, Van Houten, Vestal, and Watt—15.

The bill was then ordered to lie on the table.

Senate bill No. 10, by Senator Frink: An act to amend sections 1 and 2 of an act entitled "An act to regulate, restrain, license or prohibit the sale of intoxicating liquors."

Reported back from the committee with recommendation that the bill be indefinitely postponed. It was ordered to lie on the table.

Senate bill No. 50, by Senator Dyer: An act to provide the manner of commencing civil actions in superior courts, and for the service and return of summons.

Reported back from the committee with recommendation that the bill be indefinitely postponed. It was so ordered.

On motion of Senator Owings, the Senate, at 4:10 P. M., adjourned until 2 P. M. to-morrow, Tuesday, February 3, 1891.

TWENTY-EIGHTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, February 3, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Clough, Edens, Forsyth, Hyde, Kinnear, and Thompson (L. F.).

Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, February 2d, was dispensed with, and considered approved.

PRESENTATION OF PETITIONS, RESOLUTIONS, ETC.

Petition by Senator Van de Vanter, from school district No. 8, King county, asking the legislature to enact a law by which school district libraries may be established.

Read, and referred to Committee on Education.

Petition by Senator Van de Vanter, from school district No. 3, King county, signed by about 100 citizens, asking the legislature to enact a law by which school district libraries may be established.

Read, and referred to Committee on Education.

Petition by Senator Eshelman, from No. 6 grange P. of H., of Klickitat county, relative to the pay of absent members of the legislature.

Read, and referred to the Committee on Agriculture.

By Senator Eshelman, Petition from No. 6 grange P. of H., in Klickitat county, requesting that no large appropriation be made for the world's fair.

Read, and referred to the Committee on World's Fair.

Petition by senator Eshelman, from Pleasant Valley grange No. 86, petitioning the legislature relative to equal taxation of all property, state school text-books, a schedule of rates of fares and freights of all transportation companies of the state, a bill to withhold the pay of all members of the legislature absenting themselves, and the repealing of the present hog law for Klickitat county.

Read, and ordered to be segregated by the secretary, and referred to the proper committees.

By Senator Preston, Memorial from the Walla Walla fruit growing association, relative to creating a commission for looking after the fruit growing interest of this state.

Read, and referred to the Committee on Agriculture.

By Senator Frink, Communication from Seattle chamber of commerce, asking the state legislature to enact a law providing for harbor improvements.

Read, and referred to Committee on State Tide Lands.

By Senator Preston, Communication from the Walla Walla Farmers' Alliance, petitioning the legislature to make a sufficient appropriation to enable the penitentiary commission to erect and maintain a jute bag plant.

Read, and referred to Committee on State Prisons.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 3, 1891.

MR. PRESIDENT:

The speaker of the House has signed House memorial No. 1, Relative to location of dry dock at Point Turner.

The House has indefinitely postponed Senate bill No. 12, 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.

The Senate has passed Senate memorial No. 6, In relation to the Nicaragua canal.

The House has passed House bill No. 94, by Mr. Berry: 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.

The same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

By the Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 33, entitled "An act to amend 'an act providing for the organization, classification, incorporation and government of municipal

incorporations,' and declaring an emergency," has been carefully compared with the original bill, and found correctly engrossed.

JNO. S. BAKER, Chairman.

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 22, entitled "An act providing for the distribution of the code to members of the legislature," has been delivered to the governor for his approval this 3d day of February, 1891, at 11:30 o'clock A. M.

ALEX. WATT,

W. J. PARKINSON.

By the Committee on Memorials:

MR. PRESIDENT:

We, your standing Committee on Memorials, to whom was referred Senate bill No. 5, Relative to the state granted lands and the survey thereof, beg leave to report that they have carefully examined the same, and herewith report it back to the Senate with the recommendation that it pass.

GEO. T. THOMPSON,

W. C. RUTTER,

Majority of committee.

By the Committee on State Library:

MR. PRESIDENT:

Your Committee on the State Library, to whom was referred Senate bill No. 17, begs leave to report that they have carefully considered the same, and return it with a substitute therefor, and recommend that the substitute do pass.

Respectfully.

C. E. CLAYPOOL, Chairman,

N. H. OWINGS.

MESSAGES FROM THE GOVERNOR.

The following communications from the governor were read:

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, February 2, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I have to-day reappointed Charles McDouall, of Medical Lake, as trustee of the Eastern Washington hospital for the insane for six (6) years from February 1, 1891; and A. B. Stewart, of Seattle, as trustee of the Western Washington hospital for the insane for six (6) years from February 1, 1891, and request that you advise and consent thereto. I have the honor to be,

Your obedient servant.

CHAS. E. LAUGHTON,

Lieutenant Governor, acting Governor.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, February 3, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed Senate bill No. 22, entitled "An act providing for the distribution, to the members of the

legislature, of the code of 1881, and the journals and session laws of 1889-1890." I have the honor to be,

Your obedient servant,

CHAS. E. LAUGHTON,
Lieutenant Governor, acting Governor.

INTRODUCTION OF BILLS.

Senate bill No. 136, by Senator Wilson: 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Privileges and Elections.

Senate bill No. 137, by Senator Claypool: An act to amend section 2315 of the Code of Washington, relative to acknowledgment of deeds, mortgages, and other instruments in writing.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 138, by Senator Claypool: An act entitled "An act to amend section 347 of the Code of Washington, in relation to exemptions."

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

On motion of Senator Claypool, the bill was ordered not to be printed.

Senate bill No. 139, by Senator Claypool: An act to amend an act entitled "An act to amend sections 2539, 2540 and 2543, chapter CXCVI 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

On motion of Senator Claypool, it was ordered not to be printed.

Senate bill No. 140, by the Committee on Education: 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 141, by the Committee on Education: An act to

provide for the compulsory and reformatory education of juvenile disorderly persons.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 152, by the Committee on Education: An act to authorize school districts to establish and maintain libraries, and to provide for the care of the same.

Read first time; rules suspended, read second time by title, and placed on general file.

The president announced that he was about to sign House memorial No. 1, which was done.

Senate memorial No. 6, by Senator Forrest: Relative to the construction of the Nicaragua canal.

Received from the House without amendment, and ordered to be enrolled.

Senate memorial No. 5, by Senator Owings: Relative to the state granted lands and the survey thereof.

Reported back by the committee with the recommendation that the memorial pass without amendment.

Read a third time and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Wilson—27.

Absent or not voting: Senators Clough, Edens, Forsyth, Kinneer, Thompson (L. F.), Vestal, and Watt—7.

Senate bill No. 143, by Senator Hyde: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 144, by Senator Hyde: An act to establish a state board of examiners for the examination and licensing of stationary steam engineers as hereinafter provided for.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 72, by the Judiciary Committee: An act relating

to proceedings to vacate or modify judgments in the courts in which they were rendered.

Taken from the table. Read a third time, and passed as follows, without amendment:

Those voting in the affirmative were: Senators Baker, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Frink, Hastings, Hyde, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, and Wilson—23.

Absent or not voting: Senators Austin, Clough, Edens, Forrest, Forsyth, Kinnear, Owings, Smith, Thompson (L. F.), Vestal, and Watt—11.

Title of the bill to remain the title of the act.

Senator Drum in the chair.

Senate bill No. 73, by Judiciary Committee: An act relating to referees.

Taken from the table. Read a third time; the rules were suspended, the bill was considered engrossed, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Cooper, Drum, Dyer, Easterday, Eshelman, Frink, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, and Wilson—22.

Absent or not voting: Senators Claypool, Clough, Edens, Forrest, Forsyth, Kinnear, Long, Owings, Smith, Thompson (L. F.), Vestal, and Watt—12.

The title of the bill to remain the title of the act.

Senate bill No. 75, by the Judiciary Committee: An act relating to writs of mandate and prohibition, amending section 689 of the Code of Washington of 1881.

Taken from the table. Read a third time; the rules were suspended, the bill was considered engrossed, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Cooper, Drum, Dyer, Easterday, Eshelman, Frink, Hastings, Hyde, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, Van Houten, and Watt—20.

Absent or not voting: Senators Baker, Claypool, Clough, Edens,

Forrest, Forsyth, Kinnear, Kneeland, Long, Owings, Thompson (G. T.), Thompson (L. F.), Vestal, and Wilson—14.

The title of the bill to remain the title of the act.

Senate bill No. 77, by the Judiciary Committee: An act relating to the rule of decisions in the State of Washington, amending section 1 of the code of 1881.

Taken from the table. Read a third time; the rules were suspended, the bill considered engrossed, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Frink, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, and Van Houten—21.

Absent or not voting: Senators Baker, Edens, Forrest, Forsyth, Kinnear, Long, Owings, Thompson (G. T.), Thompson (L. F.), Vestal, Watt, and Wilson—13.

The title of bill to remain the title of the act.

Senate bill No. 79, by the Judiciary Committee: An act in relation to application for divorce, amendatory of sections 2000, 2001, 2005, 2006, 2007, 2008, 2009, 2010, and 2012 of the Code of Washington of 1881.

Taken from the table. Read a third time; the rules were suspended, the bill was considered engrossed, and passed by the following vote, without amendment:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Frink, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, and Wilson—22.

Absent or not voting: Senators Clough, Edens, Forrest, Forsyth, Kinnear, Luce, Owings, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, and Watt—12.

The title of the bill to remain the title of the act.

The communication from the Douglass county board of trade was taken up, and referred to Committee on Corporations other than Municipal.

Senate bill No. 33, by Senator Parkinson: An act to amend "An act providing for the organization, classification, incorporation and

government of municipal incorporations," and declaring an emergency.

Received from the Engrossing Committee and referred to the Judiciary Committee.

Senate bill No. 145, as a substitute for Senate bill No. 17, by the Committee on State Library: 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. The committee reported back the substitute with the recommendation that it be adopted, which was done.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Luce, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), and Watt—18.

Those voting in the negative were: Senators Drum, Hyde, Kneeland, Long, McCroskey, Parkinson, Van de Vanter, and Wilson—8.

Absent or not voting: Senators Clough, Edens, Forsyth, Kinnear, Smith, Thompson (L. F.), Van Houten, and Vestal—8.

The emergency clause was then taken up, and rejected by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Watt, and Wilson—22.

Those voting in the negative were: Senators Hyde, Kneeland, Long, and Parkinson—4.

Absent or not voting: Senators Clough, Edens, Forsyth, Kinnear, Smith, Thompson (L. F.), Van Houten, and Vestal—8.

□ Senator Long gave notice that he would, at the proper time, make a motion to reconsider the vote by which the emergency clause was lost.

House bill No. 94, by Mr. Berry: An act making it unlawful for any judge or county officer to charge soldiers or seamen, or the legal representatives thereof, any fee for services in matters pertaining to pensions or pension dues, and declaring an emergency.

Received from the House.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

BUSINESS ON THE TABLE.

On motion of Senator Dyer, the Senate took up House bill No. 62, to act on the emergency clause.

An act granting certain powers and authority to cities of the third class, relating to assessments, levy and collection of taxes.

The emergency clause passed, as follows:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Watt, and Wilson—27.

Absent or not voting: Senators Clough, Edens, Forsyth, Kinnear, Owings, Thompson (L. F.), and Vestal—7.

The title of the bill to remain the title of the act.

REPORTS OF COMMITTEES.

The report of the Committee on Memorials:

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred Senate memorials Nos. 1, 3 and 4, and House memorials Nos. 4, 5 and 6, and House concurrent resolution No. 4, have had the same under consideration, and would respectfully report the same back with the recommendation that they pass.

Your Committee on Memorials, to whom was referred House memorial No. 7, have had the same under consideration, and would report that the same be indefinitely postponed, for the reason that Senate memorial No. 4, on the same subject, is more complete and thorough, and more fully covers the grounds.

GEO. T. THOMPSON, Chairman,

W. C. RUTTER.

House memorial No. 7, a substitute for House memorial No. 2, Relative to the election of United States senator.

Reported back from the committee with the recommendation that it be indefinitely postponed.

So ordered.

On motion of Senator Forrest, the rules were suspended, and all the memorials as reported by the committee were taken up and considered.

Senator Long in the chair.

Senate memorial No. 1, by Senator Forrest: Relative to fortifications and coast defenses, from the Seattle chamber of commerce.

Reported back from the committee with the recommendation that it pass.

The memorial was read a third time, the rules were suspended, it was considered engrossed, and passed as follows:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Watt—25.

Absent or not voting: Senators Clough, Drum, Edens, Forsyth, Kinnear, Owings, Thompson (L. F.), Vestal, and Wilson—9.

Senate memorial No. 3, by Senator Kneeland: Relative to establishing a navy yard at Port Orchard.

Reported back by the committee with the recommendation that it be indefinitely postponed. It was so ordered.

Senate memorial No. 4, by Senator McCroskey: Relative to the election of United States senator.

Reported back by the committee with recommendation that the memorial pass.

Read a second and third time, and on motion of Senator Owings, was re-referred to Committee on Memorials.

House memorial No. 4, by Mr. Jones: Relative to improving Gray's Harbor.

Reported back by the committee with the recommendation that the memorial pass.

Read a third time, and passed without amendment as follows:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), and Wilson—22.

Absent or not voting: Senators Clough, Drum, Edens, Forsyth, Kinnear, Owings, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—12.

House bill No. 6, by Mr. Troy: Asking the United States house of representatives to pass Senate bill No. 4131, entitled "An act donating to Clallam county the proceeds of the sale of certain public lands.

Reported back by the committee with the recommendation that the memorial do pass.

Read a third time and passed without amendment, as follows:

Those voting in the affirmative were: Senators Austin, Baker,

Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, and Thompson (G. T.)—21.

Absent or not voting were: Senators Clough, Edens, Forsyth, Kinnear, Luce, Owings, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—13.

House concurrent resolution No. 4, by Mr. Hunsaker: Relative to the completion of the Cascade locks on the Columbia river, and the appointment of a committee thereon.

Reported back by the committee with the recommendation that the resolution pass.

Read a third time, and adopted without amendment.

House memorial No. 5, by Mr. Troy: Relative to the relief of the town of Port Angeles, and the bona fide settlers upon the government reserve at that place.

Reported back by the committee with the recommendation that it pass.

Read a third time, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Long, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, and Thompson (G. T.)—18.

Absent or not voting: Senators Austin, Baker, Clough, Edens, Forsyth, Kinnear, Kneeland, Luce, Owings, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—16.

On motion of Senator Dyer, the Senate, at 4:50, adjourned.

TWENTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 4, 1891. }
10:00 o'clock A. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Edens, Hyde, and Kinnear. Excused.

On motion of Senator Dyer, the reading of the journal was dispensed with and considered approved.

On motion of Senator Van Houten the Senate went into executive session with open doors, and the following appointments by Governor Laughton were confirmed unanimously:

Charles McDonall, trustee for the eastern hospital for the insane; and A. B. Stewart, trustee for the western hospital for the insane.

The Senate then resumed its session.

PETITIONS, RESOLUTIONS, ETC.

Petition by Senator McCroskey from the members of the various farmers' alliances of Whitman county, signed by J. W. Bailor and many others, petitioning for the reduction of the rates of freight.

Read and referred to Committee on Corporations other than Municipal.

Petition by Senator McCroskey from various farmers' alliances of Spokane, Lincoln and Whitman counties, petitioning for the reduction of rates of freight.

Read and referred to the Committee on Corporations other than Municipal.

REPORTS OF STANDING COMMITTEES.

By the Judiciary Committee.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 26, entitled "An act to amend section 1957 of chapter CXXXVIII of the Code of Washington Territory relating to liens of mechanics and others

upon real property," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage:

First amendment: In line 31 of section 1, after the word "person" insert the words "or deliver to him in person or his agent."

Second amendment: In line 32 of section 1, after the word "residence" insert the words "or mail to him at his last known postoffice address."

Third amendment: In line 33 of section 1, strike out the word "bill" and insert the word "statement."

Fourth amendment: In the 34th line of section 1, strike out the word "five" and insert the word "ten."

Your Committee on Judiciary, to whom was referred 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," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage:

First amendment: After the words "in the" in line 2, section 1, strike out the words "state treasury not otherwise appropriated," and insert the words "state school fund."

Second amendment: In section 1, line 6, after the words "other expenses," insert the words "connected therewith."

Your Committee on Judiciary, to whom was referred Senate bill No. 40, entitled "An act to provide for the payment of certain expenses of judges of the supreme court, superior courts, and the attorney general of the state, and to declare an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage:

First amendment: Amend the title to read "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."

Second amendment: Strike out section 1.

Third amendment: After the word "their," in the fifth line of section 2, strike out "necessary traveling expenses" and insert "their mileage actually paid out by them."

Fourth amendment: After the word "his," in the fifth line of section 2, strike out the words "said expenses" and insert "mileage actually paid out by him."

Fifth amendment: Strike out all of section 2, after the word "expenses," in line eight, and insert the following: "One-half of said mileage so paid shall be filed with the state auditor, who shall audit and allow the same; the remaining one-half of said mileage shall be divided pro rata between the counties in each judicial district, including the county in which the judge usually resides, according to their assessed valuation, whereupon the several county auditors receiving said certified statement shall audit and allow the same, and cause a warrant to be drawn on the general county fund for the said mileage so audited."

Sixth amendment: Strike out after the word "his," in line 2 of section 3, the words "necessary traveling expenses incurred," and insert the words "mileage actually paid by him."

Seventh amendment: After the word "paid," in line 4 of section 3, add the words "paid by the state."

Eighth amendment: Add to section 3 the words "and the attorney general shall file a statement of his mileage so paid by him with the state auditor, whereupon the said auditor shall audit the same and draw a warrant on the state treasurer for the amount of said mileage and the said warrant shall be paid by the state treasurer out of any moneys in the treasury not otherwise appropriated."

Ninth amendment: Strike out all of section 5 up to the word "and" in the fourth line. Strike out the word "such" in line four of section 5. After the word "authority," in line five of section 5, the words "has existed." After the word "said," in line five of section 5, strike out the word "expenses" and insert the word "mileage." After the word "exists," in line seven of section 5, strike out the words "to make the law uniform as to supreme and superior court judges in the matter of their said expenses."

Your Committee on Judiciary, to whom was referred Senate bill No. 33, entitled "An act to amend an act providing for the organization, classification, incorporation and government of municipal incorporations, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, 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 or orphans thereof, any fee for services in matters pertaining to pensions or pension dues, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass. Respectfully submitted. J. R. KINNEAR, Chairman.

Reports concurred in by Senators Dyer, Easterday, and Thompson, being all of the members of said committee present.

By the Committee on Claims:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred Senate bill No. 47, A bill for the relief of Lindley E. Moore, have had the same under consideration, and herewith return it with the recommendation that it pass.

S. VESTAL,

P. A. PRESTON.

By the Secretary:

STATE OF WASHINGTON, SENATE CHAMBER,
OLYMPIA, February 4, 1891.

Gentlemen of the Senate:

Relative to the petition from Pleasant Valley grange No. 86, referred to me for segregation, the subjects are referred as follows:

Relative to equal taxation of all property and the apportionment of the school fund per capita, to the Committee on Public Revenue and Taxation.

Relative to public road taxes, to the Committee on Roads and Bridges.

Relative to printing text-books, to the Committee on Education.

Relative to railroad rates, to the Committee on Corporations other than Municipal.

Relative to withholding the pay of absent members of the legislature, to the Committee on Salaries and Mileage.

Relative to the repeal of the hog law, and allowing hogs to run at large in Klickitat county, to the Committee on Agriculture.

Respectfully,

C. M. BARTON,
Secretary of the Senate.

Senator Claypool in the chair.

INTRODUCTION OF BILLS.

Senate memorial No. 7, by Senator O'Neill: Relative to the improvement of the Colville river.

Read first time, and referred to Committee on Memorials.

Senate bill No. 146, by Senator Dyer: 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, making the special findings control the general verdict when inconsistent with it, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 147, by Senator Smith: An act to amend section 1975 of the Code of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 148, by Senator Clough: An act providing for the division of the State of Washington into two congressional districts.

Read first time; rules suspended, read second time by title, and referred to Committee on Elections and Privileges.

Senate bill No. 149, by Senator Clough: An act to amend section

117 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 24, 1890.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 150, by Senator McCroskey: An act to amend section 77 of "An act to establish a general and uniform system of common schools in the State of Washington, and declaring an emergency."

Read first time; rules suspended, read second time by title, and referred to Committee on Education.

Senate bill No. 151, by Senator Forrest: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

President Wilson in the chair.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 3, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate bill No. 1, entitled "An act fixing the salaries of justices of the peace and constables in incorporated cities and towns, etc."

Senate bill No. 54, An act legalizing the incorporation of municipal corporations of the fourth class, and declaring an emergency.

Also, House concurrent resolution No. 8, Relative to the death of secretary of treasury, Hon. William Windom.

The House has passed 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.

Also, House bill No. 93, "An act to provide for the disposal of money in certain cases, and declaring an emergency."

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

THIRD READING OF BILLS.

The president stated that he was about to sign House concurrent resolution No. 8, which was done.

Senate bill No. 74, by the Judiciary Committee: An act providing for appeals to the supreme court.

Read a third time; rules suspended, the bill considered engrossed, and passed as follows:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Baker, Clough, Edens, Hyde, Kinnear, and Owings—6.

Title of the bill to remain the title of the act.

Senate bill No. 76, by the Judiciary Committee: 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.

Read a third time; rules suspended, the bill was considered engrossed, and passed as follows:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—29.

Absent or not voting: Senators Clough, Edens, Hyde, Kinnear, and Owings—5.

Title of the bill to remain the title of the act.

Senate bill No. 78, by the Judiciary Committee: An act concerning the construction of statutes.

Taken from the table, and read a third time; the rules were suspended, the bill was considered engrossed, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thomp-

son (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—30.

Absent or not voting: Senators Edens, Hyde, Kinnear, and Owings—4.

Title of the bill to remain the title of the act.

Senate bill No. 80, by the Judiciary Committee: An act in relation to proceedings in probate, amending sections 1299, 1300, 1311, 1313, 1314, 1345, etc., of the Code of Washington of 1881, and repealing sections 623, 624, 625, 627, 628, 630, 631, 632, 633, and 634 of said code.

Taken from the table.

Senator Easterday amended section 3, which was adopted.

Senator Dyer amended section 22, which was adopted.

The bill was read a third time; the rules were suspended; it was considered engrossed, and passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—30.

Absent or not voting: Senators Edens, Hyde, Kinnear, and Vestal—4.

The title of the bill to remain the title of the act.

Senator Hyde was granted an indefinite leave of absence.

Senate bill No. 152, by Senator Luce: An act to create and organize the county of Washington, and declaring an emergency.

The bill was accompanied by a petition signed by J. P. O'Farrell and many others, praying for its passage, and which was referred to the committee with the bill.

Read first time; rules suspended, read second time by title, and referred to Committee on County and County Lines.

Ordered not to be printed.

Senate bill No. 85, by the Judiciary Committee: An act relating to judgments upon promissory notes and similar instruments.

Taken from the table. Read a third time; the rules were suspended, the bill was considered engrossed, and passed without amendment as follows:

Those voting in the affirmative were: Senators Austin, Baker,

Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—30.

Absent or not voting: Senators Edens, Hyde, Kinnear, and Vestal—4.

The title of the bill to remain the title of the act.

Senate bill No. 86, by the Judiciary Committee: An act in relation to the effect of payments of other states and territories, and amending section 739 of the Code of Washington of 1881.

Taken from the table, and read a third time; the rules were suspended, the bill was considered engrossed, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Eshelman, Forrest, Forsyth, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—29.

Senator Easterday voted in the negative.

Absent or not voting: Senators Edens, Hyde, Kinnear, and Vestal—4.

Title of the bill to remain the title of the act.

Senator G. T. Thompson gave notice that he would, at the proper time, move for a reconsideration of the vote by which the bill passed.

Senate bill No. 47, by Senator Eshelman (by request): An act for the relief of Lindley E. Moore.

Reported back by committee with the recommendation that it pass.

On motion of Senator Eshelman, the Senate went into committee of the whole to consider Senate bill No. 47.

Senator Eshelman in the chair.

The committee of the whole arose, and reported back the bill with the recommendation that it pass without amendment.

President Wilson in the chair.

The bill was read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Easterday, Eshelman, Forrest,

Forsyth, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—30.

Absent or not voting: Senators Dyer, Edens, Hyde, and Kinnear—4.

House bill No. 94, by Mr. Berry: 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.

Reported back by the committee with the recommendation that it pass without amendment.

The bill was read a third time by sections, and passed as follows without amendment:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Wilson—26.

Those voting in the negative were: Senators Forsyth, Owings, and Van Houten—3.

Absent or not voting: Senators Edens, Hyde, Kinnear, Long, and Watt—5.

The emergency clause was taken up, and rejected by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Eshelman, Forrest, Frink, Hastings, Luce, McCroskey, O'Neill, Parkinson, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Vestal, and Wilson—19.

Those voting in the negative were: Senators Drum, Kneeland, Long, Owings, Smith, and Van de Vanter—6.

Absent or not voting: Senators Dyer, Easterday, Edens, Forsyth, Hyde, Kinnear, Preston, Van Houten, and Watt—9.

The title of the bill to remain the title of the act.

Senator Kneeland gave notice that he would move for a reconsideration of the vote, at the proper time, by which the bill passed.

House bill No. 59, by Mr. Sharpstein: An act providing for the payment of bailiffs of the superior courts.

Reported back by the committee with the recommendation that it pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—29.

Absent or not voting: Senators Clough, Edens, Hyde, Kinnear, and Owings—5.

The title of the bill to remain the title of the act.

Senate bill No. 40, by Senator Dyer: An act to provide for the payment of certain expenses of judges of the supreme court, superior courts, and the attorney general of the state, and to declare an emergency.

Reported back by the committee with amendments, with recommendation that it pass.

The amendments were adopted.

Senator Drum moved to amend sections 2 and 3 by inserting the word "sworn" before the word "statement," which was adopted.

On motion of Senator Dyer, the bill was ordered to be re-encrossed.

Senate bill No. 26, by Senator L. F. Thompson: An act to amend section 1957 of chapter CXXXVIII of the Code of Washington Territory, relating to liens of mechanics and others upon real property.

Reported back by the committee with the recommendation that it pass as amended.

The amendments were adopted, and the bill ordered to be encrossed.

Senator Luce in the chair.

House bill No. 77, by C. H. Flummerfelt: An act making appropriation for the per diem and expenses of boards of county commissioners in selecting and appraising school lands.

Reported back by the committee with the recommendation that the bill pass as amended.

The amendments were adopted.

Read a third time by sections, and the bill was ordered to be laid on the table.

On motion of Senator Long, the vote by which Senate bill No. 145 passed was reconsidered, and the bill laid on the table.

On motion of Senator Owings, the Senate, at 12:10, adjourned.

THIRTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, February 5, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Claypool and Kneeland. Excused.

On motion of Senator Drum, the further reading of the journal of yesterday, February 4, was dispensed with and considered approved.

The Hon. L. A. Davis was, on motion of Senator Long, granted the privileges of the floor.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 4, 1891.

MR. PRESIDENT:

The House has passed House bill No. 52, An act to provide for the appointment of court commissioners and defining their powers, duties and compensation.

House bill No. 26, An act to prevent the driving of stock from their range, and providing a penalty for the violation of the same.

House bill No. 134, An act in relation to trade marks.

Senate memorial No. 5, Relative to the state granted lands and the survey thereof.

Senate memorial No. 1, Relative to fortifications and coast defenses.

The house has indefinitely postponed Senate bill No. 3, An act declar-

ing eight hours shall constitute a legal day's work on all work done by and for the state, or any county or municipality therein, or for any corporation, firm or individual.

The House has passed 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.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

RESOLUTIONS, PETITIONS, ETC.

Senate Memorial No. 8, by Senator Wilson: Relating to the reclamation of shallow ponds, lakes and swamps. Read first time; rules suspended, read second time by title; the rules were further suspended, the memorial was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van Devanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Austin, Claypool, Kneeland, Preston, and Rutter—5.

Petition by Senator Preston, from the citizens of Walla Walla, petitioning the legislature to pass Senate bill No. 18, An act to create and establish a railroad and transportation commission, and to define and regulate its powers and duties, and to fix the compensation of its members and assistants.

Read and referred to Committee on Corporations other than Municipal.

REPORTS OF STANDING COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate bill No. 1, entitled "An act fixing salaries of justices of the peace and constables in incorporated cities, etc."

Also, Senate bill No. 54, An act legalizing the incorporation of municipal corporations of the fourth class, etc., heretofore reported correctly enrolled, has been delivered to the governor February 4, 1891.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Thompson, and Easterday, being all the members of said committee present.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 139, entitled "An act relating to estrays," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be referred to the Committee on Agriculture. Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Thompson, and Easterday, being all the members of said committee present.

The report of the committee was adopted, and the bill was referred to the Committee on Agriculture.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 64, entitled "An act to amend section 289, chapter XXIV, Code of Washington," have had the same under consideration, and respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 70, entitled "An act relative to community property, defining and providing for its payment, have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 56, entitled "An act to validate the general indebtedness of the city of Seattle in excess of one and one-half per cent. on the assessed valuation of the property within the city limits, and which was incurred without the vote of the qualified electors of said city," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Austin, Thompson, and Easterday, being all the members of said committee present.

By the Committee on State Tide Lands:

MR. PRESIDENT:

Your Committee on State Tide Lands, to whom was referred the memorial of the Seattle chamber of commerce, in relation to the expenditure of the money received from the sale of tide lands in front of cities, respectfully report that having learned that a bill covering the subject matter of the memorial has been referred to the Committee on Harbor Lines, return the memorial to the Senate with the recommendation that it be referred to the Committee on Harbor Lines.

W. J. PARKINSON, Chairman,
FRANK H. RICHARDS,
J. M. FRINK.

Being all the members of the committee present.

By the Committee on Agriculture:

MR. PRESIDENT:

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," report it back with amendments attached, and recommend its passage.

R. C. McCROSKEY,
ALEX. WATT,
J. H. LONG.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate memorial No. 6 and Senate concurrent resolutions Nos. 10 and 11 have been compared with the engrossed copy thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,
ALEX. WATT,
W. J. PARKINSON.

By the Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that 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; also, Senate bill No. 26, entitled "An act to amend section 1957, of chapter CXXXVIII, of the Code of Washington Territory, relating to liens of mechanics and others upon real property," have been carefully compared with the engrossed copies thereof, and found correctly engrossed.

JNO. S. BAKER, Chairman.

The president stated he was about to sign Senate memorial No. 6, Senate concurrent resolution No. 10, and Senate concurrent resolution No. 11, which was done.

Resolution by Senator Long, which was read and adopted, as follows:

Resolved by the Senate, That the Committee on Education, consisting of Senators Easterday, Drum and Frink, be instructed to visit the state reform school buildings and grounds at Chehalis and report their condition, with such recommendations as they may deem for the best interest of the state, and that leave of absence be granted them for Friday and Saturday next for that purpose.

INTRODUCTION OF BILLS.

Senate bill No. 153, by Senator Austin: A bill for an act to provide for sheriffs' fees and the payment thereof, and declaring an emergency to exist.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 154, by Senator McCroskey: An act to prevent the sale, removal and secretion of mortgaged personal property, and to provide a penalty therefor.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 155, by Senator McCroskey: An act relating to recording of instruments.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 156, by Senator Edens: An act relating to community property, declaring the true intent and meaning of all laws relating thereto, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 157, by Senator O'Neill: An act providing for the location and regulation of mines and mineral deposits, and for other purposes.

Read first time; rules suspended, read second time by title, and referred to Committee on Mines and Mining.

Senate bill No. 158, by Senator Kinnear (by request): An act entitled "An act to provide for and to regulate the registration of voters in cities and towns, and in voting precincts having a voting population of 250 or more.

Read first time; rules suspended, read second time by title, and referred to Committee on Elections and Privileges.

Senate bill No. 159, by Senator Kinnear (by request): An act to

provide for the conveyance of lands sold for taxes levied under the laws of the Territory of Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 160, by Senator Parkinson: An act providing for the surveying, appraising and disposition of the tide lands belonging to the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on State Tide Lands.

Senate bill No. 161, by Senator Dyer: 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 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House bill No. 93, by Mr. Sharpstein: An act to provide for the disposal of money in certain cases, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Revenue and Taxation.

House bill No. 79, by Mr. Ready: An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

THIRD READING OF BILLS.

Senate bill No. 81, by Judiciary Committee: An act in relation to prosecutions for public offenses, and amending section 782, etc., of the code of 1881.

Taken from the table, and read a third time by sections.

The rules were suspended, the bill was considered engrossed, and passed without amendment, as follows:

Those voting in the affirmative were: Senators Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, Owings,

Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Wilson—25.

Absent or not voting: Senators Austin, Baker, Claypool, Luce, O'Neill, Parkinson, Preston, Van Houten, and Watt—9.

Title of the bill to remain the title of the act.

Senator Dyer in the chair.

Senate bill No. 82, by Judiciary Committee: An act relating to procedure in criminal actions and proceedings in justices' courts and before magistrates, and amending sections 1890, 1891, 1893, 1894, 1895, 1896, 1902, 1905, 1916, and 1917.

Read third time; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—31.

Absent or not voting: Senators Austin, Claypool, and Long—3.

The title of the bill to remain the title of the act.

Senate bill No. 83, by the 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.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Austin, Claypool, Kneeland, Richards, Rutter, and Thompson (L. F.)—6.

The title of the bill to remain the title of the act.

Senate bill No. 84, by the Judiciary Committee: An act relating to appeals from justices courts, and amending sections 1858, 1859, 1861, 1865, and 1914 of the Code of Washington of 1881.

Read a third time by sections; the rules were suspended, the

bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Austin, Claypool, Kinnear, Kneeland, Long, Richards, Thompson (L.F.), and Van de Vanter—8.

The title of the bill to remain the title of the act.

Senate bill No. 87, by the Judiciary Committee: 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.

Read by sections a third time; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—29.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, and Thompson (L. F.)—5.

The title of the bill to remain the title of the act.

Senate bill No. 88, by Judiciary Committee: An act relating to proceedings upon habeas corpus.

Read third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—29.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, and Thompson (L. F.)—5.

Title of the bill to remain the title of the act.

Senate bill No. 89, by the Judiciary Committee: An act relat-

ing to actions to abate nuisances, and amending section 606 of the Code of Washington of 1881.

Read third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—29.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, and Thompson (L. F.)—5.

Title of the bill to remain the title of the act.

Senate bill No. 90, by the Judiciary Committee: An act in relation to the appropriation of property by corporations.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed by the following vote, without amendment:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, Owings, Smith, and Thompson (L. F.)—7.

The title of the bill to remain the title of the act.

Senate bill No. 91, by the Judiciary committee: An act relating to proceedings in cases of forcible entry into a forcible detainer of lands.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed by the following vote, without amendment:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, Owings, Smith, and Thompson (L. F.)—7.

The title of the bill to remain the title of the act.

Senate bill No. 92, by the 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.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—28.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, Owings, and Watt—6.

The title of the bill to remain the title of the act.

Senate bill No. 93, by the 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.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed by the following vote, without amendment:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—28.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, Owings, and Watt—6.

The title of the bill to remain the title of the act.

Senate bill No. 95, by the 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.

Read third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendments by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forsyth, Frink, Hastings,

Kinnear, Luce, McCroskey, O'Neill, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Wilson—21.

Absent or not voting: Senators Austin, Claypool, Easterday, Forrest, Hyde, Kneeland, Long, Owings, Parkinson, Preston, Smith, Van Houten, and Watt—13.

Title of the bill to remain the title of the act.

Senate bill No. 96, by the Judiciary Committee: An act relating to exceptions, and amending section 260 of the Code of Washington of 1881.

Read by sections a third time; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—24.

Absent or not voting: Senators Austin, Claypool, Drum, Easterday, Hyde, Kneeland, Long, Preston, Smith, and Watt—10.

Title of the bill to remain the title of the act.

Senate bill No. 97, by the Judiciary Committee: An act in relation to arbitration and award, and amending sections 266 and 269 of the Code of Washington of 1881.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed without further amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—26.

Absent or not voting: Senators Austin, Claypool, Hyde, Kneeland, Long, Preston, Rutter, and Watt—8.

The title of the bill to remain the title of the act.

Senate bill No. 98, by the Judiciary Committee: An act relating to trial by jury, and amending sections 232, 234, and 244 of the Code of Washington of 1881.

Read a third time by sections; the rules were suspended, the bill

was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Austin, Claypool, Hyde, Kneeland, Long, Owings, Rutter, and Smith—8.

The title of the bill to remain the title of the act.

Senate bill No. 99, by the Judiciary Committee: An act in relation to receivers.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed by the following vote, without amendment:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Richards, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Austin, Claypool, Easterday, Kneeland, Long, Owings, Preston, Rutter, and Thompson (L. F.)—9.

The title of the bill to remain the title of the act.

Senate bill No. 100, by the Judiciary Committee: An act relating to motions to dissolve or modify injunctions, and amending section 169 of the Code of Washington of 1881.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Austin, Claypool, Easterday, Kneeland, Long, Owings, Parkinson, and Thompson (L. F.)—8.

The title of the bill to remain the title of the act.

ENROLLED BILLS.

By Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolution No. 9 has been carefully compared with the engrossed copy thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,

ALEX. WATT,

W. J. PARKINSON.

The president announced that he was about to sign Senate concurrent resolution No. 9, which was done.

THIRD READING OF BILLS.

Senate bill No. 101, by the Judiciary Committee: An act relating to proceedings against persons who violate injunctions, and amending section 168 of the Code of Washington of 1881.

Read third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Smith, Van Houten, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, Preston, Rutter, Thompson (G. T.), Thompson (L. F.), and Van de Vanter—9.

Title of the bill to remain the title of the act.

Senate bill No. 102, by the Judiciary Committee: 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.

Read a third time; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Austin, Claypool, Hyde, Kneeland,

land, Long, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Van de Vanter—11.

The title of the bill to remain the title of the act.

Senate bill No. 103, by Judiciary Committee: An act relating to arrest and bail in civil actions, and amending sections 115, etc., of the Code of Washington of 1881.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed by the following vote, without amendment:

Those voting in the affirmative were: Senators Baker, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Austin, Claypool, Clough, Kinnear, Kneeland, Long, Rutter, and Van de Vanter—8.

The title of the bill to remain the title of the act.

Senate bill No. 106, by the Judiciary Committee: An act relating to the place of trial of actions and proceedings, and amending sections 50 and 53 of the code of 1881.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, Owings, Rutter, Thompson (L. F.), and Van de Vanter—8.

The title of the bill to remain the title of the act.

Senate bill No. 107, by the Judiciary Committee: An act with relation to parties to civil actions and proceedings, and amending sections 12, etc., of the code of 1881.

Read a third time by sections; section 2 was amended by Senator Easterday; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Luce, McCroskey, O'Neill, Parkin-

son, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Watt, and Wilson—25.

Absent or not voting: Senators Austin, Claypool, Kinnear, Kneeland, Long, Owings, Rutter, Van de Vanter, and Vestal—9.

The title of the bill to remain the title of the act.

Senate bill No. 108, by the Judiciary Committee: An act relating to time within which actions may be commenced, and amending section 25 of the code of 1881.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting were: Senators Austin, Claypool, Long, Owings, Rutter, and Van de Vanter—6.

The title of the bill to remain the title of the act.

Senate bill No. 109, by the Judiciary Committee: An act relating to the powers and duties of clerks of courts.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those who voted in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Austin, Claypool, Long, McCroskey, Owings, and Rutter—6.

The title of the bill to remain the title of the act.

Senate bill No. 111, by the Judiciary Committee: An act in relation to sheriffs.

Read third time by sections; the rules were suspended, the bill was considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough,

Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Austin, Claypool, Long, Richards, Rutter, and Smith—6.

Title of the bill to remain the title of the act.

Senators L. F. Thompson and Austin were allowed two days' leave of absence.

On motion of Senator Drum, Senate bill No. 26 was made a special order of business for Wednesday, February 11, at 3 p. m.

On motion of Senator Kinnear, the Senate, at 12:25, adjourned until 2 p. m. to-morrow, February 6, 1891.

THIRTY-FIRST DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 6, 1891. }
2 o'clock p. m.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Long, Smith, and L. F. Thompson. Excused.

Senators Eshelman and Baker were excused till Monday.

On motion of Senator Dyer, the reading of the journal was dispensed with and considered approved.

PETITIONS, RESOLUTIONS, ETC.,

Senate concurrent resolution No. 15, by Senator Watt: Relative to a committee of the Senate and House visiting the eastern and western insane asylums, and making a report thereof.

Read and adopted.

Petition by Senator Kinnear from the Carpenters and Joiners Union No. 575, of Fairhaven, the Bricklayers International Union of Spokane Falls, numbering 50, the Laundry Employes Labor Union of Seattle, Washington, numbering 40, Carpenters and Joiners Union No. 41, of Spokane Falls, the Local Association No. 2,885 Knights of Labor, numbering 130, of Olympia, the White Cooks, Waiters, and Employes Union, numbering 486, of Seattle, petition the legislature to pass Senate bill No. 3, by Senator Kinnear, of Seattle, entitled "An act declaring eight hours a legal day's work."

Read and referred to Committee on Labor and Labor Statistics.

Senator Thompson (G. T.) announced that he withdrew his motion to reconsider the vote on Senate bill No. 86.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 6, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate concurrent resolution No. 9, Relative to printing 10,000 copies of the state constitution.

Senate concurrent resolution No. 10, Relative to furnishing county treasurers certified copies of House bill No. 7.

Senate concurrent resolution No. 11, Relative to printing 2,500 copies of the catalogue of the state library.

Senate memorial No. 6, Relative to Nicaragua canal.

House bill No. 59, entitled "An act providing for the payment of bailiffs of the superior courts."

House bill No. 62, An act granting certain powers and authority to cities of the third class, relating to assessments, levy and collection of taxes.

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 the government reserve at that place.

House memorial No. 6, Praying the House of Representatives 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."

House memorial No. 4, Relative to improving Gray's Harbor.

The speaker of the House has signed House concurrent resolution No. 4, "In relation to the completion of the Cascades locks."

The House has passed House bill No. 104, An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor.

House bill No. 118, substitute for House bill No. 56, An act providing for the election and terms of office of county commissioners.

House joint resolution No. 3, Relative to the disposal of the quarantine station at Port Townsend, and procuring a more desirable location.

Senate concurrent resolution No. 13, Relative to procuring portraits of governors, was concurred in by the House.

Senate concurrent resolution No. 14, Relative to visiting and examining the the U. S. Penitentiary at McNeill's Island, was concurred in by the House.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk

REPORTS OF STANDING COMMITTEES.

By the Committee on Memorials:

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred Senate memorial No. 7, have had the same under consideration, and would respectfully report the same back to the Senate with the recommendation that it pass.

GEO. T. THOMPSON, Chairman,

W. C. RUTTER,

J. R. KINNEAR.

INTRODUCTION OF BILLS.

House bill No. 34, by Mr. Adams: An act declaring 8 hours labor shall constitute a legal day's work on all work done by and for the state, or any county or municipality therein.

Read first time; rules suspended, read second time by title, and referred to Committee on Labor and Labor Statistics.

House bill No. 52, by H. J. Snively: An act to provide for the appointment of court commissioners, and defining their powers, duties and compensation.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House bill No. 134, by the Judiciary Committee: An act in relation to trade marks.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 162, by Senator Claypool: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 163, by Senator Dyer: An act to amend sections

74, 86 and 87 and to repeal sections 88 and 89 of the code of Washington Territory.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 164, by Senator Dyer: 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 deem meet; anything in the acts incorporating such private corporations to the contrary notwithstanding.

Ordered not to be printed.

Read first time; rules suspended, read second time by title, and referred to the Judiciary Committee.

Senate bill No. 165, by Senator Dyer: 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.

Read first time; rules suspended, read second time by title, and referred to the Judiciary Committee.

Senate bill No. 166, by Senator Dyer: An act to amend section 753 of the Code of the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 167, by Senator McCroskey: An act requiring railroad corporations to fence their tracks.

Read first time; rules suspended, read second time by title, and referred to Corporations other than Municipal.

House bill No. 104, by Mr. Painter: An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor.

Read first time; rules suspended, read second time by title, and referred to the Committee on State Prisons.

House bill No. 118, by the Committee on Counties and County Lines: An act providing for the election and terms of office of county commissioners.

Read first time; rules suspended, read second time by title, and referred to Committee on Counties and County Boundaries.

House concurrent resolution No. 3, by Mr. Plummer: Relative to disposing of the quarantine station at Port Townsend, and procuring a more desirable situation.

Read first time; rules suspended, read second time by title, and referred to Committee on Medicine, Surgery and Hygiene.

Senate concurrent resolutions Nos. 13 and 14 received from the House, and ordered to be enrolled.

The president stated that the Committee on Mines and Mining would meet in the Burmeister block this evening.

The president announced that he was about to sign House concurrent resolution No. 4, House bill No. 62, House bill No. 59, House memorials Nos. 4, 5, and 6, which was done.

On motion of Senator Thompson, the rules were suspended; Senate memorial No. 7, by Senator O'Neill, Relative to the improvement of the Colville river, was taken up, read a second time by title, read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Easterday, Eshelman, Frink, Kinnear, Long, Rutter, Smith, and Thompson (L. F.),—12.

THIRD READING OF BILLS.

House bill No. 94, by the Judiciary Committee: An act relating to procedure in civil actions in justices' courts, and amending sections 1714, etc., of the code of 1881.

Read a third time by sections; the rules were suspended, the bill was considered engrossed, and passed by the following vote, without amendment:

Those voting in the affirmative were: Senators Claypool, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Easterday, Eshelman, Frink, Long, McCroskey, Rutter, Smith, Thompson (L. F.), and Van de Vanter—13.

Title of the bill to remain the title of the act.

Senate bill No. 104, by the Judiciary Committee: An act relat-

ing to pleadings in civil actions and amending sections 76, 77, and 109 of the code of 1881.

Read a third time by sections; the rules were suspended, the bill considered engrossed, and passed without amendment, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Forsyth, Frink, Long, McCroskey, Smith, Thompson (L. F.), and Van de Vanter—12.

The title of the bill to remain the title of the act.

Senate bill No. 105, by the Judiciary Committee: An act relating to the manner of commencing civil actions.

Read a third time by sections.

On motion of Senator Thompson (G. T.), the bill was laid on the table.

On motion of Senator Forrest, the bill was taken from the table, the rules were suspended, it was considered engrossed, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, and Van Houten—20.

Those voting in the negative were: Senator Thompson (G. T.)—1.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Long, McCroskey, Smith, Thompson (L. F.), Vestal, Watt, and Wilson—13.

The title of the bill to remain the title of the act.

Senate bill No. 110, by the Judiciary Committee: An act relating to attorneys.

The bill was read a third time by sections; rules suspended, considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Long, McCroskey, Smith, Thompson (L. F.), Vestal, and Watt—12.

Title of bill to remain the title of the act.

Senate bill No. 112, by the Judiciary Committee: An act in relation to the powers of courts and of judicial officers.

Read a third time by sections; the rules suspended, considered engrossed, and passed by the following vote, without amendment:

Those voting in the affirmative were: Senators Claypool, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Van Houten, and Wilson—19.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Easterday, Eshelman, Frink, Long, McCroskey, Preston, Smith, Thompson (G. T.), Thompson (L. F.), Vestal, and Watt—15.

The title of the bill to remain the title of the act.

Senate bill 113, by the Judiciary Committee: An act in relation to juries.

Read a third time by sections; rules suspended, the bill considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Forrest, Frink, Long, McCroskey, Owings, Smith, and Thompson (L. F.)—12.

The title of the bill to remain the title of the act.

Senate bill No. 114, by the Judiciary Committee: An act in relation to legal holidays.

Read a third time by sections.

On motion of Senator Kinnear, section 4 was amended to read except an act entitled "An act declaring labor day a legal holiday," which was adopted.

The rules were suspended, the bill was considered engrossed, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Hastings, Hyde, Kinnear, Kneeland,

Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Austin, Baker, Drum, Easterday, Eshelman, Forsyth, Frink, Long, McCroskey, Smith, and Thompson (L. F.)—11.

Title of the bill to remain the title of the act.

Senate bill No. 115, by the Judiciary Committee: An act in relation to magistrates.

Read a third time by sections; the rules suspended, the bill considered engrossed, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Kinnear, Long, McCroskey, Smith, and Thompson (L. F.)—11.

The title of the bill to be the title of the act.

Senate bill No. 116, by the Judiciary Committee: An act relating to holding of session of courts.

The bill was read a third time by sections; the rules were suspended, it was considered engrossed, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Kinnear, Long, McCroskey, Smith, and Thompson (L. F.)—11.

The title of the bill to remain the title of the act.

Senate bill No. 117, by the Judiciary Committee: An act relating to the civil jurisdiction of justices of the peace.

Read a third time by sections.

On motion of Senator Dyer, the bill was ordered to be tabled, by a divisional vote of 10 affirmatives, 6 negatives.

Senate bill No. 118, by the Judiciary Committee: An act relating to new trials, and amending section 282 of the code of 1881, and repealing sections 279 and 280 of 1881.

Read a third time by sections; the rules were suspended, it was considered engrossed, and passed by the following vote:

Those who voted in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Luce, O'Neill, Owings, Parkinson, Preston, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Frink, Kneeland, Long, McCroskey, Richards, Smith, Thompson (L. F.), and Watt—13.

The title of the bill to remain the title of the act.

Senator Thompson, of Walla Walla, gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

Senate bill No. 119, by the Judiciary Committee: An act defining certain crimes and declaring their punishment, and the code of 1881, and certain other statutes, in relation to the same subject.

Senator Kinnear amended line 1, section 1, by inserting the word "section," which was adopted.

The bill was read a third time by sections; rules suspended, considered engrossed, and passed by the following vote, as amended:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Owings, Preston, Richards, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—21.

Those voting in the negative were: Senator Rutter.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Edens, Eshelman, Frink, Long, McCroskey, Parkinson, Smith, and Thompson (L. F.)—12.

The title of the bill to remain the title of the act.

Senator Van de Vanter in the chair.

On motion of Senator Dyer, Senate bill No. 125 was substituted for Senate bill No. 117.

Senate bill No. 125, by the Judiciary Committee: An act relating to the civil jurisdiction of justices' courts, amendatory of section 1701 of the code of 1881.

Senator Dyer moved to amend section 8 by adding as section 9 the following: "To issue writs of attachment upon goods, chattels, moneys and effects, where the amount is less than \$100." Also change section 9 to section 10.

Adopted.

The bill was read a third time; rules suspended, considered engrossed, and passed by the following vote as amended:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Watt — 22.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Long, Parkinson, Rutter, Smith, Thompson (L. F.), and Wilson—12.

Title of the bill to remain the title of the act.

Senate bill No. 123, by the Committee on Claims: A bill for the relief of L. P. Berry.

On motion of Senator Claypool, the Senate went into committee of the whole with open doors to consider Senate bill No. 123.

Senator Claypool in the chair.

The committee of the whole reported the bill back to the Senate with the recommendation that it pass without amendment.

The report of the committee was adopted.

The bill was read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Long, Parkinson, Smith, and Thompson (L. F.)—10.

The title of the bill to remain the title of the act.

Senator G. T. Thompson moved that the vote by which Senate bill 118 was passed be re-considered, which was adopted unanimously.

Senator G. T. Thompson moved to amend the first line of sec-

tion 1, by inserting the word "two" in place of "one," which was adopted.

The bill then passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Long, Parkinson, Smith, and Thompson (L. F.)—10.

Title of the bill to remain the title of the act.

The following was read:

OLYMPIA, WASH., February 6, 1891.

Hon. W. J. Parkinson:

DEAR SIR—The condition of my health being such that I feel compelled to seek a dryer climate than that we have here, I herewith tender my resignation as clerk of the State Tide Lands and other committees to which I was assigned, with the desire that my resignation may be accepted immediately.

Respectfully yours,

D. T. LUSK.

The resignation was accepted.

On motion of Senator Van Houten, the Senate, at 4:25, adjourned.

THIRTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, February 7, 1891. }
10:10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present except Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Kinnear, Long, Smith, L. F. Thompson. Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, February 6, was dispensed with, and the journal was considered approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 7, 1891.

MR. PRESIDENT:

The House has passed 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.

The House has passed Senate bill No. 81, entitled "An act in relation to prosecutions for public offenses, and amending sections of the code of 1881 in relation thereto.

Senate bill No. 82, An act relating to proceedings in criminal actions in justices' courts and before magistrates, and amending sections of the code of 1881 in relation thereto.

House memorial No. 8, In relation to ship canal from Salmon bay to lakes Union and Washington.

The House has passed House memorial No. 9, For the relief of Peter G. Stewart.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

INTRODUCTION OF BILLS.

Senate bill No. 168, by Senator Cooper: 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Harbors and Harbor Lines.

Senate bill No. 169, by Senator Claypool: An act relative to the supreme court reporter, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House bill No. 26, by Mr. Flummerfelt: An act to prevent the driving of stock from their range, and providing penalties for the violation of the same.

Read first time; rules suspended, read second time by title, and referred to Committee on Agriculture.

THIRD READING OF BILLS.

House bill No. 21, by Mr. Shaw: An act to create a state board of horticulture and appropriate money therefor, and declaring an emergency.

Reported back by the committee with the recommendation that it pass as amended.

On motion of Senator Claypool, the Senate went into a committee of the whole to consider the bill.

Senator Claypool in the chair.

The committee of the whole arose and reported the bill back to the Senate with amendments, recommending its passage as amended.

President Wilson in the chair.

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

Senator Dyer then moved that the amendments be adopted, which was done.

Senator Dyer in the chair.

The bill was read a third time by sections.

On motion of Senator McCroskey, the word "actual" was stricken out in section 9.

On motion of Senator Owings, section 13 was amended, adding after the words as it appears each time, the words "\$5,000, or so much thereof as may be necessary."

The bill then passed as amended, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

The emergency clause was taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Kinnear, Long, Smith, and Thompson (L. F.)—10.

The title of the bill to remain the title of the act.

Report by the Committee on Public Buildings and Grounds, as follows:

MR. PRESIDENT:

Your committee, to whom was referred Senate bill No. 131, An act to regulate mode of proceedings to acquire and appropriate land, real estate and other property for public use of the State of Washington, etc., have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it pass.

N. H. OWINGS, Chairman,
J. H. LONG,
W. H. KNEELAND.

Senate bills Nos. 81 and 82 were received from the House and ordered to be enrolled.

President Wilson in the chair.

On motion of Senator Owings, Senate bill No. 131 was taken up and placed on its final passage.

Senate bill No. 131, by Senator Owings: An act to regulate the mode of proceeding to acquire and appropriate land and 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.

Reported back by committee without amendment, with the recommendation that it pass.

The bill was read a third time by sections, and rejected by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Thompson (G. T.), and Vestal—17.

Those voting in the negative were: Senators Forsyth, Rutter, Van de Vanter, Van Houten, and Wilson—5.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Kinnear, Long, Preston, Smith, Thompson (L. F.), and Watt—12.

Senator Rutter gave notice that at the proper time he would move for a reconsideration of the vote by which Senate bill No. 131 failed to pass.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 7, 1890.

The Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed the following bills:

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."

And Senate bill No. 54, entitled "An act legalizing the incorporation of municipal corporations of the fourth class, 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.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate memorial No. 1, Relative to fortifications and coast defenses.

Also, Senate memorial No. 5, Relative to the state granted lands and the survey thereof, have been carefully compared with the engrossed copies thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,

W. J. PARKINSON,

ALEX. WATT.

Senate bill No. 70, by Senator O'Neill: An act relating to community property, defining it and providing for its payment.

Reported back by the committee with the recommendation that it be indefinitely postponed.

It was so ordered.

Senate bill No. 64, by Senator Hyde: An act to amend section 289 of chapter XXIV of the Code of Washington.

Reported back by the committee with the recommendation that it be indefinitely postponed.

So ordered.

Senate bill No. 60, by Senator Kinnear: 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.

Reported back by the committee with the recommendation that it pass.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough,

Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van Houten, Vestal, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Hyde, Kinnear, Long, Smith, Thompson (L. F.), Van de Vanter, and Watt—13.

The title of the bill to remain the title of the act.

The president stated that he was about to sign Senate memorials Nos. 1 and 5, which was done.

On motion of Senator McCroskey, House bill No. 77 was taken up.

House bill No. 77, by Mr. Flummerfelt: An act making appropriation for the per diem and expenses of boards of county commissioners in selecting and appraising school lands.

Reported back by the committee with amendments, recommending its passage.

On motion of Senator Dyer, the Senate went into committee of the whole to consider the bill.

Senator Dyer in the chair.

The committee of the whole arose and reported back the bill with amendments, recommending its passage.

President Wilson in the chair.

On motion of Senator Dyer, the report was adopted.

On motion of Senator Preston, the amendments were adopted.

The bill was read a third time.

Senator Dyer moved to amend by inserting the word "land" between the words "school" and "fence." So ordered.

The bill then passed as amended by the following vote.

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Van Houten, Vestal, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Kinnear, Long, Smith, Thompson (G. T.), Thompson (L. F.), and Watt—12.

Title of the bill to remain the title of the act.

Senate bill No. 56, by Senator Kinnear: An act to validate the general indebtedness of the city of Seattle in excess of 1½ per cent. on the assessed valuation of the property within the city limits, and which was incurred without the vote of the qualified electors of said city.

Reported back by the committee with recommendation that it pass.

The bill was read a third time, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Forrest, Forsyth, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Edens, Eshelman, Frink, Kinnear, Long, Owings, Smith, Thompson (L. F.), and Watt—13.

On motion of Senator Dyer, the bill was ordered to be laid on the table.

Senator Forrest gave notice that he would move for a reconsideration of the vote by which Senate bill No. 56 was passed.

Senate bill No. 40, by Senator Dyer: An act to provide for the payment of certain mileage of the attorney general of the state and judges of the superior courts, and to declare an emergency.

Received from the engrossing clerk and read a third time.

Senator Dyer moved to amend section 4 by adding after the words "attorney general," the words "as provided for," which was adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Kinnear, Long, Smith, Thompson (L. F.), and Watt—11.

The emergency clause was taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Wilson—23.

The title of the bill to remain the title of the act.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate concurrent resolutions Nos. 13 and 14 have been carefully compared with the engrossed copies thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT.

Senate bill No. 33, by Senator Parkinson: An act to amend an act providing for the organization, classification, incorporation and government of municipal incorporations, and declaring an emergency.

Reported back by the committee with the recommendation that it be indefinitely postponed.

So ordered.

Senate bill No. 127, by the Committee on Education: An act to amend section 28 of an act entitled "An act to establish a system of common schools in cities of 10,000 or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890.

On motion of Senator Dyer, the bill was made a special order for 2 p. m. February 10th.

House memorial No. 9, by the Committee on Ways and Means: For the relief of Peter G. Stewart.

Read first time; rules suspended, read second time by title, and placed on final passage.

Read third time, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 24.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Eshelman, Frink, Kinnear, Long, Smith, and Thompson (L. F.) — 10.

The president stated that he was about to sign Senate concurrent resolutions Nos. 13 and 14, which was done.

Senate bill No. 170, by Senator Owings: An act for the protection of game, and making it unlawful to market the same, and prescribing penalties.

Read first time; rules suspended, read second time by title, and referred to Committee on Agriculture.

On motion of Senator Dyer, the Senate, at 12:10, adjourned till Monday, February 9, at 2 P. M.

THIRTY-FOURTH DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, February 9, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senator Baker. Excused.

On motion of Senator Dyer, the reading of the journal of Saturday, February 7, 1891, was dispensed with, and the journal considered approved.

PRESENTATION OF PETITIONS, RESOLUTIONS, ETC.

Petition by President Wilson, from the board of county commissioners of Douglas county, petitioning the legislature not to pass a bill creating a judicial district of the counties of Douglas and Okanogan.

Read, and referred to the Judiciary Committee.

A memorial by Senator Frink, from the Seattle board of education, Relative to the establishing and maintenance of normal schools.

Read, and referred to the Committee on Education.

Senate concurrent resolution No. 16, by Senator Clough: Relative to furnishing county attorneys with copies of acts of legislature.

Read and adopted.

Communication by Senator Van Houten, from the Spokane chamber of commerce, protesting against adverse railroad legislation.

Read, and referred to Committee on Corporations other than Municipal.

REPORTS OF STANDING COMMITTEES.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 39, entitled "An act for the incorporation of bar associations," have had the same under consideration, and now respectfully report back a substitute entitled "An act for the incorporation of bar associations," with the recommendation that the substitute pass.

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Dyer, and Parkinson, being all of the members of said committee present.

Report of the committee adopted.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 63, entitled "To provide for manner of commencing civil actions and regulating defaults therein," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed, for the reason the subject matter of this bill has been covered by a bill introduced by this committee, being one of the "Hill Code Bills."

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Claypool, Dyer, and Parkinson, being all the members of said committee present.

By the Committee on Appropriations:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred Senate bill No. 44, after careful consideration report back the same and recommend its passage.

(Signed) F. H. LUCE, Chairman,

L. B. CLOUGH,

W. J. PARKINSON.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom 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 cases, and declaring an emergency," have had the same under consideration and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Respectfully submitted.

J. R. KINNEAR, Chairman.

The report was concurred in by Senators Claypool, Dyer, and Parkinson, being all the members of said committee present.

Not concurred in by Senator Thompson (G. T.).

By the Judiciary Committee.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 65, entitled "An act making appropriation for the survey and selection of lands granted to the State of Washington, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be referred back for consideration in the Senate as a committee of the whole, for the reason that the subject matter of the bill is of such importance that it should receive such consideration.

Your Committee on Judiciary, to whom was referred Senate bill No. 62, entitled "An act to amend the law for sale of property," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed, for the reason that the section sought to be amended was amended substantially as proposed.

Your Committee on Judiciary, to whom was referred Senate bill No. 15, entitled "An act in relation to transfer of community real property," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage:

First amendment: Insert after the word "situated," in line 10 of section 1, the words "in the same manner as other conveyances of real estate are required to be recorded."

Your Committee on Judiciary, to whom was referred Senate bill No. 69, entitled "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," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage:

First amendment: Strike out all after the word "provided," in line 22 of section 1, down to "all," in line 35 of the same section.

Your Committee on Judiciary, 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass. Respectfully submitted.

J. R. KINNEAR, Chairman.

Reports concurred in by Senators Claypool, Dyer, and Parkinson, being all of the members of said committee present.

By the Committee on Mines and Mining:

MR. PRESIDENT:

Your Committee on Mines and Mining, to whom was referred Senate bill No. 68, entitled "An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors," have carefully considered the bill and begs to report the same with the following amendments, viz.:

First amendment: Strike out all after the word "act," in line 9, section 5, of printed bill, up to the word "appoint," in line 11, section 5, and insert after the word "for," in line 16, section 5, the words "said board shall be composed of three (3) practical coal miners, three (3) competent coal operators, and one mining engineer, all of whom shall be sworn to a faithful discharge of their duties."

Second amendment: Amend line 20, section 5, printed bill, by inserting after the word "inspectors" the words "shall devote their entire time to the duties of such office."

Third amendment: Amend line 30, section 5, printed bill, by striking out the word "president," also the word "district," in same line, and inserting in lieu of word "district" the word "county," so that it will read as amended "to be approved by the judge of the superior court of the county in which he resides."

Fourth amendment: Strike out the word "eighteen," in line 33, section 5, printed bill, and insert in lieu thereof the word "fifteen," so that it will read as amended "the salary of each of such inspectors shall be fifteen hundred dollars per annum."

Fifth amendment: Insert the words "actual traveling" after the word "and," in line 6, section 6, printed bill, so that it will read as amended "and actual traveling expenses."

Sixth amendment: Strike out all of section 7, and insert in lieu thereof the following substitute:

Upon a petition signed by not less than three (3) reputable coal operators, or ten (10) coal miners, to the superior court of any county in the proper district, with the affidavit of one or more of said petitioners attached, setting forth that any inspector of mines neglects his duty or is incompetent, or that he is guilty of a malfeasance in office, or any act tending to the injury of miners or operators of mines, the judge of such superior court shall issue a citation in the name of the state to the said inspector to appear, on not less than fifteen (15) days' notice, upon a day fixed, before said court, at which time the court shall proceed to inquire into and investigate the allegations of the petitioners. If the court find that said inspector is neglectful of his duties, or that he is guilty of malfeasance in office, the court shall certify the same to the governor, who shall declare the office of said inspector vacant, and proceed, in compliance with the provisions of this act, to supply the vacancy. The costs of said investigation shall, if the charges are sustained, be imposed upon the inspector, but if the charges are not sustained, they shall be imposed upon

the petitioners, and the payment of such costs shall be enforced by the proper action brought in the name of, and on behalf of the state, by the district attorney of the county wherein such investigation is had. And would recommend the bill, as amended, pass.

JAMES O'NEILL,
F. H. LUCE,
W. C. RUTTER,
Committee.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolutions Nos. 9, 10 and 11, and Senate memorial No. 6, heretofore reported correctly enrolled, have been delivered to the secretary of state this 9th day of February, 1891.

C. E. FORSYTH, Chairman,
ALEX. WATT,
W. J. PARKINSON.

By Committee on Military:

MR. PRESIDENT:

Your Committee on Military, to whom was referred Senate bill No. 59, by Senator Claypool, Appropriating money on account of a deficiency in the fund for the support of the national guard of Washington, respectfully report it back with amendment, and with such amendment recommend that it pass.

TRUSTEN P. DYER, Chairman.

Report concurred in by Senators Claypool and Parkinson, the other two members of committee.

By Committee on State Prison:

MR. PRESIDENT:

Your Committee on State Prison, to whom was referred House bill No. 104, entitled "An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor," after carefully considering the same, begs leave to report that, in their judgment, the best interests of the state will be promoted by making the proposed appropriation, and the most feasible means for obeying the command of the constitution, to "provide for the working of convicts for the benefit of the state," will be secured by passing the bill.

P. A. PRESTON, Chairman,
T. J. SMITH,
ALEX. WATT.

By the Committee on Constitution and Revision:

MR. PRESIDENT:

Your Committee on Constitution and Revision, to whom was referred Senate bill No. 57, entitled "An act to fix the time of the commencement of the terms of office of state officers, begs leave to report that they have considered the same, and herewith return it to the Senate with the recommendation that it pass.

Also, that they have considered Senate bill No. 58, "An act to fix the

time for the meeting of the legislature," and recommend that there be added to section 1 thereof the words, "commencing on the second Monday of January," and as amended that it do pass.

N. H. OWINGS, Chairman,
C. M. EASTERDAY,
W. R. FORREST.

By the Committee on Medicine, Surgery, Hygiene and Dentistry:

MR. PRESIDENT:

Your Committee on Medicine, Surgery, Hygiene and Dentistry, to whom was referred Senate bill No. 49, after carefully considering the same begs leave to report back said bill and recommend its passage.

Your Committee on Medicine, Surgery, Hygiene and Dentistry, to whom was referred Senate bill No. 28, respectfully report back the same and recommend its passage as amended.

Your Committee on Medicine, Surgery, Hygiene and Dentistry, to whom was referred House joint resolution No. 3, have carefully considered the same and beg leave to report back the resolution and recommend its adoption.

(Signed) F. H. LUCE, Chairman,
E. B. HYDE,
HENRY DRUM.

The following message was received from the House:

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH, February 7, 1891.

The House has concurred in Senate concurrent resolution No. 15, Relative to a joint committee to visit insane asylums, and the speaker has appointed, on the part of the House, Messrs. Powell, Thalman, and Farish.

The House has passed Senate bill No. 2, An act declaring "Labor Day" a legal holiday, with amendments noted on bill.

The speaker of the House has signed Senate memorial No. 1, "Relative to coast defenses and fortifications."

Senate memorial No. 5, "Relative to the state granted lands and the survey thereof."

Senate concurrent resolution No. 13, "Relative to procuring and preserving portraits of state governors, etc."

Senate concurrent resolution No. 14, "Relative to visiting and examining U. S. penitentiary at McNeil's Island." And the same are herewith returned to the Senate.

T. G. NICKLIN, Chief clerk.

INTRODUCTION OF BILLS.

Senate bill No. 172, by Senator Wilson: An act concerning rates and fares on railroads.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 173, by Senator Edens: An act to compel employers of labor, their agents or timekeepers, to furnish the county assessor or his deputy with a list of persons in their employ liable for poll tax, providing a penalty, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Public Revenue and Taxation.

Senate bill No. 174, by Senator Kinnear: An act requiring the appointment of police matrons in certain cities, designating their duties, and directing their compensation.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 174, by Senator G. T. Thompson: 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 and officials and others, and making an appropriation therefor.

Read first time; rules suspended, read second time by title, and referred to the Committee on State Library.

Ordered not to be printed.

Senate bill No. 176, by Senator Hastings: An act relative to the powers, duties and fees of police justices of municipal corporations of the fourth class.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 177, An act to amend sections 5 and 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 178, By Senator Dyer: An act relating to garnishment in superior courts.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 179, by Senator Kneeland: An act making the state treasurer ex-officio fiscal agent for the State of Washington, defining his duties, and declaring an emergency.

Read first time; rules suspended, read second time by title.

On motion of Senator Kneeland, the rules were further suspended, the bill was considered engrossed, and placed on its final passage.

On motion of Senator Long, amended by Senator McCroskey, the vote by which the bill passed to its third reading was reconsidered and referred to the Judiciary Committee.

Senate bill No. 180, by Senator Forrest: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 182, by Senator Long: An act to provide for the drainage of cities of the second and third class by the construction of sewers and drains.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 181, by Senator Forrest: An act authorizing cities and towns to submit to the voters therein propositions to fund indebtedness of such cities and towns, by issuing bonds therefor, at the same election at which the previous attempted incurring of such indebtedness, or any part thereof, may be ratified.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 183, by Senator Long: An act to prevent the obstruction of highways, to abate nuisances thereon, providing a penalty therefor, and declaring an emergency to exist.

Read first time; rules suspended, read second time by title, and referred to Committee on Roads and Bridges.

House memorial No. 8, by Mr. Sallee: Relative to the construction of a canal from tide water at Salmon bay on Puget Sound to lake Union, and from lake Union to lake Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on Memorials.

Senator Claypool in the chair.

THIRD READING OF BILLS.

Senate bill No. 140, by the Committee on Education: 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. .

Read a third time by sections.

Senator McCroskey moved to amend line 40, section 1, by striking out "expenditures of traveling expenses," and inserting "sworn statement of mileage actually paid out." Adopted.

Senator Easterday moved to amend line 28, section 3, printed bill, by inserting the word "grievance" after "such." Adopted.

Senator Long moved to strike out lines 49, 50, 51, 52, 53, and part of 54, and inserting the words "funds shall," which was rejected.

Senator Rutter was excused.

Senator Dyer moved to amend section 5, line 6, page 6, printed bill, by inserting the word "sworn;" also, to strike out in same line, "and certified to by him." Adopted.

Senator Clough moved to amend section 6, line 10, by changing "ten" to "twenty." Adopted.

Senator Dyer moved to amend section 8, lines 4 and 7, by changing the word "on" to "in." Adopted.

Senator McCroskey moved to amend section 9, line 4, by striking out the words "nor the annual report of which shall not have been made as required by law." Adopted.

Senator Thompson moved to strike out the whole of section 10, which was rejected.

Senator Dyer moved to amend section 16 by inserting in line 11, after the word "state," the words "unless otherwise provided by law;" also, to insert the same in line 13, after the word "licenses." Adopted.

Senator Cooper moved to amend section 17 by inserting "and also to the county auditor" after the word "records;" also, to strike out the balance of line 14, and lines 15, 16, 17, 18, and 19, which was withdrawn.

Senator Drum moved to amend section 18 by adding after the section: "Special school elections shall be called and conducted in the manner provided for calling and conducting school elections."

Adopted.

Senator McCroskey moved to amend section 18, line 2, by changing "first" to "last," and in line 3, "September" to "May."

Adopted.

Senator Dyer moved to amend section 25 by inserting the word "to" after "entitled," in line 3.

Senator Drum moved to amend by adding a new section 9, which was defeated.

Senator Thompson (G. T.) moved to amend by adding section 29 to the bill, the following: "That there shall be added to Senate bill No. 140, section 29, providing that all school books and text-books for use in the common schools of the State of Washington shall be prescribed by the state board of education, and shall be furnished free of charge to any scholar applying therefor upon an application by said scholar, his parents or guardian setting forth the fact that such pupil has not the means to pay for said books."

Adopted.

On motion of Senator Van Houten, the bill was made a special order for Wednesday, February 11th, at 2:30 p. m.

Senate bill No. 184, by Senator Wilson: An act declaring the city clerk of cities of more than 1,500 and less than 5,000 inhabitants police magistrates of said cities.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

On motion of Senator O'Neill, Senate bill No. 68 was made a special order of business for Friday, February 13th, at 2:30 p. m.

On motion of Senator Dyer, the Senate, at 5 p. m., adjourned.

THIRTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, February 10, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Thompson (G. T.), and Thompson (L. F.). Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, February 9, was dispensed with, and the journal was considered approved.

PETITIONS, RESOLUTIONS, ETC.

Senate concurrent resolution No. 17, by Senator O'Neill: Relative to asking for the appointment of Hon. Henry Failing, of Portland, Oregon, as secretary of the treasury of the United States. Read and adopted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 9, 1891.

MR. PRESIDENT:

The House has concurred in Senate amendments to House bill No. 21, entitled "An act to create a state board of horticulture and appropriate money therefor," and ordered the bill enrolled.

The House has refused to concur in Senate amendment to House bill No. 77, striking out "state treasury not otherwise appropriated" and inserting "state school land fund." Yeas 5, nays 57.

The House has concurred in second Senate amendment.

The House has concurred in Senate concurrent resolution No. 17, Relative to appointment of Henry Failing, of Portland, Oregon, as secretary of treasury of the United States; and the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

INTRODUCTION OF BILLS.

Senate bill No. 185, by Senator Watt: An act to provide for the incorporation of savings and trust companies.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 186, by Senator Dyer: An act to provide for the collection of demands against ships.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By the Committee on Memorials:

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred House memorial No. 8, relative to a ship canal from Lake Washington to Puget Sound,

have had the same under consideration, and report the same back with the recommendation that it pass.

GEO. T. THOMPSON, Chairman,
J. R. KINNEAR,
W. C. RUTTER.

By the Committee on Corporations other than Municipal:

MR. PRESIDENT:

The Committee on Corporations other than Municipal begs leave to report Senate bill No. 19, for "An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor," with the recommendation that it do pass.

Also, House bill No. 98, for "An act requiring corporations owning lands in this state to file a certified copy of articles of incorporation with county auditors," with the recommendation that it do pass.

Also, Senate bill No. 29, For an act concerning the appropriation of water for irrigation, mining, and manufacturing purposes, that it be reported back without recommendation.

Also, Senate bill No. 8, Relating to free railroad passes, for an act defining certain misdemeanors and prescribing punishment therefor, * * with the recommendation that it be referred to the committee of the whole.

B. C. VAN HOUTEN, Chairman.

Reports concurred in by senators.

House memorial No. 8, Relative to the construction of a canal from tide water at Salmon Bay to Lake Union, and from Lake Union to Lake Washington, was, on motion of Senator Rutter, taken up out of order and placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Dyer, Edens, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Van Houten, and Wilson—22.

Absent or not voting: Senators Drum, Easterday, Eshelman, Hyde, Long, Luce, Parkinson, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Watt—12.

THIRD READING OF BILLS.

Senate bill No. 141, by the Committee on Education: An act to provide for the compulsory and reformatory education of juvenile disorderly persons.

Read third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Van de Vauter, Van Houten, Vestal, and Wilson — 29.

Absent or not voting: Senators Eshelman, Luce, Thompson (G. T.), Thompson (L. F.), and Watt—5.

The title of the bill to remain the title of the act.

Senate bill No. 142, by the 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.

Read third time by sections.

Senator Drum moved to amend section 2, line 9, by striking out the word "six" and inserting "three."

Adopted.

Senator Easterday moved to amend section 2, line 6, after \$200, the following: "Except in districts for every 1,000 or more children of school age, and in such district the amount appropriated shall not exceed 20 cents for each child of school age in such district.

Adopted.

Senator McCroskey moved to amend section 1, line 7, after the word "select" add "from list furnished by the superintendent of public instruction."

Adopted.

Senator Dyer moved to strike out all after the word "select," in line 7 of section 1.

Rejected.

Senator Claypool moved to reconsider the vote by which section 1, line 7 was amended, which was done, and the amendment was stricken out upon the second vote.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Van de Vauter, Van Houten, Vestal, and Wilson — 28.

Absent or not voting: Senators Eshelman, Hyde, Parkinson, Thompson (G. T.), Thompson (L. F.), and Watt—6.

Title of the bill to remain the title of the act.

On motion of Senator Rutter, the vote by which Senate bill No. 131 was lost, was reconsidered.

Senator Frink in the chair.

Senate bill No. 131, by Senator Owings: Relative to condemnation of property for state purposes.

Senator Kinnear moved to make the bill a special order for Wednesday, February 10, at 2 p. m. Adopted.

On motion of Senator Forrest, the vote by which Senate bill No. 56 passed, was reconsidered.

Senate bill No. 56, by Senator Kinnear: An act to validate the general indebtedness of the city of Seattle in excess of one and one-half per cent. on the assessed valuation of the property within the city limits, and which was incurred without the vote of the qualified electors of said city.

On motion of Senator Forrest, the bill was indefinitely postponed.

On motion of Senator Claypool, the vote by which the emergency clause of Senate bill No. 145 was lost, was reconsidered.

Senate bill No. 145, by the Library Committee: Relative to the state library.

The emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Austin, Baker, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van de Vanter, Van Houten, and Vestal—26.

Absent or not voting: Senators Clough, Eshelman, Luce, Rutter, Thompson (G. T.), Thompson (L. F.), Watt, and Wilson—8.

Senate bill No. 15, by Senator Edens: An act in relation to transfers of community real property.

Reported back by the committee with amendments, recommending its passage.

The amendments were adopted.

The bill was read a third time by sections, and passed without further amendments, as follows:

Those voting in the affirmative were: Senators Baker, Claypool, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Smith, and Vestal—21.

Those voting in the negative were: Senators Easterday and Richards—2.

Absent or not voting: Senators Austin, Clough, Kneeland, Luce, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—11.

Title of the bill to remain the title of the act.

President Wilson in the chair.

Senate bill No. 58, by Senator Kneeland: An act to fix the time for the meeting of the legislature.

Reported back by the committee recommending its passage.

Read a third time by sections.

Senator Easterday moved to amend by adding after section 1 the following: "Commencing on the second Monday of January."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, Van Houten, Vestal, and Wilson—28.

Voting in the negative: Senator Austin.

Absent or not voting: Senators Luce, Thompson (G. T.), Thompson (L. F.), and Watt—4.

Senator Austin was granted an indefinite leave of absence.

Senate concurrent resolution No. 17, received from the House and ordered enrolled.

On motion of Senator Van Houten, the Senate, at 11:50, adjourned till 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, February 10, 1891. }
2 o'clock P. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Thompson (L. F.), Watt, Austin, and Kneeland. Excused.

THIRD READING OF BILLS.

Senate bill No. 127, by the Committee on Education: An act to amend section 28 of an act entitled "An act to establish a system of common schools in cities of 10,000 or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890.

Read a third time by sections.

The bill passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Vestal—28

Absent or not voting were: Senators Austin, Claypool, Kneeland, Thompson (L. F.), Watt, and Wilson—6.

The title of the bill to remain the title of the act.

Senate bill No. 57, by Senator Kneeland: An act to fix the time of the commencement of the term of office of state officers.

Reported back by the committee with recommendation that it pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Wilson—28.

Absent or not voting: Senators Austin, Claypool, Hyde, Kneeland, Thompson (L. F.), and Watt—6.

Title of the bill to remain the title of the act.

House concurrent resolution No. 3, by Mr. Plummer: Relative to disposing of quarantine station in Port Townsend, and procuring a more suitable location.

Reported back by the committee recommending its passage.

Read a third time and adopted.

REPORTS OF STANDING COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that

Senate concurrent resolution No. 17, Relative to endorsement of Hon. Henry Failing for secretary of the treasury of the United States.

Senate concurrent resolution No. 15, Relative to visiting the state insane asylums at Steilacoom and Medical Lake, have been carefully compared with the engrossed copies thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
Members of committee.

By the Committee on County and County Lines:

MR. PRESIDENT:

Your Committee on County and County Lines, to whom was referred Senate bill No. 152, have carefully considered the same, and now report back said bill recommending its passage.

(Signed)

T. J. SMITH,
F. H. LUCE.

The president announced that he was about to sign Senate concurrent resolutions Nos. 15 and 17, which was done.

On motion of Senator Van Houten, the Senate went into committee of the whole to consider Senate bill No. 28.

Senator Van Houten in the chair.

Senate bill No. 28, by Senator Van Houten: An act to create and establish a board of health and bureau of vital statistics in the State of Washington.

The committee of the whole arose and reported the bill back without amendment, recommending its passage.

President Wilson in the chair.

Read a third time by sections.

Senator Dyer moved to amend section 7 by striking out the word "account" and inserting "moneys." Adopted.

Senator Dyer moved to strike out all that follows the word "direct" in section 8. Rejected.

Senator Van Houten moved to strike out section 16. Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Baker, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Wilson—27.

Absent or not voting: Senators Austin, Claypool, Kneeland, Long, Richards, Thompson (L. F.), and Watt—7.

The title of the bill to remain the title of the act.

Senate bill No. 49, by Senator Luce: 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.

Reported back by the committee recommending its passage.

Read a third time by sections.

Senator Rutter moved to amend section 2, line 4, to strike out the word "rending" and insert "vending."

□ Adopted.

Senator Dyer moved to amend section 10, line 5, by inserting the word "displayed" after "conspicuously."

Adopted.

Senator Dyer moved to amend section 11, line 8, by striking out "and no part of the salary or other expenses of said board."

Adopted.

Senator Dyer moved to amend section 12, line 8, by striking out "district" and inserting "prosecuting."

Adopted.

Senator Forsyth moved to amend section 13, line 15, by striking out "whose place of business is more than two miles from a drug or apothecary store."

Adopted.

Senator Dyer moved to strike out the words in section 18, "F. H. Luce, E. B. Hyde, and J. M. Snow."

Adopted.

Senator Claypool moved to strike out section 18.

Division called for; 11 affirmatives, 8 negatives.

Adopted.

Senator McCrosky moved to amend section 7, line 5, by inserting the words "of the."

Adopted.

The bill was ordered to be engrossed.

House bill No. 104, by Mr. Painter: An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor.

Reported back by the committee with the recommendation that it pass.

On motion of Senator Dyer, the Senate went into a committee of the whole for the consideration of the bill.

Senator Dyer in the chair.

The committee of the whole reported the bill back without recommendation and with no amendments.

President Wilson in the chair.

The bill read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forsyth, Frink, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, and Wilson—26.

Those voting in the negative were: Senators Drum and Hastings—2.

Absent or not voting: Senators Austin, Baker, Forrest, Kneeland, Thompson (L. F.), and Watt—6.

Title of the bill to remain the title of the act.

Senate bill No. 59, by Senator Claypool: An act appropriating \$19,183.19 on account of a deficiency in the fund for the support of the National Guard of Washington for the years 1889-90.

Reported back by the committee with amendments, recommending its passage.

On motion of Senator Long, the Senate went into a committee of the whole to consider the bill.

Senator Long in the chair.

The committee of the whole reported the bill back with amendments, recommending that it be made a special order for Friday, February 13th, at 2 P. M.

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

On motion of Senator Smith, the Senate, at 4 P. M., adjourned.

THIRTY-SIXTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 11, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Kneeland, Thompson (L. F.), and Watt. Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, Tuesday, February 10, was dispensed with, and the journal was considered approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 10, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 21, entitled "An act to create a state board of horticulture, and appropriate money therefor."

House memorial No. 9, For the relief of Peter G. Stewart.

Senate concurrent resolution No. 15, Relative to visiting the state insane asylums.

Senate concurrent resolution No. 17, Relative to appointment of Hon. Henry Failing, of Oregon, as secretary of treasury.

The House has passed House bill No. 128, An act to make time checks bear interest from date of issue.

House bill No. 83, An act concerning the screening and weighing of coal.

House bill No. 108, A bill for the protection of sea gulls.

Senate bill No. 24, An act regulating fees of county clerks for services to be rendered as ex-officio clerks of the superior courts, with numerous amendments noted in the original bill.

Senate concurrent resolution No. 5, For the removal of Indian war records to adjutant general's office, with amendment noted in said resolution.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

PETITIONS, RESOLUTIONS, ETC.

Senate joint resolution No. 1, by Senator Forrest: Relative to establishing an ordnance factory on Puget Sound.

Read first time; rules suspended, read second time by title; rules further suspended, and placed on its final passage.

Read a third time.

Senator Dyer moved to amend by adding after the words "heavy guns," "on Puget Sound."

Adopted.

The resolution passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough,

Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Kinnear, Long, McCroskey, O'Neill, Preston, Richards, Smith, Thompson (G. T.), Van de Vanter, Vestal, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Cooper, Easterday, Hastings, Hyde, Kneeland, Luce, Owings, Parkinson, Rutter, Thompson (L. F.), Van Houten, and Watt—14.

Resolution by Senator Preston.

Be it resolved by the Senate, That the Committee on State Prisons is hereby authorized to visit the penitentiary at Walla Walla, and is directed to report its needs and condition not later than February 25.

Read and rejected by a divisional vote of 10 to 10.

Senate concurrent resolution No. 18, by Senator Clough: Relative to a joint committee, consisting of one member from the Senate and two from the House standing Committees on School for Defective Youth, be instructed to visit the state school for defective youth at Vancouver, and report its condition.

Read and adopted.

Senator Kneeland to act on the part of the Senate.

The president stated that he was about to sign House memorial No. 9, and House bill No. 21, which was done.

REPORTS OF STANDING COMMITTEES.

By the Committee on Education:

MR. PRESIDENT AND GENTLEMEN OF THE SENATE:

We, your committee to whom was referred Senate bill No. 150, "An act to amend section 77 of an act to establish a general and uniform system of common schools in the State of Washington, and declaring an emergency," have had the same under consideration, and do now report the same back and recommend that the bill be indefinitely postponed.

C. M. EASTERDAY, Chairman.

Report concurred in by Senator Drum and Senator Frink, being all of said committee.

By the Committee on Agriculture:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred House bill No. 124, providing for the protection of farmers, ranchmen, herders, etc., respectfully report it back with amendment, and with such, recommend that it pass.

We, your Committee on Agriculture, to which was referred Senate bill No. 26, to prevent the driving of stock from their range, etc., respectfully report it back with recommendation that it pass.

R. C. McCROSKEY, Chairman.

INTRODUCTION OF BILLS.

House bill No. 83, by Mr. Ready: An act concerning the screening and weighing of coal.

Read first time; rules suspended, read second time by title, and referred to Committee on Mines and Mining.

House bill No. 108, by Mr. Megler: A bill for the protection of sea gulls.

Read first time; rules suspended, read second time by title, and referred to Committee on Mines and Mining.

House bill No. 128, by Mr. Reinhart: An act to make time checks for labor negotiable and bear interest from date of issue.

Read first time; rules suspended, read second time by title, and referred to Committee on Labor and Labor Statistics.

Senate bill No. 187, by Senator Dyer: An act to amend section 210 of the Code of Washington, concerning general causes of challenge of jurors.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 188, by Senator Dyer: 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 $\frac{1}{2}$ and 2085 $\frac{1}{2}$, relating to grand and petit jurors. Approved February 2, 1888.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 189, by Senator Kinnear: An act to provide for the redemption of real estate sold under execution.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 190, by Senator Kinnear: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 191, by Senator Cooper: An act to establish a state normal school.

Read first time; rules suspended, read second time by title, and referred to Committee on Education.

Senate bill No. 192, by Senator Baker: An act to amend sections 5, 6, 7, and 8 of an act entitled "An act classifying the counties according to population."

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 193, by Senator Long: An act to amend section 2 of an act entitled "An act authorizing cities authority to construct internal improvements, and to issue bonds to pay therefor, and declaring an emergency," approved March 26, 1890, and to declare an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

Senate bill No. 194, by Senator Hastings: 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Military.

Senate bill No. 195, by Senator Claypool: An act to provide for associations for social, charitable and educational purposes.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 196, by Senator Dyer: An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Ordered not to be printed.

Senate memorial No. 9, by Senator Thompson: Relative to the construction of steamboat portage around the "Dalles" and cascades of the Columbia river.

Read first time; rules suspended, and read second time by title; rules further suspended, read third time, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Baker, Claypool, Clough, Cooper, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Van de Vanter, Vestal, and Wilson—22.

Senator Drum voted in the negative.

Absent or not voting: Senators Austin, Dyer, Easterday, Hyde, Kneeland, Long, Luce, Rutter, Thompson (L. F.), Van Houten, and Watt—11.

Communication by President Wilson, from the farmers' alliance of Kittitas county, requesting the passage of House bills Nos. 69 and 79.

Read, and referred to the same committees as the bills.

THIRD READING OF BILLS.

Senate bill No. 66, by Senator Forrest: An act authorizing and empowering boards of county commissioners to sell and convey property belonging to their respective counties, and declaring an emergency.

Reported back by the committee with amendments, recommending its passage.

Amendments adopted. Read a third time.

Senator Easterday moved to amend section 2, line 3, by striking out "one" and inserting "newspaper."

Adopted.

Also to amend section 5, line 3, by inserting after "provided" the words "that at least one-third of the purchase price be paid in cash."

Rejected.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Van de Vanter, Vestal, and Wilson—26.

Absent or not voting: Senators Austin, Eshelman, Kneeland, Luce, Rutter, Thompson (L. F.), Van Houten, and Watt—8.

The emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Pres-

ton, Richards, Smith, Thompson (G. T.), Van de Vanter, Vestal, and Wilson—24.

Absent or not voting: Senators Austin, Eshelman, Hyde, Kneeland, Owings, Parkinson, Rutter, Thompson (L. F.), Van Houten, and Watt—10.

The title of the bill to remain the title of the act.

Senate bill No. 69, by Senator O'Neill: An act to amend section 165 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.

Reported back by the committee with amendments, recommending its passage.

Amendments adopted, and ordered to be engrossed.

Senate bill No. 62, by Senator Hyde: An act to amend the law for the sale of property.

Reported back by the committee recommending that it be indefinitely postponed.

Report of the committee adopted.

Senate bill No. 65, by Senator Thompson (L. F.): An act making appropriation for the survey and selection of lands granted to the State of Washington, and declaring an emergency.

Reported back by the committee recommending its consideration by a committee of the whole.

Report of the committee adopted.

Senate bill No. 129, by Senator Dyer: An act regulating fees of county clerks for services rendered as ex-officio clerks of the superior courts in probate cases, and declaring an emergency.

Reported back by the committee recommending its passage.

Read third time by sections.

Senator Thompson (G. T.) moved to amend section 1 as follows: By reducing the amount of fees charged in bill wherever the word "dollars" occurs reduce by one-half, and in all estates less than one thousand dollars no fee shall be charged.

Adopted.

Senator Dyer moved to amend section 1, line 1, by inserting the words "and paid into the county treasury," after the word "clerks."

Adopted.

The bill was ordered engrossed.

On motion of Senator Kinnear, the Senate, at 11:35, adjourned until 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 11, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Kneeland, Rutter, Thompson (L. F.), Van Houten, and Watt.

Excused.

Senate bill No. 197, by Senator Forsyth: An act to establish a normal school for the State of Washington in the town of Castle Rock, in Cowlitz county, and for the government and management of the same.

Read first time; rules suspended, read second time by title, and referred to Committee on Education.

Ordered not to be printed.

A communication by Senator O'Neill:

COLVILLE, WASH., February 9, 1891.

Major James O'Neill:

DEAR MAJOR—Can you tell us whether the bill “extending the time in which to pay taxes from January 1, 1891, to March 1, 1891, and declaring an emergency,” became a law; and if so, we would like to have the proper authority to notify our county treasurer of that fact at once.

Very truly,

JOHN B. SLATER.

Read, and the president furnished the information asked for.

Senate bill No. 131, by Senator Owings: 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.

Taken up as a special order for 2 P. M.

Senator G. T. Thompson moved to amend section 1, line 2, by adding after the word “property” the words, “and shall by act set forth and describe such land, real estate, premises, or other property.” Adopted.

Senator Claypool moved to amend section 7, line 2, by adding after the word “prescribed” the words, “such judgment shall be filed in the office of the secretary of state, and be by him reported

to the next succeeding legislature, and shall be prima facie evidence of the value of the property taken at the time of its appropriation, and unless the same be modified by said legislature it shall be the duty of the auditor to draw the warrant in favor of the person to whom such damages are awarded, or his assignees, with interest from the date of rendition." Rejected.

The rules were suspended, the bill considered engrossed, and placed on its final passage.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Van de Vanter, Vestál, and Wilson—27.

Absent or not voting: Senators Austin, Hyde, Kneeland, Rutter, Thompson (L. F.), Van Houten, and Watt—7.

The emergency clause was passed by the following vote:

Those voting in the affirmative were: Senators Baker, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Van de Vanter, Vestal, and Wilson—28.

Absent or not voting: Senators Austin, Kneeland, Rutter, Thompson (L. F.), Van Houten, and Watt—6.

The title of the bill to remain the title of the act.

Senate bill No. 198, by Senator Richards: An act to amend an act entitled "An act to provide for and regulate the registration of voters in cities and towns, and in precincts having a voting population of 250 or more," approved March 27, 1890.

Read first time; rules suspended, read second time by title, and referred to Committee on Elections and Privileges.

Senate bill No. 199, by Senator Frink: An act to compel children under fourteen years of age to attend school a certain length of time each year.

Read first time; rules suspended, read second time by title, and referred to Committee on Education.

Senate bill No. 200, by Committee on State Prisons: An act to define, regulate and govern the Washington penitentiary, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Public Revenue and Taxation.

Senate bill No. 140, by the Committee on Education: An act to amend sections 3, 4, 11, etc., of an act entitled "An act to establish a general uniform system of common schools in the State of Washington," and declaring an emergency.

Taken up as a special order for 2:30 P. M.

Senator Forrest moved to amend by adding section 30, which reads as follows: "Nothing in this act, or the act of which this act is amendatory, shall operate or be construed to repeal any of the provisions of an act entitled 'An act to establish a system of common schools in cities of 10,000 or more inhabitants, and to provide for properly maintaining, governing and grading the same,'" approved March 26, 1890. Adopted.

Senator Easterday moved to reconsider the vote by which the amendment of Senator Thompson to Senate bill No. 140 was adopted.

The president ruled the motion out of order.

Senator McCroskey moved to amend section 18, line 4, by adding after the word "directors" the words, "and the officers so elected shall enter upon the duties of their respective offices on the first Monday of July succeeding their election." Adopted.

Senator Thompson moved to amend by adding section 31, as follows: "That every institution of learning and all private schools shall be subject to the supervision of any legally authorized agent or other officers of the state board of education." Rejected.

By unanimous consent, Senator Drum moved to reconsider the vote by which section 29 was inserted in Senate bill No. 140, which was done, and section 29 was rejected.

Senator Thompson (G. T.) moved to amend by adding section 29, which reads as follows: "That all text and school books as prescribed by law, shall be furnished for all school children free of charge." Rejected.

Senator McCroskey, under a suspension of the rules, moved to reconsider the vote by which section 18, lines 2 and 3, was amended, which was done, and the amendment was lost.

Senator McCroskey moved to amend section 18, line 2, by changing "first" to "third," and in line 3, "September" to "June." Adopted.

Senator Easterday moved to amend section 17 by striking out all that follows the word "shall," and all of line 16 in said section, and line 18 except the first and last four words thereof, and the first word in line 21 of said section; and that the words "make to the county auditor" be inserted in line 18 of said section after the word "with" and before the word "a," and in line 20 of said section the words "against all the taxable property within such district" be inserted after the word "same" and before "upon." Adopted.

Senator Long moved to amend section 3, as follows:

Strike out lines 49, 50, and 51, and the words "thereof over thirty," in line 52, printed bill, and insert the words: "He shall apportion to each school district the sum of twenty-five dollars."

Strike out the words in line 52, printed bill: "*Provided*, That each school district shall be entitled to at least one teacher, except that to joint or union districts he shall give such proportionate amount as will be just and equitable."

Strike out the words "remaining three-fourths" and insert the words "the remainder," in line 54, printed bill.

The amendments were adopted.

On motion of Senator Dyer, Senate bill No. 26 was made a special order for Wednesday, February 18th, at 3 P. M.

Senator Baker was granted an indefinite leave of absence.

A communication by Senator O'Neill, from the farmers' alliance of Washington, Relative to railroad legislation.

Read, and referred to Committee on Corporations other than Municipal.

Senate concurrent resolution No. 19, by Senator Preston: Relative to the members of the Committee on Hospitals for the Insane, who are also members of the Committees on State Prison and Penitentiary, being instructed by telegraph to visit the penitentiary at Walla Walla on their return from Medical Lake.

On motion of Senator McCroskey, the Senate, at 4:15, adjourned.

THIRTY-SEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, February 12, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present except Senators Austin, Baker, Easterday, Hyde, Kneeland, Rutter, Thompson (G. T.), Thompson (L. F.), and Watt. Excused.

On motion of Senator Forsyth, the reading of the journal of yesterday, February 11, was dispensed with, and the journal considered approved.

THIRD READING OF BILLS.

Senate bill No. 44, by Senator Claypool: 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.

On motion of Senator Dyer, the Senate went into a committee of the whole to consider the bill.

Senator Dyer in the chair.

The committee of the whole arose and reported the bill back, recommending its passage without amendment.

President Wilson in the chair.

Read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van de Vanter, and Wilson—22.

Absent or not voting were: Senators Austin, Baker, Drum, Easterday, Forrest, Kneeland, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, and Watt—12.

The title of the bill to remain the title of the act.

INTRODUCTION OF BILLS.

Senate bill No. 201, by Senator Frink: An act pertaining to the care, preparation and disposition of the dead, and to insure a better sanitary condition of our towns and cities.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 202, by Senator Claypool: An act to provide for the building of armories for the national guard of Washington, and to authorize the levying of a special tax therefor.

Read first time; rules suspended, read second time by title, and referred to Committee on Military.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 11, 1891.

To the Honorable the President and the Senate of the State of Washington:

GENTLEMEN—I have the honor to inform you that I have this day transmitted to your serjeant-at-arms, for proper distribution, thirty-four (34) 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, re-arrange 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.

Read, and referred to the Judiciary Committee.

THIRD READING OF BILLS.

Senate bill No. 10, by Senator Frink: An act to amend sections 1 and 2 of an act entitled "An act to regulate, restrain, license or prohibit the sale of intoxicating liquors."

Read a third time by sections.

Senator Forsyth moved to amend section 1, line 10, by adding after the word "further" as follows: "No person shall be required to take out any county license to sell any wine made from fruit produced by such person's own labor in this state, when the said wines are sold in quantities of one gallon or more.

Adopted.

Senator Kinnear moved to amend the title by adding after the

word "liquors," and after the same word in line 2, section 1, as follows: "Approved February 2, 1888."

Adopted.

Senator Drum moved to amend by adding after section 2 the following: "*Provided further*, That when cities governed by special charter have provided for the disposition of their license fees, to be paid into special funds, the provisions of this section, requiring license fees to go to the general fund, shall not apply.

Adopted.

Senator Long moved that the bill be indefinitely postponed.

Rejected.

The bill failed to pass by the following vote:

Those voting in the affirmative were: Senators Drum, Dyer, Edens, Forrest, Forsyth, Frink, Hyde, Kinnear, Luce, McCroskey, Parkinson, Richards, and Wilson—13.

Those voting in the negative were: Senators Claypool, Clough, Cooper, Eshelman, Hastings, Kneeland, Long, O'Neill, Owings, Preston, Smith, and Van de Vanter—12.

Absent or not voting: Senators Austin, Baker, Easterday, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, and Watt—9.

Senator Van de Vanter stated that at the proper time he would move for a reconsideration of the vote by which the bill failed to pass.

The president announced that he appointed Senators Smith and Forsyth to act on the special joint waterways committee.

Senate bill No. 63, by Senator Hyde: To provide for the manner of commencing civil actions, and regulating defaults therein.

Reported back by the committee recommending that it be indefinitely postponed.

So ordered.

Senate bill No. 2, by Senator Kinnear: An act declaring labor day a legal holiday.

Received from the House with amendment.

The amendment was concurred in, and the bill passed by the following vote, and was ordered to be enrolled:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey,

O'Neill, Parkinson, Preston, Richards, Smith, Van de Vanter, Vestal, and Wilson—25.

Absent or not voting: Senators Austin, Baker, Easterday, Owings, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

On motion of Senator Luce, Senate bill No. 152 was taken up.

Senate bill No. 152, by Senator Luce: An act to create and organize the county of Washington, and declaring an emergency.

Read third time by sections.

Senator Luce moved to amend by striking out the word "Washington," wherever it appears in the bill, and inserting the word "Ferry."

Adopted.

Senator Luce moved to amend by inserting in line 1, section 2, the following names: "John Tukster, Sr., G. A. La Follette, John McGowrin."

Adopted.

Senator Kinnear moved to make this bill a special order for 2 p. m. Tuesday, which was lost.

The bill passed by the following vote, as amended:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Edens, Eshelman, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van de Vanter, Vestal, and Wilson—24.

Those voting in the negative were: Senator Clough.

Absent or not voting: Senators Austin, Baker, Easterday, Forrest, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

The emergency clause then passed, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van de Vanter, Vestal, and Wilson—25.

Absent or not voting: Senators Austin, Baker, Easterday, Hastings, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

The title of the bill to remain the title of the act.

The president stated he was about to sign House bill No. 104, House memorial No. 8, and House joint resolution No. 3, which was done.

Senator Eshelman in the chair.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 11, 1891.

MR. PRESIDENT:

The House 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."

Numerous petitions and remonstrances were presented with the bill herewith.

House concurrent resolution No. 13, Relative to the appointment of a clerk for the joint committee on removing obstructions in the Columbia river.

The speaker of the House has signed House bill No. 104, entitled "An act providing employment for the convicts in the state penitentiary, and making an appropriation therefor."

House memorial No. 8, To the Senate and House of Representatives of the United States, in Congress assembled.

House joint resolution No. 3, Relative to disposing of the quarantine station in Port Townsend, and procuring a more desirable situation.

The speaker of the House has appointed Messrs. Hunsaker, Sharpstein and Berry on part of the House, as contemplated in House concurrent resolution No. 4, Relative to removal of obstructions in the Columbia river and building a railway around the Cascades.

And communication from Oregon legislature asking joint action concerning said railway is herewith transmitted.

T. G. NICKLIN, Chief Clerk.

COLUMBIA RIVER IMPROVEMENTS.

A communication was received from the Oregon legislature, stating that the Oregon legislature had passed a joint resolution, relative to appointing a special committee composed of two senators and three representatives, to confer with a similar committee from the Washington legislature, for considering the feasibility of constructing portage railways around the obstructions of the Columbia river at the Cascades and the "Dalles."

Read, and referred to the special joint waterways committee, Senators Smith and Forsyth of the Senate, and Messrs. Hunsaker, Sharpstein and Berry of the House.

House concurrent resolution No. 13, by Mr. Hunsaker: Relative to appointing a clerk to serve on the special joint waterways committee.

Read and adopted.

On motion of Senator Dyer, the Senate, at 11:45, adjourned until 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, February 12, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Forsyth, Luce, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt.

Excused.

INTRODUCTION OF BILLS.

Senate bill No. 203, by Senator Smith: An act to expedite the transportation of freight on railroads.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 204, by Senator Smith: An act providing for railroad connections.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

By the Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 49, entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of Washington," has been carefully compared with the original bill, and found correctly engrossed.

W. R. FORREST,
J. T. ESHELMAN,
Members of Committee.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolutions Nos. 15 and 17, heretofore reported correctly enrolled, has been delivered to the secretary of state.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
Member of Committee.

House bill No. 98, by the 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.

Reported back by the committee, recommending that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, O'Neill, Owings, Parkinson, Richards, Rutter, Smith, Van de Vanter, Vestal, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Forsyth, Luce, McCroskey, Preston, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—10.

Title of the bill to remain the title of the act.

Senate bill No. 19, by Senator Kinnear: An act declaring it unlawful to organize, maintain or employ an armed body of men in this state, and providing punishment therefor.

Reported back by the committee with the recommendation the bill pass.

Read a third time by sections.

Senator Drum moved to amend section 1 by striking out all of line 9 after the word "court," in line 10 to add "the fines" before "shall," and to strike out "common school" and insert the word "general." Adopted.

Senator Owings moved to amend section 1 by striking out in line 7 all after the word "fined" to the word "court" in line 9. Rejected.

Senator Claypool moved to amend by adding to section 1: "And all arms, uniforms, accoutrements and any other property of a military character in possession of such person, member, agent,

officers, corporation, or armed bodies of men, shall be seized by the officers making the arrest under the provisions of this section be forfeited to the State of Washington."

Senator Long moved to refer the bill to the Judiciary Committee, and for that committee to report to-morrow.

Lost by a divisional vote of 9 to 14.

Senator Easterday moved to amend by inserting after the word "corporation" as it appears in Senator Claypool's amendment, the following: "Or armed bodies of men." Adopted.

The bill passed as amended, by the following vote:

Those who voted in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, Vestal, and Wilson—26.

Absent or not voting: Senators Austin, Baker, Hyde, Luce, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—8.

The title of the bill to remain the title of the act.

REPORTS OF COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 82, entitled "An act in relation to prosecutions of criminal actions in justices' courts, etc.," has been carefully compared with the original bill, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
Member of committee.

By the Committee on Public Revenue:

MR. PRESIDENT:

Your Committee on Public Revenue and Taxation would respectfully report that they have had under consideration House bill No. 93, entitled "An act to provide for the disposal of money in certain cases, and declaring an emergency," and after such consideration they recommend that the said bill pass.

W. R. FORREST, Chairman.

By the Judiciary Committee:

MR. PRESIDENT:

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 compensa-

tion and duties," have had the same under consideration, and now respectfully report the same back to the House with the following amendments, and as amended recommend its passage:

First amendment: In line 16 of section 5, after the words "entitled to," strike out the word "five" and insert the word "fifteen."

Report concurred in by Senators Dyer, Claypool, and Thompson.
Dissenting, J. R. Kinnear.

By Judiciary Committee:

MR. PRESIDENT:

The undersigned presents this minority report on Senate 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," which bill was duly referred to and considered by your Judiciary Committee, and for such minority report would respectfully recommend that said bill be indefinitely postponed, because—

1. Three bills on the same subject, in all respects similar to this bill, have been recommended by the Judiciary Committee to be indefinitely postponed, and such reports were approved by the Senate, and said bills indefinitely postponed.

2. Because there is no immediate necessity for such a bill, at this time the courts having power to appoint stenographers when needed.

3. Because the expenses for the per diem of stenographers under this bill are required to be paid by the county.

J. R. KINNEAR.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 153, entitled "An act to provide for sheriffs' fees and the payment thereof, and declaring an emergency to exist," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendment, and as amended recommend its passage:

First amendment: Amend section 3 by adding after the word "provisions," in line 2, the following: "On account of the present fees of sheriffs being excessive and burdensome, it is hereby declared an emergency exists."

Your Committee on Judiciary, to whom was referred Senate bill No. 143, entitled "An act prescribing certain duties of state and county officers," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendment, and as amended recommend its passage.

First amendment: Strike out the emergency clause.

Your Committee on Judiciary, to whom was referred Senate bill No. 147, entitled "An act to amend section 1975 of the Code of Washington," have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments, and as amended recommend its passage:

First amendment: Amend the title by adding thereto, "relating to liens."

Second amendment: After the word "Washington," in line 2 of section 1, add "relating to liens."

Third amendment: Insert after "by," in the enacting clause, the word "the."

Your Committee on Judiciary, to whom was referred Senate bill No. 134, entitled "An act in relation to trade marks," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 144, entitled "An act declaring the city clerk a police magistrate in cities having a population of more than 1,500 and less than 5,000, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed, for the reason that the legislature has no constitutional power to confer judicial power upon any city clerk.

Your Committee on Judiciary, to whom was referred Senate bill No. 164, 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 any extent that the said private corporations may seem meet; anything in the acts incorporating such private corporations to the contrary notwithstanding," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 162, entitled "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, have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 159, entitled "An act to provide for the conveyance of lands sold for taxes levied under the laws of the Territory of Washington," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 154, entitled "An act to prevent the sale, removal and secretion of mort-

gaged personal property, and to provide a penalty therefor," have had the same under consideration, and now respectfully report the same back to the Senate without recommendation.

Respectfully submitted.

J. R. KINNEAR, Chairman.

Reports concurred in by Senators Dyer, Easterday, Claypool, Thompson, and Parkinson, being all the members of the said committee present.

By Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 129, entitled "An act regulating the fees of county clerks for services rendered as ex-officio clerk of the superior courts in probate cases, and declaring an emergency."

Also, Senate bill No. 69, entitled "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," have been carefully compared with the original bills, and found correctly engrossed.

J. T. ESHELMAN.

By the Committee on State Library:

MR. PRESIDENT:

Your Committee on State Library, to which was referred Senate bill No. 175, by Senator G. T. Thompson, Relative to purchase of Barton's Legislative Hand-book and Manual of the State of Washington for 1891-92, has had the same under consideration, and respectfully recommend that the bill pass.

C. E. CLAYPOOL, Chairman.

Report concurred in by Senators Owings and Thompson (G. T.).

The president stated he was about to sign Senate bill No. 82, which was done.

Senate bill No. 29, by Senator Van Houten: An act concerning the appropriation of water for irrigation, mining and manufacturing purposes.

Reported back by the committee without recommendation.

On motion of Senator Eshelman, the bill was made a special order for Friday, February 20th, at 2 P. M.

Senate bill No. 8, by Senator Dyer: An act defining certain misdemeanors, and prescribing the punishment therefor, providing for the appointment of a special prosecuting attorney in certain cases, defining his duty and fixing his compensation, and the payment thereof, and declaring an emergency.

Reported back by the committee recommending it be referred to the committee of the whole.

On motion of Senator Van de Vanter, the bill was ordered to lie on the table.

Senator Long in the chair.

House bill No. 77, by C. H. Flummerfelt: An act making appropriation for the per diem and expenses of boards of county commissioners in selecting and appraising school lands.

Received from the House; the House refusing to concur in 1st Senate amendment. The Senate refused to recede from 1st amendment. A conference committee was ordered, to consist of 5 senators and a similar number from the House.

The president appointed Senators Kinnear, Owings, Drum, Vestal, and Kneeland, to act as said committee on behalf of the Senate, and asked that the House appoint a similar committee.

Senate concurrent resolution No. 3, by Senator Claypool: 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.

Read and ordered to be laid on the table.

Senate bill No. 150, by Senator McCroskey: An act to amend section 77 of an act to establish a general and uniform system of common schools in the State of Washington, and declaring an emergency.

Reported back by the committee that it be indefinitely postponed.

So ordered.

President Wilson in the chair.

House bill No. 26, by Mr. Flummerfelt: An act to prevent the driving of stock from their range, and providing penalty for the same.

Reported back by the committee with the recommendation that it pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forstyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, Vestal, and Wilson—25.

Absent or not voting: Senators Austin, Baker, Luce, O'Neill, Owings, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

The title of the bill to remain the title of the act.

Senate bill No. 124, by Senator Smith: 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, pasturing, feeding and caring for stock."

Reported back by committee with amendments, recommending that it pass as amended.

Read third time by sections, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, Vestal, and Wilson—26.

Absent or not voting: Senators Austin, Baker, Luce, Owings, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—8.

The emergency clause then passed as follows:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van de Vanter, Vestal, and Wilson—25.

Absent or not voting: Senators Austin, Baker, Luce, McCroskey, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

Title of the bill to remain the title of the act.

Senate bill No. 24, by Senator Dyer: An act regulating fees of county clerks for services to be rendered as ex-officio clerks of the superior courts.

Received from the House with amendments, not concurred in by the following vote:

Those voting in the negative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Vestal, and Wilson—25.

Absent or not voting: Senators Austin, Baker, Dyer, Luce, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

Senate bill No. 171, substitute for Senate bill No. 39, by the Judiciary Committee: An act for the incorporation of bar associations.

On motion of Senator Kinnear, the report of the committee was adopted, and the substitute bill was adopted as an amendment to the original bill.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Vestal, and Wilson—25.

Absent or not voting: Senators Austin, Baker, Forsyth, Luce, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

The emergency clause was then taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Vestal, and Wilson—26.

Absent or not voting: Senators Austin, Baker, Luce, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

The title of the bill to remain the title of the act.

Senator Easterday gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

Senator Frink was granted a leave of absence until Monday.

The Senate, at 4 P. M., on motion of Senator Clough, adjourned.

THIRTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 13, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Drum, Forsyth, Frink, Hyde, Luce, Parkinson, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt. Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, February 12, was dispensed with, and the journal considered approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 12, 1891.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 18, "Relative to visiting state school for defective youth at Vancouver."

Senate concurrent resolution No. 19, "Relative to visiting penitentiary at Walla Walla."

House bill No. 51, 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.

The speaker has appointed Messrs. Frater, Snively, Plummer, Godman, and Megler, as conference committee on the part of the House on 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.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

By the Judiciary Committee:

MR. PRESIDENT:

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," have had the

same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill do pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 134, entitled "An act prescribing the manner of commencing civil actions in the superior courts of the State of Washington, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate without recommendation.

Your Committee on Judiciary, to whom was referred Senate bill No. 176, entitled "An act relative to the powers, duties, and fees of police justices of municipal corporations of the fourth class," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 156, entitled "An act relating to community property, declaring the true intent and meaning of all laws relating thereto, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

Your Committee on Judiciary, 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 issuing of bonds therefor, at the same election at which the previous attempted incurring of such indebtedness, or any part thereof, may be ratified," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 155, entitled "An act relating to recording of instruments," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Easterday, Dyer, and Parkinson, being all the members of said committee present.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 146, entitled "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, making the special findings control the general verdict when inconsistent with it, and declaring an emergency," have had the same under consideration, and would respectfully report the same back to the Senate with a substitute, and recommend that the substitute do pass.

Respectfully submitted. J. R. KINNEAR, Chairman.

Report concurred in by Senators Dyer, Easterday, and Parkinson, being all the members of said committee present.

On motion of Senator Dyer, the substitute bill, as reported by the committee, was adopted.

By the Committee on Fisheries:

MR. PRESIDENT:

Your Committee on Fisheries, to whom was referred House bill No. 108, entitled "A bill for the protection of sea gulls," report the same back with the recommendation that the bill pass, and its title be amended to read, "An act for the protection of sea gulls."

FRANK H. RICHARDS,
HENRY C. COOPER,
L. B. CLOUGH.

Senate bill No. 122 was re-referred to the Committee on Roads and Bridges.

By the Committee on Education:

MR. PRESIDENT:

We, your committee to whom was referred Senate bill No. 197, have had the same under consideration, and herewith report the same back without recommendation.

C. M. EASTERDAY, Chairman,
HENRY DRUM,
J. M. FRINK,
Members of committee.

By the Committee on Education:

MR. PRESIDENT:

We, your committee to whom was referred Senate bill No. 120, entitled "An act providing for the establishment and location of a state normal school, etc.," hereby report said bill back without recommendation.

C. M. EASTERDAY, Chairman,

Report concurred in by Senators Drum and Frink, members of committee.

By the Committee on Printing:

MR. PRESIDENT:

Your Committee on Printing, to whom was referred Senate concurrent resolution No. 12, Relative to printing and binding the governor's message and reports of public officers, would respectfully report that they have had said concurrent resolution under consideration, and report the same back with the recommendation that the same be amended so as to direct the binding of three hundred instead of two hundred copies, as provided for in said resolution; and that the same be further amended by inserting after the word "copy," in line 31, page 1, the words "one copy to each of the public libraries of the state," and that as amended your committee recommend that said resolution do pass. All of which is respectfully submitted.

HENRY DRUM, Chairman,
L. B. CLOUGH.

Read, and the amendments were adopted.

By Committee on Corporations other than Municipal:

MR. PRESIDENT.

The Committee on Corporations other than Municipal begs leave to report Senate bill No. 23, "An act relating to trusts and combinations carried on for the purpose of fixing the price, limiting the production, or regulating the transportation of any product or commodity, and providing penalties for the violation thereof," with the recommendation that it do pass as amended.

Also, for Senate bill No. 46, An act to regulate warehouse men, wharfingers, commission men, and others of like character of employment, and to declare the effect of warehouse receipts, and providing for violations of this act, with the recommendation that it do pass as amended.

(Signed)

C. E. CLAYPOOL,

J. R. KINNEAR,

R. C. McCROSKEY,

All members of the committee present.

On motion of Senator Forrest, Senate bills Nos. 180 and 181 were made a special order for Monday, February 16, at 2:30 P. M.

On motion of Senator Van de Vanter, Senate bills Nos. 68 and 69, which are now a special order for Friday afternoon, were made a special order for Monday, February 16, at 2 P. M., and to be continued from day to day.

INTRODUCTION OF BILLS.

House bill No. 172, by the Judiciary Committee: 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."

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

A petition also accompanied the bill.

House bill No. 51, by Mr. Garretson: 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 205, by the Judiciary Committee, as a substitute for Senate bill No. 146: An act providing for special verdicts and 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.

The report of the committee adopted, and the substitute was adopted as an amendment to the original bill.

Senate bill No. 206, by Senator Preston: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

THIRD READING OF BILLS.

Senate bill No. 164, by Senator Dyer: An act authorizing private corporations, other than religious, incorporated by the legislative assembly of Washington Territory, prior to June 10, 1872, to acquire and possess real and personal property to any extent that said private corporations may seem meet; anything in the acts incorporating such private corporations to the contrary notwithstanding.

Reported back from the committee, recommending that the bill pass.

Read a third time, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Drum, Forrest, Forsyth, Frink, Parkinson, Smith, Van Houten, Vestal, and Watt—11.

The title of the bill to remain the title of the act.

Senate bill No. 49, by Senator Luce: An act to regulate the practice of pharmacy.

Received from the engrossing clerk, placed on its final passage, and failed to pass, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Rutter, Thompson (G. T.), and Wilson—15.

Those voting in the negative were: Senators Easterday, Eshelman, Forrest, Kinnear, Richards, Van de Vanter—6.

Absent or not voting: Senators Austin, Baker, Drum, Edens, Forsyth, Frink, Luce, Parkinson, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—13.

Senator Van de Vanter gave notice that he would at the proper time move for a reconsideration.

Senate bill No. 69, by Senator O'Neill: An act relative to the government of municipal corporations.

Received from the engrossing clerk.

Read a third time.

Senator Kinnear moved to amend section 2, as follows: "There being no law allowing towns bearing an indebtedness other than a bonded indebtedness to bond the same, and there being a necessity therefor, therefore an emergency exists." Adopted.

On motion of Senator Long, the bill was made a special order for Tuesday, February 17, at 2:30 P. M.

Senate bill No. 129, by Senator Dyer: 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.

Received from engrossing clerk, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Frink, Luce, Parkinson, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—12.

On motion of Senator Dyer, the bill was laid upon the table.

Senate bill No. 128, by Senator Easterday: 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.

Reported back by the committee with the recommendation that it pass.

Read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, and Wilson—20.

Those voting in the negative were: Senator Claypool.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Frink, Luce, Owings, Parkinson, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—13.

The emergency clause was taken up, and rejected by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Frink, Luce, Owings, Parkinson, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—13.

Senator Easterday gave notice that at the proper time he would move for a reconsideration of the vote by which the emergency clause failed.

Senate bill No. 159, by Senator Kinnear: An act to provide for the conveyance of lands sold for taxes levied under the laws of the Territory of Washington.

Reported back by the committee recommending the bill pass.

Read a third time by sections, and re-referred to the Judiciary Committee.

Senate bill No. 154, by Senator McCroskey: An act to prevent the sale, removal and secretion of mortgaged personal property, and to provide a penalty therefor.

Reported back by the committee without recommendation.

Read a third time by sections.

Senator Thompson (G. T.) moved to amend section 1, after the word "same" to add "with intent to defraud the mortgagee, or deprive him of his security."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Frink, Long, Luce, Parkinson, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—13.

The title of the bill to remain the title of the act.

Senator Dyer gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

Senate concurrent resolutions Nos. 18 and 19 were received from the House and ordered to be enrolled.

Senate bill No. 147, by Senator Smith: An act to amend section 1975 of the Code of Washington.

Reported back by the committee with amendments, recommending its passage.

On motion of Senator McCroskey, the bill was laid on the table.

Senate bill No. 144, by Senator Wilson: An act declaring the city clerk a police magistrate in cities having a population of more than 1,500, or less than 5,000, and declaring an emergency.

On motion of Senator Kinnear, the bill was re-referred to the Judiciary Committee.

Senate bill No. 162, by Senator Claypool: 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.

Reported back by the committee with the recommendation that it pass.

Read third time, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, O'Neill, Owings, Preston, Richards, Thompson (G. T.), Van de Vanter, and Wilson—19.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Frink, Long, Luce, McCroskey, Parkinson, Rutter, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—15.

On motion of Senator Claypool, the bill was ordered to lie on the table.

Senate bill No. 143, by Senator Hyde: An act requiring state and county officers to administer oaths required in execution of pension papers and vouchers free of charge, and declaring an emergency.

Reported back by the committee with amendments, recommending that the bill pass.

Read a third time by sections.

Senator Dyer moved to amend the title by striking out "and declaring an emergency."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough,

Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Hyde, Kinnear, Kneeland, Long, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Frink, Hastings, Luce, McCroskey, Parkinson, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—14.

The title of the bill to remain the title of the act.

Senate bill No. 153, by Senator Austin: A bill for an act to provide for sheriffs' fees, and the payment thereof, and declaring an emergency to exist.

Reported back by the committee with recommendation that the bill pass as amended.

The amendments were adopted, and read a third time by sections.

On motion of Senator G. T. Thompson, the bill was laid on the table.

Senate bill No. 175, by Senator Thompson, of Walla Walla: An act to provide for the purchase of Barton's Legislative Handbook 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.

Reported back by the committee without amendment, recommending it pass.

On motion of Senator Dyer, the Senate went into a committee of the whole to consider the bill.

The committee of the whole arose and reported the bill back without amendment, recommending the bill to pass.

Read a third time by sections.

Senator Eshelman moved to amend section 3 by striking out the word "five" and inserting "ten" after the word "superintendent." Adopted.

Senator Rutter moved to amend section 3, line 9, by adding after the words "state librarian" the words, "for use in the state library." Adopted.

The bill then passed as amended, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Frink, Luce, Parkinson, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—12.

The title of the bill to remain the title of the act.

On motion of Senator Van de Vanter, the Senate, at 12:20 p. m., adjourned until Monday, February 16, at 2 p. m.

FORTY-FIRST DAY.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, February 16, 1891. }
2 o'clock p. m.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present, excepting Senators Baker, Easterday, Kneeland, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Watt. Excused.

On motion of Senator Dyer, the reading of the journal of Friday, February 13th, was dispensed with, and the journal considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 16, 1891.

MR. PRESIDENT:

The House has passed Senate bill No. 76, Proceedings supplementary to execution. Senate bill No. 77, Rule of decision. Senate bill No. 78, Construction of statutes. Senate bill No. 79, Applications for divorce. Senate bill No. 83, Evidence in action, amended as noted in the original bill. Senate bill No. 84, Appeals from justices' courts.

The speaker of the House has signed House bill No. 94, Relative to charges for pension vouchers, etc. Senate bill No. 82, Procedure in criminal actions, etc.

The House has passed Senate bill No. 72, Vacating and modifying judgments. Senate bill No. 73, Referees. Senate bill No. 75, Mandate of prohibition. And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

The House has refused to recede from its amendments to Senate bill No. 24, In relation to fees of county clerks, and asks for committee of conference. The speaker has appointed Messrs. Snively, Caughran, Walker, Adams, and Putney on part of the House.

T. G. NICKLIN, Chief Clerk.

RESOLUTIONS, PETITIONS, ETC.

Two communications by Senator Preston, from the citizens of Walla Walla, petitioning the legislature to pass Senate bill No. 18, An act to create and establish a railroad and transportation commission.

Read, and referred to Committee on Corporations other than Municipal.

A communication by Senator Van Houten, from the board of county commissioners of Spokane county, protesting against the bill providing for the third judge for Spokane and Stevens counties.

Read, and referred to the Judiciary Committee.

Senate concurrent resolution No. 20, by Senator Forrest: Relative to conference with the surveyor general concerning the state granted lands, by joint committee of Senate and House.

Read and adopted.

Senator Owings offered the following, which was adopted unanimously:

WHEREAS, We have learned with profound sorrow of the death of General Wm. T. Sherman, and desiring to show every mark of respect to his memory, and to manifest the high estimate entertained of his distinguished patriotism; therefore be it

Resolved by the Senate, That a committee of three senators be appointed by the president to draft a suitable memorial, reporting the same to the Senate for its action.

The president appointed Senators Owings, Claypool, and McCroskey to act as said committee.

A telegram was received and read, as follows:

WALLA WALLA, February 14, 1891.

TO THE PRESIDENT OF THE SENATE:

We respectfully ask that such amendment be made to your memorial as will make it in harmony with the will of the water way convention as expressed in their congressional memorial, which asks for a boat railway at The Dalles and the completion of the canal at the Cascades. Kindly advise with water ways commission.

EXECUTIVE COMM. C. AND M. R. A. WA.

REPORTS OF STANDING COMMITTEES.

By the Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 140, entitled "An act amending certain sections of the code relative to common school system," has been carefully compared with the original bill, and found correctly engrossed.

J. T. ESHELMAN.

By Committee on Labor and Labor Statistics:

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, to whom was referred Senate bill No. 31, have had the same under consideration, and now respectfully report the same back to the Senate with the following amendments:

First amendment: Amend section 1, article 1, after the word "statistics," in line 3, printed bill, by inserting the following: "Agriculture and immigration, whose office shall be in the office of the secretary of state, as prescribed in section 34, article 2, of the constitution of the State of Washington."

Second amendment: Amend section 6 of article 2 by inserting after the word "distribution," in line 3, the following words: "And exchange with the labor bureaus of other states."

Third amendment: Amend section 7, line 1, printed bill, by striking out the word "eight," and insert in lieu thereof the word "seven;" also strike out the word "two," in same line, and insert the word "seven;" also strike out the corresponding figures, so that it will read as amended, "seven thousand seven hundred (7,700)."

Strike out section 8.

And as amended would recommend that it pass.

W. C. RUTTER, Chairman.

By Committee on Labor and Labor Statistics:

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, to whom was referred House bill No. 34, have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it pass.

W. C. RUTTER, Chairman,

L. B. CLOUGH,

J. J. EDENS.

INTRODUCTION OF BILLS.

Senate bill No. 207, by Senator Claypool: An act to encourage the establishment and aid in the maintenance of law libraries in the several counties in the state of Washington, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 208, by Senator Eshelman (by request): An act for the prevention of cruelty to children, animals, fowls, and birds.

Read first time; rules suspended, read second time by title, and referred to Committee on Public Morals.

Senate bill No. 209, by Senator Dyer: An act regulating fees of justices of the peace for services rendered by them.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senator Van Houten was excused for the day.

The president stated that he was about to sign House bill No. 94, which was done.

THIRD READING OF BILLS.

Senate bill No. 68, by Senator Rutter: A bill for an act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors.

Reported back by the committee with amendments, recommending that the bill pass.

Read a third time by sections.

The amendments as reported by the committee were adopted.

Senator Dyer moved to amend section 5, line 30, by inserting the word "a" before "county." Adopted.

Senator Owings moved to amend section 5, line 34, by striking out "his actual expenses" and inserting "mileage." Adopted.

Senator Dyer moved to amend by striking out "incurred" and inserting "paid out," section 5, line 34. Adopted.

Senator Dyer in the chair.

Senator Wilson moved to amend section 5, line 24, the following: "*Provided*, That no inspector shall be appointed whose term of office shall begin prior to the first Monday in February, 1892." Adopted.

Senator Rutter moved to amend section 6, line 6, to strike out "and expenses" and insert "mileage actually paid out." Adopted.

The substitute for section 7 as reported by the committee was adopted.

On motion of Senator O'Neill, the word "district" was stricken out and "prosecuting" inserted in section 7, line 19.

Senator Mason moved to amend section 7 (the substitute), line 2, by changing "or" to "and." Adopted. •

Senator Rutter moved to strike out all after the "collieries" in section 20, line 4. Adopted.

Senator Rutter moved to amend section 21, line 10, by inserting after the word "act" the word, "or violate any of the rules established by this act." Adopted.

On motion of Senator McCroskey, the vote by which the amendment to section 7, changing "or" to "and," was reconsidered.

Senator Rutter moved to amend by striking out, line 1, section 7, the words "three reputable coal operators and ten coal miners," and insert "ten reputable citizens who shall be miners, mine owners or lessees of mines."

Adopted.

Senator Claypool moved to strike out section 23.

Adopted.

On motion of Senator Rutter, the rules were suspended, and the bill placed on its final passage without being engrossed, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Smith, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Drum, Easterday, Kneeland, Long, Luce, Preston, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—14.

Title of the bill to remain the title of the act.

President Wilson in the chair.

Senate bill No. 180, by Senator Forrest: 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.

Taken up under special order for 2:30 P. M., Monday, February 16th.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest,

Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Kneeland, Long, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—13.

The emergency clause taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, and Wilson—24.

Absent or not voting: Senators Baker, Forsyth, Kneeland, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—10.

Title of the bill to remain the title of the act.

Senate bill No. 181, by Senator Forrest: An act authorizing cities and towns to submit to the voters therein propositions to fund indebtedness of such cities and towns, by issuing bonds therefor, at the same election at which the previous attempted incurring of such indebtedness, or any part thereof, may be ratified.

Taken up under special order for 2:30 P. M., Monday, February 16.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, and Wilson—21.

Absent or not voting: Senators Baker, Drum, Easterday, Forsyth, Kneeland, Long, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—13.

The emergency clause was taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, and Wilson—23.

Absent or not voting: Senators Baker, Easterday, Forsyth, Kne-

land, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—11.

The title of the bill to remain the title of the act.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 16, 1891.

MR. PRESIDENT:

The House has adopted House concurrent resolution No. 14, Relative to adjournment of legislature on Thursday in honor of General W. T. Sherman, and the same is herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

House concurrent resolution No. 14, by Mr. Gandy: Relative to the Senate and House adjourning on Wednesday until Friday in order that the members may join Geo. H. Thomas post G. A. R., in memorial services for the funeral of General Sherman, and the appointment of a committee composed of three members of the House and two senators to make the necessary arrangements.

Read and adopted.

House bill No. 108, by Mr. Megler: A bill for the protection of sea gulls.

Reported back by the committee, recommending its passage as amended.

The amendment of committee adopted.

The title amended to read "An act" in place of "A bill," etc.

Read third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinneer, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, and Wilson—21.

Absent or not voting: Senators Baker, Drum, Easterday, Forsyth, Kneeland, Long, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—13.

The title of bill to remain the title of the act.

Senate bill No. 120, by Senator Kneeland: An act providing for the establishment and location of state normal school, etc.

Reported back by the committee without recommendation, and ordered to be laid on the table.

Senate bill No. 197, by Senator Forsyth: An act to establish a

normal school for the state of Washington in the town of Castle Rock, in Cowlitz county, etc.

Reported back by the committee without recommendation, and ordered to lie on the table.

Senate bill No. 176, by Senator Hastings: An act relative to the powers, duties, and fees of police justices of municipal corporations of the fourth class.

Reported back by the committee with the recommendation that it be indefinitely postponed.

So ordered.

Senate bill No. 156, By Senator Edens: An act relating to community property, declaring the true intent and meaning of all laws relating thereto, and declaring an emergency.

Reported back by the committee with the recommendation that it be indefinitely postponed.

So ordered.

Senate bill No. 155, by Senator McCroskey: An act relating to recording instruments.

Reported back by the committee recommending that it be indefinitely postponed.

So ordered.

Senate bill No. 23, by Senator Kinnear: An act relating to trusts and combinations carried on for the purpose of fixing the price, limiting the production, or regulating the transportation of any product or commodity, and providing penalties for the violation thereof.

Reported back by the committee with amendments, recommending its passage.

On motion of Senator Kinnear, it was made a special order for Tuesday, February 17, at 2 P. M.

Senate bill No. 46, by Senator McCroskey: An act to regulate warehouse-men, wharfingers, commission men, and others, and to declare the effect of warehouse receipts.

Reported back by the committee with amendments, recommending its passage.

The amendments as reported by the committee were adopted.

Senator Austin moved to strike out the word "grade" in section 2. Rejected.

Senator Smith moved to strike out section 9. Adopted.

On motion of Senator McCroskey, the rules were suspended, the bill considered as engrossed, and placed upon its final passage.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, and Wilson—22.

Absent or not voting: Senators Baker, Drum, Easterday, Forsyth, Kneeland, Long, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—12.

Title of the bill to remain the title of the act.

Senate bills Nos. 84, 79, 76, 78, 77, 72, 73, and 75 were received from the House and ordered to be enrolled.

On motion of Senator Dyer, the Senate, at 4:40, adjourned.

FORTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, February 17, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; no quorum being present, the Senate, on motion of Senator Dyer, adjourned for thirty minutes.

Senate called to order at 10:30.

Roll called; all present excepting Senators Baker, Easterday, Long, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Watt. Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, February 16, was dispensed with, and the journal considered approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 16, 1891.

MR. PRESIDENT:

The House has passed House bill No. 85, by Mr. Painter: An act to appropriate money to cover the deficiency for maintaining the state penitentiary to January 1, 1891.

Senate bill No. 60, by Senator Kinneer: An act to cede jurisdiction to United States, of lands required for rivers and harbors.

Senate memorial No. 7, by Senator O'Neill: Relative to improvement of the Columbia river.

And the House has indefinitely postponed Senate memorial No. 2, Relative to public land donations.

Senate bill No. 15, An act in relation to transfers of community real property.

The House has passed Senate bill No. 58, entitled "An act fixing the time for the meeting of the legislature.

Senate bill No. 164, An act authorizing corporations, other than religious, to hold possession of property.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

By the Committee on Roads and Bridges:

MR. PRESIDENT:

Your Committee on Roads and Bridges, to whom was referred Senate bill 122, entitled "An act authorizing county commissioners to build bridges across navigable streams," report the same back with amendments, recommend their adoption and the passage of the bill.

J. J. EDENS, Chairman,
R. C. McCROSKEY,
P. A. PRESTON.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 2, entitled "An act declaring labor day a legal holiday." Also, Senate bill No. 81, entitled "An act in relation to prosecutions for public offenses, and amending certain sections of the Code of Washington of 1881, have been carefully compared with the original bills, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
Member of committee.

By the Committee on Harbor and Harbor Lines:

MR. PRESIDENT:

We, your Committee on Harbor and Harbor Lines, have considered Senate bill No. 71, and recommend that the same do pass as amended.

C. G. AUSTIN, Chairman.
HENRY C. COOPER.

By the Committee on Military:

MR. PRESIDENT:

Your Committee on Military, to whom was referred Senate bill No. 194, begs leave to report that they have had the same under consideration, and recommend that the bill do pass without amendment.

TRUSTEN P. DYER, Chairman,
C. E. CLAYPOOL,
W. J. PARKINSON.

By Committee on Military:

MR. PRESIDENT:

Your Committee on Military, to whom was referred Senate bill No. 202, begs leave to report that they have had the same under consideration, and recommend that the bill do pass.

TRUSTEN P. DYER, Chairman,
C. E. CLAYPOOL.

Senate bills Nos. 58, 60, and 164, and Senate memorial No. 7, received from the House and ordered to be enrolled.

The president announced that he appointed Senators Austin and O'Neill to act on the part of the Senate on the joint special committee, as per House concurrent resolution No. 14, to arrange for Sherman's funeral services.

The president stated that he was about to sign Senate bills Nos. 7 and 81, which was done.

INTRODUCTION OF BILLS.

Senate bill No. 210, by Senator Forrest: An act to better prevent accidents by fire, and provide for the better extinguishment thereof in railroad passenger and sleeping cars, and to regulate the manner of running and operating such sleeping cars in the State of Washington.

Read first time; rules suspended, read second time by title, and referred to the Committee on Corporations other than Municipal.

THIRD READING OF BILLS.

House bill No. 93, by Mr. Sharpstein: An act to provide for the disposal of money in certain cases, and declaring an emergency.

Reported back by the committee recommending its passage without amendments.

Read a third time by sections, and passed without amendment, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink,

Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Richards, Rutter, Smith, Van Houten, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Easterday, Kneeland, Long, Parkinson, Preston, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Watt—12.

On motion of Senator Dyer, the bill was ordered to lie on the table.

House bill No. 53, by Mr. Snively: An act providing for the appointment of official stenographers for the superior courts of this state, and fixing their compensation and duties.

Reported back by the committee with amendments; a majority report recommending the passage of the bill; a minority report recommending that the bill be indefinitely postponed.

Senator Kinnear moved that the minority report be adopted.

So ordered.

Senator Frink in the chair.

President Wilson in the chair.

The president received a telegram from Senator Van de Vanter, and asked that he be granted an indefinite leave of absence, which was granted.

House bill No. 134, by Judiciary Committee: An act in relation to trade marks.

Reported back by the committee without amendment, recommending its passage.

Read a third time by sections, and passed without amendment, by the following vote.

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Richards, Smith, Van Houten, and Wilson—22.

Absent or not voting: Senators Baker, Easterday, Long, Luce, Parkinson, Preston, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Watt—12.

Title of the bill to remain the title of the act.

House concurrent resolution No. 12, by Senator Dyer: Relative to printing and binding the governor's message.

Reported back by the committee with amendments, recommending its passage.

The amendments were adopted.

Read a third time and adopted.

Ordered to be engrossed.

A resolution by Senator Smith as follows:

Resolved, That the president of the Senate be requested to telegraph to the Senators and Representatives in congress urging them to use all possible efforts to secure the concurrence of the United States Senate in the House amendment making an appropriation of \$400,000 for the construction of a portage railway around The Dalles of the Columbia.

Read and adopted.

House bill No. 51, by Mr. Garretson: 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.

Read a third time by sections.

Senator Frink moved to amend section 6, line 2, by striking out \$3,000 and inserting \$2,000.

Senator Kinnear moved to adjourn until 2 P. M., which was rejected.

Senator Kinnear moved to amend the amendment by striking out \$2,000 and inserting \$2,500.

Adopted by a divisional vote of 12 to 8.

The original amendment as amended was then adopted.

The bill then failed to pass by the following vote.

Those voting in the affirmative were: Senators Austin, Clough, Drum, Dyer, Frink, Hastings, Hyde, Kneeland, McCroskey, Preston, and Smith—11.

Those voting in the negative were: Senators Claypool, Cooper, Eshelman, Forrest, Forsyth, Kinnear, O'Neill, Owings, Richards, Rutter, Van Houten, and Wilson—12.

Absent or not voting: Senators Baker, Easterday, Edens, Long, Luce, Parkinson, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Watt—11.

Senator Rutter gave notice that at the proper time he would move for a reconsideration of the vote by which the bill failed to pass.

On motion of Senator Dyer, the Senate adjourned at 12:05 until 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, February 17, 1891. }
2 o'clock P. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Claypool, Drum, Easterday, Long, Luce, Thompson (G. T.), Van de Vanter, and Watt. Excused.

Senate bill No. 23, by Senator Kinnear: An act relating to trusts and combinations carried on for the purpose of fixing the price, limiting the production or regulating the transportation of any product or commodity, and providing penalties for the violation thereof.

Reported back by the committee with amendments recommending its passage.

The amendments as reported were adopted.

Read a third time by sections.

Senator Owings moved to amend as follows:

At the end of section 1 add "including all labor organizations in this state of whatsoever character."

Insert after the word "or," in line 1 of section 2, "any labor organization, or."

Insert in line 2, section 3, after the word "association," or "labor organization."

Insert after the word "company," in line 1, section 4, "or labor organization."

The yeas and nays were unanimously called for, and the first amendment was adopted by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Forrest, Forsyth, Frink, Hastings, Hyde, Kneeland, O'Neill, Owings, Parkinson, and Richards—13.

Those voting in the negative were: Senators Drum, Dyer, Edens, Eshelman, Kinnear, McCroskey, Preston, Rutter, Smith, Thompson (L. F.), Vestal, and Wilson—12.

Absent or not voting: Senators Baker, Claypool, Easterday, Long, Luce, Thompson (G. T.), Van de Vanter, Van Houten, and Watt—9.

Senator Drum moved to amend by striking out the word "embrace," in section 6, and insert "apply," and strike out the words "agricultural products or live stock while in the hands of the producer or raiser, nor."

Adopted.

The president stated he was about to sign House bills Nos. 26 and 98, and House concurrent resolution No. 13, which was done.

On motion of Senator Rutter, Senate bill No. 23 was referred to the Committee on Labor and Labor Statistics.

Senate bill No. 69, by Senator O'Neill: An act to amend section 165 of an act entitled "An act providing for the organization, classification, incorporation, and government of municipal corporations, and declaring an emergency."

Received from the engrossing clerk.

The following petition was presented by Senator O'Neill, and read:

To the Legislature of the State of Washington now assembled:

Your memorialists, the town council of the town of Colville, Washington, respectfully present:

That they are the regularly elected council of said town, said town duly incorporated under and by virtue of the session laws of 1889-1890 as a town of the fourth class.

That in the year 1888 the inhabitants of the town of Colville, Washington Territory, acting under and by authority of "An act for the incorporation of towns and villages in the Territory of Washington," chapter CXXVI, general laws 1887-88, duly incorporated under the provisions of said act, as they supposed.

Supposing that they were legally incorporated and that they had full power and authority to make improvements, levy assessments and collect taxes, as in said act provided, such was in good faith and in strict accordance with the strict provisions of said chapter done.

The said law under which they incorporated, or attempted to incorporate, having been since declared by the supreme court unconstitutional, they are unable to pay the debts they honestly and in good faith contracted, and for the payment of which the said supposed corporate body issued, or caused to be issued, its scrip. Said scrip is seemingly of no value by reason of the supposed incorporation that issued it being unquestionably illegal according to the decision of the supreme court; and further, all moneys supposed to have been due the supposed incorporation by reason of assessments for street grade, etc., property owners positively refuse to pay, for the reason, as they say, we have no right to collect by virtue of the premises; or, in other words, that we can not compel them to pay. The debts contracted by the supposed legally incorporated body, and warrants duly issued for the payment of the same, and the assessments made for the improvements made or constructed, all

having been done in good faith and in close conformity with the law under which we supposed we were incorporated, we are to-day, as you will fully realize, in anything but an enviable position. Our position and condition is, as we understand, in the same status that many other towns in the state now are, that relied (and why should they not) upon the legality of the law as laid down in our statute books regarding incorporations.

Your memorialists would most respectfully ask a most careful and entirely unprejudiced consideration of this our embarrassing and extremely uncomfortable position, and any means by which we can pay our honest debts and receive that which is honestly due us, that can be consummated or effected by your honorable body, will be sincerely appreciated.

Your memorialists having presented this matter in perhaps uncouth language, and perhaps not in the definite and certain manner that others situated as we are might do, we respectfully ask your most favorable consideration of our interests, and request at your hands such relief as your honorable body may be able to grant; and your memorialists will ever pray.

E. D. MINER, Mayor,
 W. H. KEARNEY,
 GEO. E. WEST,
 L. SCHEIFELEK,
 F. C. HAMMOND,
 J. C. MCFADDEN,
 Councilmen.

Attest: TH. STEINBERG, Town Clerk.

Senator O'Neill moved to amend by inserting in section 1, line 8: "*Provided further*, That if such indebtedness shall exceed the limit in this chapter prescribed, it shall not require a vote of the people to authorize the payment of such indebtedness by the town council: *And provided further*, That any ordinance duly passed by the town council of any town prior to the passage of this act, authorizing the payment of said indebtedness, shall be and the same is hereby declared valid (and legal or binding)."

Adopted.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van Houten, Vestal, and Wilson—23.

Absent or not voting: Senators Baker, Claypool, Easterday, Long, Luce, McCroskey, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—11.

The emergency clause was then taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Clough,

Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van Houten, Vestal, and Wilson—23.

Absent or not voting: Senators Baker, Claypool, Easterday, Long, Luce, McCroskey, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—11.

Title of the bill to remain the title of the act.

On motion of Senator Richards, Senate Bill No. 71 was made a special order for Wednesday, February 18, at 2 p. m.

The president stated that he was about to sign Senate concurrent resolution Nos. 18 and 19, which was done.

Senate bill No. 211, by Senator Dyer: An act providing for the appointment of shorthand reporters, defining their duties, fixing their compensation, and making their report part of the record of 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.

Read first time; rules suspended, read second time by title, and referred to committee of the whole.

Ordered not to be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 17, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 98, An act of requirement for corporations.

House bill No. 26, An act to prevent the driving of stock from their range, and providing a penalty for the violation of the same.

House concurrent resolution No. 13. Relative to clerk for joint committee on Columbia river improvement.

The House has passed House concurrent resolution No. 12, by Committee on Constitution and Revision, Relative to amending the loaning provisions of the constitution.

The House has indefinitely postponed Senate bill No. 3, entitled "An act relative to eight hours work constituting a legal days' work."

Senate bill No. 12, An act relative to costs in convictions for felony in the state, etc.

Senate bill No. 13, An act relative to removing causes from the superior courts to the supreme court.

Senate bill No. 152, An act to create and organize the county of Ferry.

Senate bill No. 15, by Senator Edens. An act relative to the transfer of community real property. And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolutions Nos. 13 and 14, and Senate memorials Nos. 1 and 5, heretofore reported correctly enrolled, have been delivered to the secretary of state this 10th day of February, 1891.

C. E. FORSYTH, Chairman,
W. J. PARKINSON.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolutions Nos. 18 and 19 have been carefully compared with the original bills, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON.

By Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 82, entitled "An act in relation to prosecutions of criminal actions in justices' courts, etc.," heretofore reported correctly enrolled, has been delivered to the governor this 17th day of February, 1891.

C. E. FORSYTH, Chairman,
W. J. PARKINSON.

By Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 68, entitled "An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors," has been carefully compared with the original bill, and found correctly engrossed.

J. T. ESHELMAN.

By the Judiciary Committee.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 151, entitled "An act to increase the punishment for crimes and misdemeanors committed a second or third time by the same person, and repealing all acts or parts of acts in conflict with this act," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

Your Committee on Judiciary, to whom 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 196, entitled "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 188, entitled "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 2085½ and 2085½, relating to grand and petit jurors, approved February 2, 1888," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 187, entitled "An act to amend section 210 of the Code of Washington, concerning general causes of challenge of jurors," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 144, entitled "An act to establish a state board of examiners for the examination and licensing of stationary steam engineers, as hereinafter provided for," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the matter be considered by the Senate as in committee of the whole, for the reason that the bill relates to a subject of vital importance to the people of the State of Washington.

Your Committee on Judiciary, to whom was referred Senate bill No. 163, entitled "An act to amend sections 74, 86 and 87, and to repeal sections 88 and 89 of the Code of Washington Territory," have had the same under consideration, and now respectfully report the same back to the Senate with amendments, and as amended recommend its passage.

First amendment: Add to the title the words "relating to pleadings in civil cases."

Second amendment: After the word "territory," in line 2 of section 1, add the words "relating to pleadings in civil cases."

Third amendment: After the word "territory," in line 2 of section 2, add the words "relating to pleadings in civil cases."

Your Committee on Judiciary, to whom was referred Senate bill No. 166, entitled "An act to amend section 753 of the Code of the State of Washington," have had the same under consideration, and now respectfully report the same back to the Senate with amendment, and as amended recommend its passage.

First amendment: Add to the title the following: "Relating to transcripts of judgments from justices' courts."

Second amendment: Add after the enacting clause the words: "Section 1."

Third amendment: Add after the words "State of Washington" in line 1 of section 1, the words, "relating to transcripts from justices' courts."

Fourth amendment: Add after the word "follows" in section 1, line 2, the words, "section 753."

Your Committee on Judiciary, to whom was referred Senate bill No. 159, entitled "An act to provide for the conveyance of lands sold for taxes levied under the laws of the Territory of Washington," have had the same under consideration, and now respectfully report the same back to the Senate with amendments, and as amended recommend its passage.

First amendment: Add to section 5 the following proviso: "*Provided*, that the deed issued in pursuance of the provisions of this act shall have no greater force or effect than the deeds made by sheriffs in other cases."

Your Committee on Judiciary, to whom was referred Senate bill No. 189, entitled "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, have had the same under consideration, and now respectfully report the same back to the Senate with amendments, and as amended recommend its passage.

First amendment: Amend title to read, "An act to amend an act entitled 'An act to provide for the redemption of real estate sold under judgment or foreclosure of mortgage, approved February 3, 1886.'"

Second amendment: Add after the enacting clause the following: "Section 1. That section 1 of an act entitled 'An act to provide for the redemption of real estate sold under judgment or foreclosure of mortgage, approved February 3, 1886,' be and is hereby amended to read as follows."

Third amendment: Add after the word "successor" in line 2 of section 1, the words, "in interest."

Fourth amendment: Strike out all after the word "paid" in line 12 of section 1, and insert the words, "less the rents, profits and income of said property received from the purchaser."

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Dyer, and Parkinson, being all of the members of said committee present.

On motion of Senator Smith, Senate bill No. 147 was taken up.
Senate bill No. 147, by Senator Smith: An act to amend section 1975 of the Code of Washington.

Reported back by the committee with amendments, recommending its passage.

The amendments of the committee adopted.

Senator Smith moved to amend by striking out section 2.

Adopted.

Senator Preston moved to amend by striking out the word "are" in line 12, and insert "shall be."

Adopted.

Read a third time by sections, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Van Houten, Vestal, and Wilson—23.

Absent or not voting: Senators Baker, Claypool, Drum, Easterday, Long, Luce, McCroskey, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—11.

Title of the bill to remain the title of the act.

Senator Vestal in the chair.

Senate bill No. 140, by the Committee on Education: An act amending certain sections of the code relative to the common school system.

Received from the engrossing clerk, and passed by the following vote without further amendment:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van Houten, and Vestal—22.

Voting in the negative: Wilson—1.

Absent or not voting: Senators Baker, Claypool, Easterday, Long, Luce, McCroskey, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—11.

Title of the bill to remain the title of the act.

Senate bill No. 134, by Senator Easterday: An act prescribing the manner of commencing civil actions.

Ordered to lie upon the table.

Senate bill No. 59, by Senator Claypool: An act relative to appropriation for national guard of Washington.

Ordered to lie upon the table.

Senate bill No. 205, by the Judiciary Committee: 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, a substitute for Senate bill No. 146.

Read a third time by sections, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Van Houten, and Wilson—21.

Absent or not voting: Senators Baker, Claypool, Easterday, Hyde, Long, Luce, McCroskey, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, and Watt—13.

The title of the bill to remain the title of the act.

On motion of Senator Forrest, Senate bill No. 151 was made a special order for Wednesday, February 18th, at 3 P. M.

Senators Edens, Kinnear, Dyer, Rutter, O'Neill, Van Houten, Owings, and Forrest received telegrams from Spokane Falls relative to a bill providing for a third judge for Spokane county, pro and con, which were read and referred to the Judiciary Committee.

On motion of Senator Dyer, the Senate, at 4 P. M., adjourned.

FORTY-THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 18, 1891. }
10:10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Luce, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Watt. Excused.

On motion of Senator McCroskey, the reading of the journal of yesterday, February 17th, was dispensed with, and the journal was considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 18, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate bill No. 2, by Senator Kinneer: An act declaring Labor Day a legal holiday.

House bill No. 134, substitute for House bills Nos. 22 and 61, An act in relation to trade marks.

House concurrent resolution No. 14, Relative to the death of General W. T. Sherman.

The House has passed 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 fish. And the same is herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

PETITIONS, RESOLUTIONS, ETC.

Two telegrams were received from Washington, D. C., in accordance with the resolutions to send telegrams to our senators and representative in congress to urge them to have an appropriation bill passed for the portage railway at The Dalles on the Columbia river:

WASHINGTON, D. C., February 17, 1891.

Hon. E. T. Wilson:

Will do all in my power to aid in securing appropriation for construction of railway around The Dalles.

J. L. WILSON.

WASHINGTON, D. C., February 17, 1891.

E. T. Wilson, President of the Senate:

I will exert my uttermost efforts to secure the legislation to which you refer in dispatch just received.

WATSON C. SQUIRE.

INTRODUCTION OF BILLS.

Senate bill No. 212, by Senator Preston: An act declaring Arbor Day a legal holiday.

Read first time; rules suspended, read second time by title, and referred to Committee on Agriculture.

House concurrent resolution No. 12, by the Committee on Constitution and Revision: Relative to amending section 5 of article XVI of the constitution.

Read first time; rules suspended, read second time by title, and referred to the Committee on Constitution and Revision.

House bill No. 85, by Mr. Painter: An act to appropriate money to cover the deficiency for maintaining the state penitentiary to January 1, 1891.

Read first time; rules suspended, read second time by title, and referred to the Committee on Appropriations.

Senate bill No. 213, by Senator Richards: An act to amend section 1 of an act entitled "An act to establish a system of common schools in cities of 10,000 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.

Read first time; rules suspended, read second time by title, and referred to the Committee on Education.

THIRD READING OF BILLS.

Senate bill No. 31, by Senator Rutter (by request): A bill providing for the establishment of a bureau of labor statistics.

On motion of Senator Rutter, the bill was ordered to lie upon the table.

House bill No. 34, by Mr. Adams: 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.

Reported back by the committee without amendment, recommending its passage.

Read a third time by sections, and failed to pass by the following vote:

Those voting in the affirmative were: Senators Claypool, Dyer, Edens, Forrest, Frink, Hastings, Kinnear, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Richards, Thompson (L. F.), and Wilson—15.

Those voting in the negative were: Senators Cooper, Drum, Eshelman, Forsyth, Owings, Rutter, and Vestal—7.

Absent or not voting: Senators Austin, Baker, Clough, Easterday, Hyde, Long, Luce, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Watt—12.

Senator Rutter gave notice that at the proper time he would move for a reconsideration of the vote by which the bill failed to pass.

The president stated that he was about to sign House bill No. 134 and House concurrent resolution No. 14, which was done.

The president appointed as the conference committee on Senate bill No. 24, to act on the part of the Senate, Senators Forrest, Eshelman, and L. F. Thompson.

Senate bill No. 83, by the 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 1881.

Received from the House with amendments.

The amendments were concurred in by the Senate, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, McCroskey, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Vestal, and Wilson — 22.

Absent or not voting were: Senators Austin, Baker, Easterday, Forrest, Long, Luce, O'Neill, Owings, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Watt — 11.

The title of the bill to remain the title of the act.

Senate bill No. 122, by Senator Long: An act authorizing county commissioners to build bridges across navigable streams.

Reported back by the committee with amendments, and recommending its passage.

The amendments, as reported, adopted.

Senator Dyer moved to amend section 3, lines 7, 8, and 12, by inserting the words "or counties" after "county."

Adopted.

Senator Forsyth moved to amend section 3 as follows:

Provided further, That before the county commissioners of any county or counties in this state shall begin the construction of any bridge over any of the navigable waters of this state, the location of such bridge, together with the plan and general specifications of such bridge or structure, shall be submitted to and approved by the secretary of war.

Rejected.

Senator Dyer moved to amend section 5, line 12, by striking out "to" and inserting "in" after the word "matter."

The bill was read a third time by sections, and passed as amended, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forsyth, Frink, Hastings,

Kneeland, Long, McCroskey, Owings, Parkinson, Preston, Richards, Thompson (L. F.), Vestal, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Easterday, Forrest, Hyde, Kinnear, Luce, O'Neill, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Watt—14.

Title of the bill to remain the title of the act.

Senate bill No. 198, by Senator Hastings: 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.

Reported back by the committee without amendment, and recommending its passage.

Read a third time by sections.

Senator Claypool moved to amend as follows:

Insert after the word "the," in line 3, section 2, the words "general fund of the county," and strike out all after the word "the," in line 3, beginning with the word "funds."

Rejected.

Senators Frink, Parkinson and Rutter moved the previous question, namely: "On the passage of the bill."

The motion was lost by a divisional vote of 12 to 7.

The bill failed to pass by the following vote:

Those voting in the affirmative were: Senators Claypool, Dyer, Edens, Forrest, Hastings, Hyde, Kinnear, Kneeland, Owings, Parkinson, Preston, and Rutter—12.

Those voting in the negative were: Senators Clough, Cooper, Drum, Easterday, Eshelman, Forsyth, Frink, Long, McCroskey, Richards, Vestal, and Wilson—12.

Absent or not voting: Senators Austin, Baker, Luce, O'Neill, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt—10.

Senate bill No. 202, by Senator Claypool (by request): An act providing for the building of armories.

Reported back by the committee, without amendment, recommending its passage.

Read a third time by sections, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Frink, Hastings, Knee-

land, Long, McCroskey, Owings, Parkinson, Preston, Rutter, Vestal, and Wilson—18.

Those voting in the negative were: Senators Easterday and Forsyth—2.

Absent or not voting: Senators Austin, Baker, Forrest, Hyde, Kinnear, Luce, O'Neill, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt—14.

The title of the bill to remain the title of the act.

Senate bill No. 49, by Senator Luce: 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.

And Senate bill No. 10, by Senator Frink: An act to amend an act entitled "An act to regulate, restrain, license or prohibit the sale of intoxicating liquors."

These bills were lost owing to the failure to make a motion for reconsideration of the vote by which they failed to pass within the proper time.

On motion of Senator Edens, the Senate, at 11:55, adjourned till 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 18, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, Senator Claypool in the chair.

Roll called; all present excepting Senators Austin, Baker, Eshelman, Preston, G. T. Thompson, L. F. Thompson, Van de Vanter, and Watt.

Excused.

On motion of Senator Dyer, Senate bill No. 26, which was a special order for to-day, was postponed until Tuesday, February 24th, at 2 P. M.

On motion of Senator Kinnear, Senate bill No. 206 was re-referred to the Judiciary Committee.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, February 17, 1890.

The Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed Senate bill No. 82, entitled "An act relating to procedure in criminal actions, and proceedings in justices' courts and before magistrates, and amending sections 1890, 1891, 1893, 1894, 1895, 1896, 1902, 1905, 1916, 1917, 1923, 1926, 1927, 1929, 1932, and 1972 of the Code of Washington of 1881."

I have the honor to be,

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor, and Acting Governor.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 17, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—In accordance with section 3 of an act approved February 25, 1890, entitled "An act relating to the duties of the governor and fixing the salary, and declaring an emergency," I have the honor to submit to your honorable body the following list of appointments made by the governor since the adjournment of the legislature of 1889-90, and not before communicated to you for your confirmation, as required under the various acts creating such offices:

Regents of the State University at Seattle: P. B. Johnson, Walla Walla, in place of Thomas H. Brents, declined; Richard Osborn, Seattle, in place of Thomas Burke, declined; A. A. Phillips, Olympia, in place of John F. Gowey, resigned.

Trustees of the Washington Soldiers' Home: George H. Boardman, Tacoma, until June 26, 1891; M. M. Holmes, Seattle, until June 26, 1892; W. R. Dunbar, Goldendale, until June 26, 1893; John F. McLean, Walla Walla, until June 26, 1894; Albert S. Cole, Whatcom, until June 26, 1895.

Trustees of the State Normal School at Cheney: S. A. Wells, Ritzville, until July 29, 1893; H. F. Suksdorf, Spangle, until July 29, 1894; W. H. H. McClure, Palouse, until July 29, 1894; Louis Walter, Cheney, until July 29, 1896; W. C. Weygant, Cheney, until July 26, 1896.

Trustees for the Washington School for Defective Youth: W. Byron Daniels, Vancouver, until June 30, 1896, in place of Charles Brown, resigned; John D. Geoghegan, Vancouver, until June 30, 1894, in place of Louis Sohns, resigned.

I respectfully ask that the Senate advise and consent to these appointments.

I have the honor to be,

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor, and Acting Governor.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 18, 1891.

MR. PRESIDENT:

The speaker of the House has appointed Messrs. Smyth, Meany, and Frater as committee on part of the House to act with a like committee of the Senate in preparing joint rules under section 9, article IV of the constitution, relative to removal of officers.

And Messrs. Berry, Sharpstein, De Steigeur, Dysart, and Godman were appointed on part of the House to act with a similar committee on part of the Senate to prepare a joint resolution preferring charges against Morris B. Sachs, judge of judicial district comprising the counties of Jefferson, Clallam, San Juan and Kitsap.

The House has passed Senate concurrent resolution No. 28, Relative to conference with Surveyor General Cavanaugh.

The House concurred in Senate amendment to the title of House bill No. 108, Relative to the protection of sea gulls.

The House has passed House concurrent resolution No. 15, Relative to the appointment of a joint committee to frame rules governing removals from office under section 9, article IV of the constitution.

The speaker of the House has appointed on part of the House in compliance with House concurrent resolution No. 14, Relative to the funeral of General Sherman, the following committee: Messrs. Tiffany, McClure, and Peterson.

T. G. NICKLIN, Chief Clerk.

MR. PRESIDENT:

Your committee to whom was referred Senate resolution relative to the death of General Sherman, begs leave to submit the accompanying memorial and recommend its passage. Also, that the same be spread upon the journal of the Senate and House, and that the secretary of state be directed to forthwith furnish a certified copy to the family of the late General Sherman.

N. H. OWINGS, Chairman,

R. C. McCROSKEY,

C. E. CLAYPOOL.

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 virtue 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 perception, to lesser man 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 trial of personal triumph, but the swing of the "splendid yeomanry who conquered for English liberty at Naseby, Worcester, and Marston Moor."

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 molded in simplicity. His stratagem was the stratagem of war. He knew no deceit, no sham.

As was said of a great contemporary, he needs no epitaph but his name—WILLIAM TECUMSEH SHERMAN.

Senator Owings moved to suspend the rules and to adopt the memorial by a rising vote.

So ordered, and the memorial was adopted unanimously.

By Committee on School for Defective Youth:

MR. PRESIDENT:

Your Committee on School for Defective Youth, to whom was referred Senate Bill No. 35, entitled "An act appropriating money for the support of the Washington school for defective youth," report the same back with the recommendation that the fourth section be stricken out and the bill passed.

L. B. CLOUGH, Chairman,

W. H. KNEELAND,

B. C. VAN HOUTEN.

Report of Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled bills begs leave to report that Senate bill No. 72, entitled "An act relating to proceedings to vacate or modify judgments in the courts in which they were rendered."

Senate bill No. 76, entitled "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, 1881.

Senate bill No. 73, entitled "An act relating to referees."

Senate bill No. 75, entitled "An act relating to writs of mandate and prohibition, amending section 689 of the Code of Washington of 1881."

Senate bill No. 58, entitled "An act to fix the time for the meeting of the legislature of the State of Washington."

Senate bill No. 78, entitled "An act concerning the construction of statutes."

Senate bill No. 164, entitled "An act authorizing corporations other than religious to hold and possess property," have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman.

By the joint Committee on World's Fair:

MR. PRESIDENT:

Your joint Committee on World's Fair, to whom was referred Senate bill No. 20, and 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, etc.," begs leave to report the bills back to the Senate and House with numerous amendments, and recommend the passage of the bill with the amendments herewith submitted.

J. H. LONG, Chairman Senate Committee,

E. S. MEANY, Chairman House Committee.

By the Committee on Counties and County Boundaries:

MR. PRESIDENT:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 118, a substitute for House bill No. 56, "An act providing for the election and terms of office of county commissioners," have had the same under consideration, and respectfully recommend that the bill pass with the following amendments.

T. J. SMITH, Chairman,

L. B. CLOUGH.

HEADQUARTERS GEO. H. THOMAS POST, No. 5,
DEPARTMENT WASHINGTON AND ALASKA,
OLYMPIA, WASH., February 18, 1891.

To the president and members of the Senate 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 at 2 o'clock P. M., February 19, 1891. Sincerely yours in F. C. and L.

W. H. ROBERTS, Post Commander,
R. B. CRANDALL, Acting Adjutant.

All members are invited to meet at the post headquarters, in Temple Flat and unite in the march to the theatre—especially the old soldiers.

Post meeting at 12:30 P. M., sharp. Seats are reserved for those who wish to go to the theatre direct, and cards of admission will be furnished to you to-day.

Read, and the invitation accepted.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 18, 1891.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 16, Relative to a committee of five to act with a like committee of the Senate in relation to the removal of Morris B. Sachs, judge.

The House has passed unanimously Senate joint memorial No. 10, Relative to the death of William Tecumseh Sherman.

The speaker of the House has signed Senate concurrent resolution No. 18, Relative to visiting school for defective youth.

Senate concurrent resolution No. 19, Relative to examination of penitentiary at Walla Walla.

Senate bill No. 81, In relation to prosecutions for public offenses, and amending certain sections of the Code of Washington of 1881.

And the same are herewith returned to the Senate.

T. G. NICKLIN, Chief Clerk.

On motion of Senator Dyer, House concurrent resolution No. 15, Relative to the appointment of a committee to frame joint rules, relative to matters of removal from office.

Read and adopted.

The president appointed Senators Dyer and Vestal to act on said committee on the part of the Senate.

INTRODUCTION OF BILLS.

Senate bill No. 214, by Senator Kinnear: An act to provide for fees and compensation of the county clerk, ex-officio clerk of the superior court.

Read first time; rules suspended, read second time by title, and referred to the Committee on Revenue and Taxation.

Senate bill No. 215, by Senator Frink: An act to provide for the adoption of text-books for the common schools of the State of Washington, and to provide the manner of purchasing and distributing the same.

Read first time; rules suspended, read second time by title, and referred to the Committee on Education.

Senate bill No. 216, by Senator Long: A proposed amendment to the constitution of the State of Washington, section 13, article 4.

Read first time; rules suspended, read second time by title, and referred to the Committee on Constitution and Revision.

Senate bill No. 71, by Senator Richards: An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor.

On motion of Senator Dyer, this bill was taken up.

Senator Dyer moved that the Senate go into a committee of the whole to consider the bill.

So ordered.

Senator Dyer in the chair.

The committee of the whole arose, and reported the same back without amendment; also that the amendment of the Committee on Harbors and Harbor Lines be adopted, and recommending its passage.

The report of the committee of the whole was adopted.

Senator Claypool in the chair.

The bill was read a third time by sections.

The rules were suspended, the bill considered engrossed, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, Owings, Parkinson, Richards, and Rutter—18.

Those voting in the negative were: Senators Eshelman, Hyde, O'Neill, Smith, and Van Houten—5.

Absent or not voting: Senators Austin, Baker, Forsyth, Luce, Preston, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—6.

The title of the bill to remain the title of the act.

Senate concurrent resolution No. 20, Senate bill No. 83, and Sen-

ate memorial No. 10, received from the House and ordered to be enrolled.

House concurrent resolution No. 16, by Mr. Frater: Relative to appointing a committee of five members of the House and a like committee of the Senate, to prepare joint resolutions for the removal of Morris B. Sachs, superior court judge, from office.

Read and adopted.

The president appointed Senators Hyde, McCroskey, Clough, Long, and Van Houten to act on said committee on the part of the Senate.

Senate concurrent resolution No. 21, by Senator Drum: Relative to consultation by joint committee with the attorney general relative to state granted school lands.

Read and adopted.

Senate bill No. 151, by Senator Forrest: 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.

Reported back by the committee with the recommendation that the bill be postponed and made a special order for Wednesday, February 18th, at 3 p. m.

Read a third time by sections.

Senator Dyer in the chair.

Senator Claypool in the chair.

Senator Drum moved to amend section 1, line 6, by striking out the word "five" and inserting "three."

The amendment was lost by a divisional vote of 6 to 16.

The bill was passed, without amendment, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Eshelman, Forrest, Forsyth, Frink, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Smith, Van Houten, and Vestal—20.

Those voting in the negative were: Senators Dyer, Easterday, Edens, and Kinnear—4.

Absent or not voting: Senators Austin, Baker, Hastings, Luce, Preston, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Watt, and Wilson—10.

Title of the bill to remain the title of the act.

Senator Kneeland gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

By the Committee on Education:

Mr. President and Gentlemen of the Senate:

We, your Committee on Education, to whom was referred Senate bill No. 133, entitled "An act appropriating money for additional buildings for the state reform school, etc.," and who were by resolution of the Senate directed to visit the state reform school location at Chehalis, Lewis county, and report to the Senate the condition of the location, grounds, and buildings belonging to said institution, and the needs and wants of said institution, respectfully report that on the 6th day of February, 1891, we visited said institution in a body and carefully looked over the grounds and buildings thereto belonging, and conferred with the trustees thereof in regard to the further needs of said institution. That we find the grounds purchased by the trustees, and belonging to said institution (being fifty acres), well adapted to the use of said institution. That said institution yet needs from ten to twenty acres more land, in order that it may be possessed of ample high grounds upon which to locate the other buildings of said institution, and enough farming lands to furnish healthful employment to the children committed thereto. That the buildings erected for the use of this institution are well adapted to the uses for which they are intended. That the trustees of this institution have secured the full worth of every dollar by them expended. That there are yet needed, in order to equip this institution for usefulness, several additional buildings, among which are a recitation room or school room, and a work shop. Your committee would recommend the erection of temporary buildings for these purposes, and in making our estimate of the appropriation for this institution for the coming two years, we have figured on the erection of such temporary buildings.

Herewith we report a substitute for Senate bill No. 133, and recommend its passage.

C. M. EASTERDAY, Chairman,
HENRY DRUM,
J. M. FRINK.

Report of Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report, that Senate Concurrent resolution No. 12, Relative to printing and binding the governor's message and reports of public officers, has been carefully compared with the original bill, and found correctly engrossed.

J. T. ESHELMAN, Member of Committee.

Senator Long gave notice that at the proper time he would move for a reconsideration of the vote by which Senate bill No. 194 failed to pass.

Senate bill No. 217, as a substitute for Senate bill No. 133, was adopted as an amendment to the original bill.

Senator Dyer asked unanimous consent to suspend the rules and to reconsider the vote by which Senate bill No. 154 was passed.

Consent was granted, and the vote was reconsidered.

On motion of Senator Dyer the bill was re-referred to the Judiciary Committee.

On motion of Senator Smith, the Senate, at 4:45, adjourned till 10 A. M., Friday, February 20th.

FORTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 20, 1891. }
10 o'clock A. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Frink, Kinnear, Kneeland, Luce, and Van de Vanter.

Excused.

On motion of Senator Easterday, the reading of the journal of Wednesday, February 18th was dispensed with, and the journal was considered approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 18, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 108, A bill for the protection of sea gulls.

House concurrent resolution No. 15, Relative to appointment of committee to frame joint rules, relative to matters of removal from office.

House concurrent resolution No. 16, Resolution for the removal of Morris B. Sachs.

The House has passed Senate bill No. 85, An act relating to judgments.

Senate bill No. 86, Effect of payments of other states.

Senate bill No. 87, Proceedings in ne exeat.

Senate bill No. 88, Proceedings upon habeas corpus.

Senate bill No. 89, Actions to abate nuisances.

Senate bill No. 90, Appropriation of property by corporations.

Senate bill No. 91, Cases of forcible entry.

Senate bill No. 92, Claims of third persons to property on execution.

Senate bill No. 95, Taking and entry of judgments.

Senate bill No. 96, Relative to exceptions.

Senate bill No. 100, To dissolve or modify injunctions.

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 the code of 1881.

Senate bill No. 106, An act relating to the place of trials of actions and proceedings, and amending sections of the code of 1881.

Senate bill No. 107, An act with relation to parties to civil actions and proceedings, and amending sections of the code of 1881.

Senate bill No. 108, An act relating to the time within which actions may be commenced, and amending the code of 1881.

Senate bill No. 111, An act in relation to sheriffs.

Senate bill No. 113, Relative to juries.

Senate bill No. 114, Relative to legal holidays.

Senate bill No. 116, Relative to holding sessions of court.

The House has passed the following Hill Code bills with amendments as noted in original bills:

Senate bill No. 97, Arbitration and award.

Senate bill No. 98, Trial by jury.

Senate bill No. 99, Relative to receivers.

Senate bill No. 101, An act relating to proceedings against persons who violate injunctions, and amending the code of 1881.

Senate bill No. 104, Pleadings in civil actions.

Senate bill No. 105, Manner of commencing civil actions.

Senate bill No. 109, An act relating to the powers and duties of clerks of courts.

Senate bill No. 110, Relative to attorneys.

Senate bill No. 112, Powers of courts and judicial officers.

Senate bill No. 115, Relative to magistrates.

Senate bill No. 118, Relative to new trials.

Senate bill No. 119, Defining certain crimes, etc.

The House has adopted the rules reported by the joint committee appointed to prepare rules governing proceedings in matters of removal from office by concurrent or joint resolution, as provided in section 9, of article 4, of the state constitution.

The House has adopted the report and first resolution reported by the joint committee preferring charges against Morris B. Sachs, judge of the superior court for Jefferson, Clallam, San Juan, Kitsap, and Island Counties.
T. G. NICKLIN, Chief Clerk.

On motion of Senator Van Houten, the Senate went into executive session with open doors, after which the open session was resumed.

The president stated that he was about to sign Senate bills Nos.

72, 58, 164, 73, 75, 76, 78, and House bill No. 108, and House concurrent resolutions Nos. 15 and 16, which was done.

Senate bills Nos. 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 100, 102, 106, 107, 108, 111, 113, and 114, were received from the House and ordered to be enrolled.

PETITIONS, RESOLUTIONS, ETC.

Petitions were received from the mothers and wives of Olympia, Seattle and Vancouver, asking that Senate bill No. 130, relative to the present Sunday law, be not passed.

Read and referred to the Committee on Municipal Corporations.

The following resolution, by Senator O'Neill, was presented:

Resolved by the Senate, That the compensation of the clerk to the Committees on Mines and Mining, Labor and Labor Statistics, and Memorials, be increased to five dollars per day, to correspond with the per diem of other committee clerks of the Senate.

Senator Eshelman moved to amend by decreasing the salary of all other clerks to correspond with the above clerks salary.

Rejected.

The original resolution was then read and rejected.

Senate joint resolution No. 1, by Senator Forrest: Relative to the visit of the president of the United States to the Pacific Coast.

Read first time; rules suspended, read second time by title; the rules were further suspended, the resolution was considered engrossed; read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Long, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—25.

Absent or not voting: Senators Baker, Frink, Kinnear, Kneeland, Luce, Preston, Thompson (G. T.), and Watt—9.

Two telegrams were received from Spokane Falls, one to Hon. E. B. Hyde from J. M. Kinnaird, the other to Senators Hyde, Van Houten, and Watt from George Turner, S. C. Allen, H. M. Herman, and Frank H. Graves, asking an additional judge for Spokane county.

Read and referred to the committee.

The following telegram was read.

WASHINGTON, D. C., February 18, 1891.

Hon. E. T. Wilson:

No such House amendment, and not likely to be. I will gladly support it if I have the opportunity. Further word by letter.

JOHN B. ALLEN.

REPORTS OF STANDING COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that 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;" and Senate bill No. 77, entitled "An act declaring the rule of decision in the State of Washington, amending section 1 of the code of 1881;" also Senate bill No. 79, entitled "An act in relation to applications for divorce, amending sections 2,000, etc., of the code of 1881;" also Senate bill No. 84, entitled "An act relating to appeals from justices' courts, and amending sections 1858, etc., of the code of 1881;" also Senate memorial No. 7, Relative to the improvement of the Colville river, have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
Member of committee.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Senate bill No. 137, entitled "An act to amend section 2315 of the Code of Washington, relating to acknowledgments of deeds, mortgages, and other instruments in writing," have had the same under consideration and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary to whom was referred Senate bill No. 177, entitled "An act to amend sections 5 and 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 6, entitled "An act providing for the appointment and election of an additional superior court judge, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to

the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 55, entitled "An act providing for the cession of jurisdiction to the government of the United States over certain lands situated in Kitsap county, in the State of Washington," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 27, entitled, "An act to provide for a superior judge for the counties of Yakima and Klickitat, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Judiciary Committee, to whom was referred Senate bill No. 186, entitled "An act to provide for the collection of demands against ships and vessels," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the same be considered as in committee of the whole, because of the importance of the matter contained in the bill.

Your Committee on Judiciary, to whom was referred Senate bill No. 161, entitled "An act making all transfers of property with intent to cheat, hinder, delay, or defraud creditors or other person, 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 209, entitled "An act regulating fees of justices of the peace for services rendered by them," have had the same under consideration, and now respectfully report the same back to the Senate with amendments, and as amended recommend that the bill pass.

First amendment: After section 1, add: "Section 2. That the fees collected by salaried justices of the peace under the provisions of this act shall be paid into the county treasury for the benefit of the salary fund.

Second amendment: Strike out of line 1 in section 2, the figure "2," and insert in its place the figure "3."

Your Committee on Judiciary, to whom was referred Senate bill No. 179, entitled "A bill for an act making the State treasurer, *ex-officio*, fiscal agent for the State of Washington, defining his duties, and declaring an emergency," have had the same under consideration, and now respect-

fully report the same back to the Senate with amendments, and as amended recommend the passage of the bill:

First amendment: In line 2, of section 3, strike out the word "duplicate," and insert the words "the necessary."

Second amendment: In line 4, of section 3, strike out the word "copy" and insert the words "or more copies."

Third amendment: In line 6, of section 3, strike out the words "the other," and insert the word "one."

Your Committee on Judiciary, to whom was referred Senate bill No. 45, entitled "An act providing for an additional superior court judge for Spokane and Stevens counties, and declaring an emergency to exist," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 7, entitled "An act concerning the appointment and qualifications, and defining the duties of court commissioners, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that the bill be indefinitely postponed.

Respectfully submitted.

J. R. KINNEAR, Chairman.

The report was concurred in by Senators Claypool and Dyer, being all the members of said committee present.

By the Joint Resoltuion Special Committee on Joint Rules:

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 IV, of the constitution of the State of Washington, have had the matter referred to in said resolution under consideration, and now repectfully 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.

The president stated that he was about to sign Senate bills Nos. 77, and 79, Senate memorial No. 7, Senate bill No. 60, and Senate bill No. 84, which was done.

Joint rules any mode of procedure for the removal of any judge of any court of record, attorney general or prosecuting attorney of any county, as provided for by section 9, article 4, of

the constitution of the State of Washington. By the joint committee appointed to prepare joint rules.

Received from the House and read.

On motion of Senator Claypool, the rules were taken up and considered separately.

Rule one, adopted without amendment.

Rule two, adopted without amendment.

Rule three, adopted without amendment.

Rule four, adopted without amendment.

Rule five, adopted without amendment.

Rule six, adopted without amendment.

Rule seven, adopted without amendment.

Rule eight, amended so as to read "one" hour instead of "two," and adopted.

Rule nine, adopted without amendment.

Rule ten, adopted without amendment.

Rule eleven, adopted without amendment.

Rule twelve, adopted without amendment.

On motion of Senator Dyer, the rules as a whole were adopted.

The report of the joint committee appointed to prepare resolutions in relation to the removal of Judge Morris B. Sachs.

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 first resolution hereto attached as a proper resolution to be adopted, preferring charges against said judge; and we your committee further report that the second resolution hereto attached is a proper resolution, providing for the removal of said Morris B. Sachs, judge as aforesaid, under section 9 of article 4 of the constitution. Respectfully submitted.

E. B. HYDE,

Chairman Senate Committee.

P. E. BERRY,

Chairman House Committee.

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 is hereby 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 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.

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 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, 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, 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 disqualifies 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 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 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 order 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, 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 v. 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, 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 the 24th day of February, 1891, at 7:30 o'clock P. M., or the same will be taken as confessed.

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 foregoing acts; therefore, be it

Resolved, That 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 is hereby removed from his said office, and the said office declared vacant.

On motion of Senator Dyer, Tuesday, February 24th, at 7:30, was inserted in the blank space allotted for the same.

On motion of Senator Dyer, the report was adopted, and ordered to be spread upon the journal.

MESSAGE FROM THE 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 III, 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.

The accompanying list, on motion of Senator Owings, was ordered to be spread upon the journal:

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, \$3.20; 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.....	Allou, 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....	Serpling, 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 united 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....	Loane, 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 Conners.....	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 untrim. From papers and petition on file in executive office it would appear that said assault was committed in self-defence.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,

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, a copy of a letter from the secretary of the Senate of the legislature of Kansas, together with a copy of a 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.

On motion of Senator Dyer, the accompanying letter and concurrent resolution were referred to the Committee on Agriculture, and ordered to report by bill or otherwise.

House bill No. 190, by joint special committee on fisheries: 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.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 218, by Senator Forrest (by request): An act to regulate and license insurance business in this state, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 219, by Senator Forsyth: An act to amend section 1 of an act entitled "An act to regulate, restrain, license or prohibit the sale of intoxicating liquors," approved February 2, 1888.

Read first time; rules suspended, read second time by title, and referred to Committee on Public Revenue and Taxation.

Ordered not to be printed.

Senate bill No. 220, by Senator Smith: An act making it a crime to make false reports against employes, and providing for the punishment of persons making the same.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 221, by Senator Eshelman: An act for the commitment in cities and incorporated towns in the State of Washington of females over the age of 10 years, who have been convicted by a justice of the peace or police magistrate in said cities and towns of being prostitutes, or visitants of houses of assignation or prostitution, or who are found in association with vicious and dissolute persons, and to permit such cities, towns and counties to contract for the safe keeping, care, maintenance, and instruction of females committed under the provisions of this act.

Read first time; rules suspended, read second time by title, and referred to Committee on Public Morals.

Senate bill No. 223, by Senator Austin: An act to create and organize new counties in the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 224, by Senator Austin: An act creating a board of land commissioners, and defining the powers and duties thereof, fixing the compensation of the members, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to the Committee on State, School and Granted Lands.

Senators Parkinson and Eshelman were excused until Monday, February 23.

On motion of Senator Dyer, the Senate, at 12 M., adjourned until 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 20, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Eshelman, Frink, Kinnear, Kneeland, Luce, Parkinson, and Van de Vanter.

Excused.

On motion of Senator Forrest, the motion by which Senate bill No. 223 was referred to the Judiciary Committee was reconsidered

and the bill was referred to the Committee on County and County Lines.

On motion of Senator Claypool, the vote by which House bill No. 51 failed to pass was reconsidered, 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.

On motion of Senator Claypool, the rules were suspended, and section 1 amended by striking out \$2,500 and inserting \$3,000.

The bill then passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Forrest, Hastings, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Baker, Edens, Eshelman, Forsyth, Frink, Hyde, Kinnear, Kneeland, Long, Luce, Parkinson, and Van de Vanter—13.

The emergency clause was then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Hastings, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Eshelman, Forsyth, Frink, Hyde, Kinnear, Kneeland, Luce, Parkinson, and Van de Vanter—10.

The title of the bill to remain the title of the act.

Senate bill No. 162, by Senator Claypool: 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, and declaring an emergency.

On motion of Senator Claypool, the bill was taken up to consider the emergency clause, which passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Hastings, Hyde, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Eshelman, Forsyth,

Frink, Kinnear, Kneeland, Luce, Parkinson, Rutter, and Van de Vanter—11.

The title, after being amended by declaring that "an emergency exists therefor," to remain the title of the act.

Senate bill No. 217, a substitute for Senate bill No. 133, by the Committee on Education: An act making an appropriation for the maintenance and improvement of the state reform school.

On motion of Senator Long, the bill was taken up.

Senator Dyer moved that the Senate go into a committee of the whole.

So ordered.

Senator Vestal in the chair.

The committee of the whole arose and reported the bill back without amendment, recommending its passage.

President Wilson in the chair.

The report of the committee was adopted.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those who voted in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Eshelman, Frink, Hyde, Kinnear, Kneeland, Luce, Parkinson, and Van de Vanter—9.

On motion of Senator Van Houten, Senate bill No. 29, by Senator Van Houten: An act concerning the appropriation of water for irrigation, etc., was ordered to lie upon the table.

Senator Rutter moved to reconsider the vote of House bill No. 34, by which that bill failed to pass.

So ordered, and the vote was reconsidered.

The bill was then laid on the table.

On motion of Senator Dyer, Senate bill No. 59 was taken up.

Senate bill No. 59, by Senator Claypool: An act relative to appropriating \$19,183.19 for the national guard of Washington for the years 1889-90.

On motion of Senator Claypool, the emergency clause was stricken out.

On motion of Senator Rutter, the bill was recommitted to the

Committee on Military with instructions to report as soon as possible.

The president stated that he was about to sign Senate concurrent resolution No. 20, which was done.

On motion of Senator Easterday, the rules were suspended, and the vote by which Senate bill No. 49 failed to pass was reconsidered, and the bill ordered to lie on the table.

Senate bill No. 187, by Senator Dyer: An act to amend section 210 of the Code of Washington, concerning general causes of challenge of jurors.

Reported back by the committee without amendment, recommending its passage.

Read a third time by sections.

Senator Claypool moved to amend section 4 by adding after the word "has," in line 1, "served on any regular panel within two years preceding the date of such challenge, or upon any special panel, or as special talesman within six months preceding the date of such challenge.

Adopted.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, O'Neill, Preston, Richards, Rutter, Smith, Thompson (G. T.), Vestal, and Wilson—19.

Absent or not voting: Senators Baker, Eshelman, Frink, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, Owings, Parkinson, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—15.

Title of the bill to remain the title of the act.

Senator Thompson (G. T.) gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

The president stated that he was about to sign Senate bill No. 83, which was done.

A petition was received from the women of Tacoma, asking that Senate bill No. 130 be not passed, an act relative to the Sunday law in incorporated cities.

Referred to the Committee on Municipal Corporations.

Senator Richards in the chair.

Senate bill No. 196, by Senator Dyer: An act defining forcible

entry, forcible detainer, and unlawful detainer of real property, and providing remedies therefor by summary proceedings.

Reported back by the committee without amendment, recommending that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Hyde, O'Neill, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van Houten, Vestal, and Wilson—21.

Absent or not voting: Senators Baker, Eshelman, Frink, Kinnear, Kneeland, Long, Luce, McCroskey, Owings, Parkinson, Thompson (L. F.), Van de Vanter, and Watt—13.

Title of the bill to remain the title of the act.

President Wilson in the chair.

REPORTS OF STANDING COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolution No. 20 has been carefully compared with the original resolution, and found correctly enrolled.

Senate bill No. 83, entitled "An act in relation to evidence in actions and judicial proceedings, and amending sections 390 and others of the Code of Washington of 1881, has been carefully compared with the engrossed copy thereof, and found correctly enrolled.

C. E. FORSYTH, Chairman,
ALEX. WATT.

By the Committee on Corporations other than Municipal:

MR. PRESIDENT:

The Committee on Corporations other than Municipal, having had under consideration Senate bill No. 204, An act providing for railroad connections, report the same back with the recommendation that it do pass.

Also, Senate bill No. 121, An act authorizing owners of elevators, warehouses and mills to build connections, with the recommendation that it do pass.

Also, Senate bill No. 185, An act to provide for the incorporation of savings and trust companies, with the recommendation that it do pass.

Also, Senate bill No. 195, An act to provide for the organization of associations for social, charitable and educational purposes, with the recommendation that it do pass.

Also, Senate bill No. 79, An act concerning the killing and injuring of

live stock by railroad companies, and to provide for the payment thereof, with the recommendation that it do pass.

B. C. VAN HOUTEN, Chairman,
R. C. McCROSKEY,
C. E. CLAYPOOL.

Other members of committee being absent.

Senate bill No. 225, by Senator Rutter (by request): An act to amend sections 1957 and 1971 of the Code of Washington, relating to liens of mechanics and others upon real property.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 20, 1891.

MR. PRESIDENT:

The House has refused to concur in the Senate amendment to the joint rules governing proceedings for removal of superior court judges, etc., and asks the Senate to recede from its amendment.

T. G. NICKLIN, Chief Clerk.

On motion of Senator Dyer, the Senate receded from its amendment to rule 8 of the joint rules for the removal of judges, etc.

Senate bill No. 188, by Senator Dyer: 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, and other sections, etc., relative to grand and petit jurors.

Reported back by the committee with amendments, recommending its passage.

Amendments adopted.

Read third time by sections, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Hyde, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Vestal, and Watt—19.

Those voting in the negative were: Senators Clough, Smith, and Wilson—3.

Absent or not voting: Senators Austin, Baker, Eshelman, Frink, Kinnear, Kneeland, Long, Luce, Parkinson, Thompson (L. F.), Van de Vanter, and Van Houten—12.

The title of the bill to remain the title of the act.

House bill No. 52, An act to provide for the appointment of court commissioners, and defining their powers, duties and compensation.

Reported back by the committee with the recommendation that the bill be indefinitely postponed.

So ordered.

Senate bill No. 144, An act providing for the appointment of state board of engineers.

Reported back by the committee recommending that the bill be referred to the committee of the whole.

On motion of Senator Claypool, the bill was laid upon the table.

Senate bill No. 163, An act relative to amending the code.

Reported back by committee with amendments, recommending its passage.

The amendments were adopted.

Read a third time by sections, and passed without further amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Forrest, Forsyth, Hastings, Hyde, Long, O'Neill, Owings, Richards, Rutter, Smith, Thompson (G. T.), Watt, and Wilson—19.

Absent or not voting: Senators Baker, Clough, Edens, Eshelman, Frink, Kinnear, Kneeland, Luce, McCroskey, Parkinson, Preston, Thompson (L. F.), Van de Vanter, Van Houten, and Vestal—15.

The title of the bill to remain the title of the act.

Senate bill No. 166, An act relative to amending the code.

Reported back by the committee with amendments, and recommending its passage.

The amendments of the committee were adopted.

A CALL OF THE SENATE.

Senators Smith, Easterday, and Claypool asked for a call of the Senate, which was ordered, as follows:

Those present were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Hyde, Long, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Vestal, Watt, and Wilson—22.

Those absent were: Senators Baker, Eshelman, Frink, Kinnear,

Kneeland, Luce, McCroskey, O'Neill, Parkinson, Thompson (L. F.), Van de Vanter, and Van Houten — 12.

On motion of Senator Dyer, further proceedings under the call were dispensed with.

Senator Thompson moved to amend Senate bill No. 166, line 4, section 1, to add the following after the word "judgment:" "Rendered in his favor."

Adopted.

Read a third time by sections, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Forrest, Forsyth, Hastings, Hyde, Long, O'Neill, Owings, Preston, Richards, Smith, Thompson (G. T.), Vestal, Watt, and Wilson — 20.

Absent or not voting: Senators Baker, Clough, Edens, Eshelman, Frink, Kinnear, Kneeland, Luce, McCroskey, Parkinson, Rutter, Thompson (L. F.), Van de Vanter, and Van Houten — 14.

Title of the bill to remain the title of the act.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 20, 1891.

MR. PRESIDENT:

The House has passed with amendments, 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.

And the same is herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

On motion of Senator Claypool, Senate bill No. 53 was taken up.

The House amendments were concurred in, and the bill placed on final passage as amended, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Hyde, O'Neill, Owings, Preston, Richards, Smith, Thompson (G. T.), Vestal, Watt, and Wilson — 21.

Absent or not voting: Senators Baker, Eshelman, Frink, Kinnear, Kneeland, Long, Luce, McCroskey, Parkinson, Rutter, Thompson (L. F.), Van de Vanter, and Van Houten — 13.

A discussion arose as to the necessity of voting again on an emergency clause after a vote had already been taken thereon and

the bill came back amended from the House, and the president was asked to make a ruling. He ruled that a vote on the emergency clause was not necessary, and requested that an appeal should be taken in order to settle the decision amicably.

Senator Dyer appealed; and on the question, Shall the decision of the chair stand as the judgment of the Senate? Senators Dyer, Preston, Hyde, Long, Austin, Vestal, and Edens, called for the yeas and nays.

The decision of the chair was sustained by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Edens, Forrest, Forsyth, Hastings, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Vestal, Watt, and Wilson—19.

Those voting in the negative were: Senators Drum, Dyer, Easterday, Hyde, and Thompson (G. T.)—5.

Absent or not voting: Senators Baker, Eshelman, Frink, Kinnear, Kneeland, Luce, Parkinson, Thompson (L. F.), Van de Vanter, and Van Houten—10.

The bill was ordered to be enrolled.

A majority and minority report on Senate bill No. 23 was received from the Committee on Labor and Labor Statistics.

Senator Rutter moved to adopt the minority report.

Senator Smith moved to amend by striking out "minority" and inserting "majority."

Senator Rutter moved that both reports lie on the table.

So ordered.

On motion of Senator Claypool, the Senate, at 4:50, adjourned.

FORTY-SIXTH DAY.

MORNING SESSION.

SENATE CHAMBER,	}
OLYMPIA, WASHINGTON, Saturday, February 21, 1891.	
10 o'clock A. M.	

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Eshelman, Frink, Hyde, Kinnear, Luce, Parkinson, and Thompson (L. F.).

Excused.

On motion of Senator Smith, the reading of the journal of yesterday, February 20th, was dispensed with, and the journal considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 20, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate bill No. 79, entitled "An act in relation to divorce."

Senate memorial No. 7, Relative to improving the Colville river.

Senate bill No. 60, To cede the jurisdiction of the state to the United States for river and harbor improvements.

Senate bill No. 84, Relative to appeals from justices' courts.

Senate bill No. 77, Declaring the rule of decision.

Senate bill No. 83, In relation to evidence in actions.

Senate bill No. 72, Vacating and modifying judgments.

Senate bill No. 73, Referees.

Senate bill No. 75, Mandate of prohibition.

Senate bill No. 76, Proceedings supplementary to execution.

Senate bill No. 78, Construction of statutes.

Senate bill No. 58, An act to fix the time for meeting of the legislature.

Senate bill No. 164, An act authorizing corporations other than religious to hold property.

The House has passed House bill No. 139, Relative to taking the census of the Colville Indians.

House memorial No. 3, Relative to public lands.

Senate bill No. 47, An act for the relief of L. E. Moore.

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.

House bill No. 30, An act creating and establishing municipal courts in cities of the State of Washington having more than twenty thousand inhabitants.

Senate concurrent resolution No. 16, Relative to furnishing county attorneys with copies of acts of legislature.

Senate concurrent resolution No. 21, Relative to consulting the surveyor general concerning school lands.

And the same are herewith returned. T. G. NICKLIN, Chief Clerk.

A petition, by Senator Preston, from the citizens of Walla Walla,

petitioning the legislature not to pass any law repealing the present Sunday law.

Read and referred to the Committee on Municipal Corporations.

A petition from Walla Walla, by Senator Thompson, from the residents of Walla Walla, asking that House bill No. 162 be not passed.

Read, and ordered to lie upon the table.

REPORTS OF STANDING COMMITTEES.

By the Committee on Agriculture:

MR. PRESIDENT:

We, your Committee on Agriculture, to which was referred Senate bill No. 212, "Declaring arbor day a legal holiday," report it back without recommendation.

R. C. McCROSKEY, Chairman,
J. H. LONG.

By the Committee on Agriculture:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred Senate bill No. 139, An act regulating estrays, have had the same under consideration, and report it back with recommendation that it be indefinitely postponed.

R. C. McCROSKEY, Chairman,
J. H. LONG,

All the members present.

By Committee on Privileges and Elections:

MR. PRESIDENT:

Your Committee on Privileges and Elections, to whom was referred Senate bill No. 136, 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," report it back without recommendation.

J. H. LONG, Chairman,
R. C. McCROSKEY,

All the members present.

By the Committee on Public Revenue and Taxation:

MR. PRESIDENT:

Your Committee on Public Revenue and Taxation would respectfully report that they have had under consideration Senate bill No. 214, entitled "An act to provide for fees and compensation of the county clerk, ex-officio clerk of the superior court," and they report the same back with the recommendation that it do pass.

W. R. FORREST,
C. E. FORSYTH,
HENRY DRUM,
B. C. VAN HOUTEN,
F. W. HASTINGS.

By special joint committee:

MR. PRESIDENT:

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 shall 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 Prof. 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 school that the pupils lead a joyous, happy life, while acquiring a good education and are 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 that 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,
JAMES SALLEE,

Visiting committee.

Read and referred to the Committee on Appropriations.

INTRODUCTION OF BILLS.

Senate bill No. 226, by Senator Long: An act regulating and fixing railroad freight rates in the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Ordered not to be printed.

House bill No. 30, by Mr. Garretson: 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.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House bill No. 139, by Mr. Smith: An act to provide for taking a census on the Colville Indian reservation and making an appropriation therefor, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Indian Affairs.

Senator Kneeland in the chair.

House memorial No. 3, by Mr. McKay: Relative to public lands.

Read first time; rules suspended, read second time by title, and referred to Committee on Memorials.

House bill No. 152, by the Judiciary Committee: An act confirming sheriff's deeds by the successor in office of sheriffs who have sold land in pursuance of law, but have not made deeds therefor.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

THIRD READING OF BILLS.

Senate bill No. 159, An act relative to the conveyance of land sold for taxes.

Reported back by the committee recommending its passage with amendments, which were adopted.

On motion of Senator G. T. Thompson, the bill was laid on the table.

Senate bill No. 47 was received from the House and ordered to be enrolled.

Senate bill No. 189, An act relative to redemption of real estate sold on execution.

Reported back by the committee with amendments, and recommending its passage.

On motion of Senator Smith, the bill was laid on the table.

President Wilson in the chair.

House bill No. 118, substitute for House bill No. 56, An act providing for the election and terms of office of county commissioners.

Reported back by the committee with amendments, and recommending its passage.

The amendments were adopted.

Senator Long moved to strike out all after the word "county," in line 2, section 7.

Senator Drum moved to amend by striking out all of section 7.

Rejected.

Senator Forrest moved to refer the bill to the Committee on County and County Lines.

Withdrawn.

Senator Hastings in the chair.

Senator Wilson moved to amend the amendment by striking out section 7 and inserting the following as section 7:

One county commissioner shall be elected from among the qualified electors of the county, and the person receiving the highest number of votes for the office of commissioner for the district in which he resides shall be declared duly elected from that district.

Adopted.

President Wilson in the chair.

The bill then passed as amended, by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Van Houten, Vestal, Watt, and Wilson—19.

Those voting in the negative were: Senators Drum, Dyer, Easterday, and Thompson (G. T.)—4.

Absent or not voting: Senators Austin, Baker, Claypool, Eshelman, Frink, Kinnear, Luce, Parkinson, Rutter, Thompson (L. F.), and Van de Vanter—11.

The title of the bill to remain the title of the act.

Senator Kneeland gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

Senate bill No. 227, by Senator Claypool: An act for the relief of John Huntington and John D. Lytle, co-partners known as Huntington & Lytle, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Claims.

Senate bill No. 20, by Mr. Long: Relative to an exhibition of products of Washington at the Columbian exposition, and making an appropriation therefor.

Reported back by the committee with amendments, and recommending that the bill pass.

The amendments as reported were adopted.

On motion of Senator Dyer, the Senate went into a committee of the whole to consider the bill.

Senator Drum in the chair.

The committee of the whole arose, reported progress, and asked leave to sit again.

President Wilson in the chair.

On motion of Senator Hastings, the vote by which Senate bill No. 194 was lost, was reconsidered, and ordered to be laid upon the table.

On motion of Senator Van Houten, the Senate, at 12:30, adjourned until 2:30 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, February 21, 1891. }
2:30 o'clock P. M.

Senate called to order at 2:30 o'clock P. M. pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Eshelman, Frink, Kinnear, Luce, Parkinson, Rutter, Thompson (L. F.), and Van de Vanter.

Excused.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 21, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate concurrent resolution No. 20, Relative to conference with surveyor general concerning state lands.

The House has passed Senate joint resolution No. 1, Relative to visit of president to this state.

The House has adopted House concurrent resolution No. 17, Relative to appointing committee to investigate title to capitol site and other grounds.

The House has passed House bill No. 259, entitled "An act relating to trustees and commissioners of state institutions."

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

By Senator Dyer:

WHEREAS, The proceedings for the removal of one Morris B. Sachs, a judge of the superior court of Jefferson, Clallam, Kitsap, Island, and San Juan counties, as provided for in section 9, article 4, of the constitution of the State of Washington, is set for hearing before the joint convention of the Senate and House of Representatives for Tuesday, February 24, 1891, at 7:30 P. M.; and

WHEREAS, These proceedings will establish a precedent which will be of great importance in the future history of the state; and

WHEREAS, A number of the Senators elected to the present Senate are absent; therefore, be it

Resolved by the Senate, That all excuses for absent members, excepting Senator Baker, of Pierce, be and are hereby revoked, and the president of the Senate be and is hereby directed to request all absentees by telegraph at once to be present at the convening of the Senate on Monday, February 23, 1891.

Read and adopted.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate bill No. 81, entitled "An act in relation to prosecutions for public offenses, and amending section 782, etc., of the Code of 1881," has been delivered to the governor for his approval, this 21st day of February, 1891.

Also, that Senate concurrent resolutions Nos. 18 and 19, have been delivered to the Secretary of state.

C. E. FORSYTH, Chairman,

ALEX. WATT,

Members of committee.

A petition by Senator Claypool from members of the Brotherhood of Painters and Decorators of America Union No. 146, Tacoma, Washington, relative to railroad legislation.

Read and referred to the Committee on Corporations other than Municipal.

A petition by Senator Smith from members of the bar of Yakima county, remonstrating against the proposed division of the judicial district of Yakima, Kittitas and Klickitat counties.

Read and referred to the Judiciary Committee.

Senator Austin granted an indefinite leave of absence.

Senators Rutter and Clough excused till Monday.

Senate joint resolution No. 1 received from the House and ordered to be enrolled.

COLUMBIA RIVER IMPROVEMENTS.

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 waterways 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 Thos. 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 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 hitherto followed by congress is continued; second, the construction of a boat railway, for which surveys even have not 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 at 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 and 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 canals. 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, or a portage railroad 11½ miles long, which the government engineers, after making careful surveys, estimate will cost, with necessary inclines and equipments, \$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 water edges 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 cars, either loaded or empty, can be run on and off, and thus be 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 should 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 Oregon and Washington 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 construe 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 lawfully 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 this 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 special 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 of navigable water 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 from 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 and Oregon 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 \$341,-

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 engineers; 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, 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.

T. J. SMITH,

C. E. FORSYTH,

Members of joint Senate committee.

J. HUNSAKER,

JOHN L. SHARPSTEIN,

P. E. BERRY,

Members of joint House committee.

P. B. JOHNSON, Clerk of Washington special joint committee.

On motion of Senator Dyer, 500 copies were ordered to be printed.

Senate bill No. 228, by Senator Smith: An act requiring persons or 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.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Ordered not to be printed.

Senate bill No. 120, by Senator Kneeland: An act providing for the establishment and location of a state normal school, the creation of a commission to locate the same, and to declare an emergency.

Read a third time by sections, and, on motion of Senator Dyer, made a special order for 2 P. M., Wednesday, February 25th.

Senate bill No. 35, by Senator Clough: Appropriation for Washington school for defective youth.

Reported back by the committee with amendments, recommending that the bill pass.

On motion of Senator Kneeland the bill was laid upon the table.

Senate bill No. 204, by Senator Smith: Relative to railroad connections.

Reported back by the committee recommending its passage.

On motion of Senator Smith, the bill was laid upon the table.

Senate bill No. 121, by Senator Smith: An act authorizing owners of elevators, warehouses and mills to build connections with railroads.

Reported back without amendment, and recommending its passage.

Senator Smith moved to amend the bill by adding the following: "And providing for their operation."

Adopted.

Read a third time by sections, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Richards, Smith, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Eshelman, Frink, Kinnear, Luce, Parkinson, Preston, Rutter, Thompson (L. F.), and Van de Vanter—13.

Title of the bill to remain the title of the act.

Senator Owings gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

The following resolution by Senator Owings:

Resolved by the Senate, That the sergeant-at-arms be and is hereby instructed to furnish one-third of the number of the reports published of the state auditor of the last annual report, for the use of the Senate. If for any reason he is unable to secure the same, to report the facts to the Senate in writing.

Read and adopted.

Senate bill No. 185, by Senator Watt: Incorporation of savings and trust companies.

Reported back by the committee without amendment, recommending that the bill pass.

Read a third time by sections, and, on motion of Senator Hyde, ordered to lie upon the table.

Senate bill No. 195, by Senator Claypool: Relative to incorporation of associations.

Reported back without amendment and recommending that the bill pass.

Read a third time by sections.

Senator Claypool moved to amend as follows: In the sixth line of section 5, after the word "number," insert "a majority of whom shall be residents of the State of Washington."

Adopted.

Senator Claypool moved to strike out the word "agreement" and insert "incorporation" in line 2, section 13.

Adopted.

Senator Dyer moved to add to the end of section 13, as follows:

"Provided, That nothing in this act shall be construed as authorizing any association formed for the purpose of encouraging athletic exercises, to offer money or trophies for public sparring exhibitions."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Van Houten, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Clough, Eshelman, Frink, Kinnear, Luce, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Van de Vanter—13.

The title of the bill to remain the title of the act.

Senator Dyer in the chair.

House bill No. 79, by Mr. Ready: Relative to killing and injuring of live stock.

Reported back by the committee without amendments and recommending its passage.

Read a third time by sections.

Following was the vote:

Those voting in the affirmative were: Senators Cooper, Drum, Dyer, Edens, Forrest, Hastings, Hyde, Kneeland, Owings, Preston, Richards, Van Houten, Vestal, Watt, and Wilson—15.

Voting in the negative: Senator Claypool—1.

Absent or not voting: Senators Austin, Baker, Clough, Easterday, Eshelman, Forsyth, Frink, Kinnear, Long, Luce, McCroskey, O'Neill, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Van de Vanter—18.

No quorum voting.

President Wilson in the chair.

House bill No. 190, by the special joint fishery committee: An act to amend sections 1, 7 and 12 of an act entitled "An act to protect salmon and other food fish, and declaring an emergency."

Read a third time by sections.

Senator Kneeland moved to strike out section 7.

Rejected.

The bill passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Hyde, Long, O'Neill, Owings, Preston, Richards, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—20.

Those voting in the negative were: Senator Kneeland—1.

Absent or not voting: Senators Austin, Baker, Clough, Eshelman, Frink, Kinnear, Luce, McCroskey, Parkinson, Rutter, Smith, Thompson (L. F.), and Van de Vanter—13.

On motion of Senator Forrest, the bill was laid upon the table.

By the Committee on Public Revenue and Taxation:

MR. PRESIDENT:

Your Committee on Public Revenue and Taxation would respectfully report that they have had under consideration Senate bill No. 173, entitled "An act to compel employers of labor, their agents or time keepers, to furnish the county assessor, or his deputy, with a list of persons in their employ liable for poll tax, and declaring an emergency," and your committee report said bill back with the recommendation that the same be indefinitely postponed.

Your Committee on Public Revenue and Taxation would respectfully report, that they have had under consideration Senate bill No. 219, entitled "An act to amend section 1 of an act entitled 'An act to regulate, restrain, license or prohibit the sale of intoxicating liquors,'" approved

February 2, 1888, and report the same back with the recommendation that it do pass.

W. R. FORREST, Chairman,
F. W. HASTINGS,
HENRY DRUM,
C. E. FORSYTH,
B. C. VAN HOUTEN,
N. H. OWINGS.

A petition by Senator Thompson (by request), from the Berryman farmers' alliance No. 78, of Walla Walla county, in favor of railroad legislation.

Read and referred to the Committee on Corporations other than Municipal.

Senators Dyer, Easterday and Hastings moved for a call of the Senate, which was ordered.

Those present were: Senators Claypool, Cooper, Dyer, Easterday, Edens, Forrest, Forsyth, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Thompson (G. T.), Vestal, Watt, and Wilson — 20.

Those absent were: Senators Austin, Baker, Clough, Drum, Eshelman, Frink, Kinnear, Luce, Parkinson, Rutter, Smith, Thompson (L. F.), Van de Vanter, and Van Houten — 14.

On motion of Senator Forrest, further proceedings were dispensed with.

Senate bill No. 229, by Senator Owings: An act creating a commission for the purpose of acquiring title to certain lands and premises for public uses of the State of Washington, and making an appropriation therefor.

Read first time; rules suspended, read second time by title, and referred to the Committee on Public Buildings and Grounds.

On motion of Senator Easterday, Senate bill No. 49 was taken from the table and placed on general file.

On motion of Senator Forrest, the Senate, at 5 P. M., adjourned till 10 A. M. Monday, February 23d.

FORTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, February 23, 1891. }
10:15 o'clock A. M.

Senate called to order pursuant to adjournment, by the secretary. In the absence of President Wilson Senator Claypool was called to the chair.

In the absence of a quorum the Senate took a recess for thirty minutes.

Those absent were: Senators Austin, Baker, Clough, Drum, Easterday, Eshelman, Forsyth, Frink, Hastings, Hyde, Kneeland, Long, Luce, Owings, Parkinson, Rutter, Thompson (L. F.), Van de Vanter, Watt, and Wilson.

Senate called to order at 10:45; roll called, all present excepting Senators Austin, Baker, Clough, Drum, Easterday, Eshelman, Forsyth, Frink, Kneeland, Long, Luce, Parkinson, Rutter, Thompson (L. F.), Van de Vanter, Watt, and Wilson.

No quorum being present, the Senate, on motion of Senator Forrest, adjourned till 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, February 23, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Drum, Forsyth, Luce, Van de Vanter, and Watt.

On motion of Senator Easterday, the reading of the journal was dispensed with, and the journal was considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 23, 1891.

MR. PRESIDENT:

The House has indefinitely postponed Senate bill No. 128, An act for the removal of causes from one court to another.

Senate bill No. 103, An act relating to arrest and bail in civil actions.

Senate bill No. 171, For incorporation of bar associations.

Senate bill No. 162, An act to amend an act in relation to estates.

Senate memorial No. 2, Relative to public land donations.

The House has passed House bill No. 182, entitled "An act making it unlawful to catch or kill trout during certain seasons."

House concurrent resolution No. 18, In relation to joint committee to conduct the Sachs case, and the speaker has appointed the following committee on the part of the House: Messrs. Snively, Berry, and Smyth.

T. G. NICKLIN, Chief Clerk.

PETITIONS, RESOLUTIONS, ETC.

Three petitions were introduced by Senator Van Houten. One from the chamber of commerce of Spokane Falls, one from McCrea & Co. and others, of Rockford, petitioning against the passage of House bill No. 162.

Read and placed on file.

And one from the Local Insurance Union of Spokane Falls, asking the legislature to repeal that portion of the revenue law requiring a tax of 2 per cent. on gross premiums collected by insurance companies, and to provide for a reasonable tax on premiums.

Read, and referred to the Committee on Revenue and Taxation.

A petition by Senator Clough, from the citizens of Vancouver, asking that the present Sunday law be not repealed.

Read, and referred to Committee on Corporations other than Municipal.

REPORTS OF STANDING COMMITTEES.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 67, beg leave to report that they have had the same under consideration, and respectfully report a substitute bill, and recommend that the substitute pass.

J. R. KINNEAR, Chairman.

Report concurred in by all members of committee.

The substitute was adopted as an amendment to the original bill.

By the Committee on Public Revenue and Taxation:

MR. PRESIDENT:

Your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 200, entitled "An act to define, regulate, and govern the Washington penitentiary, and declaring an emergency," beg to report the same favorably, and recommend that it pass.

W. R. FORREST, Chairman,
F. W. HASTINGS,
N. H. OWINGS,
L. F. THOMPSON,
S. VESTAL.

By the Committee on Indian Affairs:

MR. PRESIDENT:

Your Committee on Indian Affairs, to whom was referred House bill No. 139, Relative to taking the census of the Colville Indians, respectfully report the same back with the recommendation that it be passed.

JAMES O'NEILL,
T. J. SMITH,
FRANK H. RICHARDS.

By the Committee on Mines and Mining:

MR. PRESIDENT:

Your Committee on Mines and Mining, to whom was referred Senate bill No. 157, An act providing for the location and regulation of mines and mineral deposits, and for other purposes, have considered the same, and respectfully report the same back with the recommendation that it be passed.

JAMES O'NEILL,
W. C. RUTER.

By the Committee on Harbors and Harbor Lines:

MR. PRESIDENT:

We, your Committee on Harbors and Harbor Lines, have had under consideration Senate bill No. 168, and now beg leave to report the same back, and recommend that it pass.

C. G. AUSTIN, Chairman,
HENRY C. COOPER.

By the Committee on Municipal Corporations:

MR. PRESIDENT:

The Committee on Municipal Corporations having had under consideration Senate bill No. 193, An act to amend section 2 of an act authorizing cities and towns to construct internal improvements and to issue bonds to pay therefor, approved March 26, 1890, and to declare an emergency, would respectfully recommend that it do pass.

Also, Senate bill No. 174, An act requiring the appointment of police matrons in certain cities, designating their duties and directing their compensation, with the recommendation that it do pass as amended.

Also, Senate bill No. 149, An act to amend section 117 of an act providing for the organization, classification, incorporation and government of municipal corporations, approved March 24, 1890, do pass as amended.

Also, Senate bill No. 192, An act to amend sections 5, 6, 7 and 8 of an act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies and payment of salaries, without recommendation.

E. B. HYDE,
L. F. THOMPSON,
Committee.

By Committee on Memorials:

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred House memorial No. 3, Relative to public lands, have had the same under consideration and now report the same back to the Senate with the recommendation that it pass.

GEO. T. THOMPSON, Chairman,
J. R. KINNEAR.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that the following have been compared with the original bills, and found correctly enrolled:

Senate bill No. 47, entitled "An act for the relief of Lindley E. Moore.

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."

Senate bill No. 85, "An act relating to judgments upon promissory notes and similar instruments."

Senate bill No. 86, entitled "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. 87, entitled "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."

Senate bill No. 88, entitled "An act relating to proceedings upon habeas corpus."

Senate bill No. 89, entitled "An act relating to actions to abate nuisances, and amending section 606 of the Code of Washington of 1881."

Senate bill No. 90, entitled "An act in relation to the appropriation of property of corporations."

Senate bill No. 91, entitled "An act relating to proceedings in cases of forcible entry into or forcible detainer of lands."

Senate bill No. 92, entitled "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. 95, entitled "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, entitled "An act relating to exceptions, and amending section 260 of the Code of Washington of 1881."

Senate bill No. 100, entitled "An act relating to motions to dissolve or modify injunctions, and amending section 169 of the Code of Washington of 1881."

Senate bill No. 102, entitled "An act relating to proceedings to obtain possession of personal property, during the pending of an action for the recovery thereof, and amending section 152 of the Code of Washington of 1881."

Senate bill No. 106, entitled "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."

Senate bill No. 107, entitled "An act with relation to parties to civil actions and proceedings, amending sections 12 and 13 of the Code of Washington of 1881."

Senate bill No. 108, entitled "An act relating to the time within which actions may be commenced, amending section 25 of the Code of Washington of 1881."

Senate bill No. 111, entitled "An act in relation to sheriffs."

Senate bill No. 116, entitled "An act in relation to the holding of sessions of courts.

Senate bill No. 113, entitled "An act in relation to juries."

Senate bill No. 114, entitled "An act in relation to legal holidays."

Senate concurrent resolution No. 16, Relative to furnishing laws to county attorneys and clerks.

Senate concurrent resolution No. 21, Relative to filing mineral claims on school lands.

Senate joint resolution No. 2, Relative to the president of the United States and some of the members of his cabinet visiting the Pacific Coast.

W. J. PARKINSON,

Other members of the committee absent.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate joint memorial No. 10, On the death of William Tecumseh Sherman, has been carefully compared with the original, and found correctly enrolled.

W. J. PARKINSON,

Other members of the committee absent.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled bills begs leave to report that Senate bills Nos. 2, 58, 60, 72, 73, 75, 76, 77, 78, 79, 83, 84, and 164 have been delivered to the governor for his approval this 23d day of February, 1891.

Senate memorial No. 7 and Senate concurrent resolution No. 20 have been delivered to the secretary of state.

W. J. PARKINSON,

Other members of committee being absent.

A message was received from the governor, relative to the late Indian outbreak in Okanogan county.

Read, and referred to the Committee on Indian Affairs.

INTRODUCTION OF BILLS.

House bill No. 162, by the 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 line, providing a punishment, and declaring an emergency.

Read first time; rules suspended, read second time by title, and placed on general file.

House bill No. 259, by Mr. Sharpstein: An act in relation to directors, trustees and commissioners of state institutions.

Read first time; rules suspended, read second time by title, and referred to the Committee on Internal Revenue.

House concurrent resolution No. 17, by Mr. Garretson: 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.

Read and adopted.

The president appointed Senators Owings and Forrest to act on said committee on the part of the Senate.

Senate bill No. 230, substitute for Senate bill No. 67: An act in relation to attachments, garnishments and procedure therein, and declaring an emergency.

The substitute was adopted, and placed on general file.

Senate bill No. 231, by Senator Dyer: 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 a reporter; also providing for additional bill of exceptions, to be filed with the report, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House concurrent resolution No. 18, by Mr. Plummer: Relative

to a committee of five, three from the House and two from the Senate, being appointed managers in the proceedings against Morris B. Sachs.

Read and adopted.

The president appointed Senators Claypool and Dyer to act on the part of the Senate.

Senator Dyer in the chair.

Senate bill No. 232, by Senator L. F. Thompson (by request): An act to provide for the establishment of an orphan's home.

Read first time; rules suspended, read second time by title, and referred to the Committee on State Insane.

THIRD READING OF BILLS.

House bill No. 79, by Mr. Ready: An act concerning the killing and injuring of live stock by railroad companies, and to provide for the payment thereof.

Passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Vestal, and Wilson—25.

Absent or not voting: Senators Baker, Drum, Forsyth, Hyde, Luce, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—9.

The title of the bill to remain the title of the act.

President Wilson in the chair.

Senate bill No. 6, by Senator Parkinson: An act concerning the appointment and qualifications, and defining the duties of court commissioners, and declaring an emergency.

Reported back by the committee recommending that the bill be indefinitely postponed.

So ordered.

Senate bill No. 7, by Senator Parkinson: An act providing for the appointment an election of an additional superior court judge, and declaring an emergency.

Reported back by the committee recommending that the bill be indefinitely postponed.

So ordered.

Senate bill No. 27, by Senator Van Houten: An act to provide

for a superior judge for the counties of Yakima and Klickitat, and declaring an emergency to exist.

Reported back by the committee recommending that the bill be indefinitely postponed.

So ordered.

Senate bill No. 45, by Senator Van Houten: An act providing for additional superior court judge for Spokane and Stevens counties, and declaring an emergency to exist.

Reported back by the committee with the recommendation that the bill be indefinitely postponed.

So ordered.

The president stated that he was about to sign Senate bills Nos. 88, 85, 89, 87, 47, 90, 53, 91, and 86; Senate concurrent resolution No. 21; Senate bills Nos. 96, 95, 107; Senate joint resolution No. 2; Senate bills Nos. 92, 108, 116, 106, 111; Senate concurrent resolution No. 16; Senate bills Nos. 100, 114, 102, and 113, which was done.

Senate bill No. 55, by Senator Dyer: An act providing for the cession of jurisdiction to the government of the United States, over certain lands situated in Kitsap county, in the State of Washington.

Reported back by the committee with the recommendation that the bill be indefinitely postponed.

Senate bill No. 137, by Senator Claypool: An act to amend section 2315 of the Code of Washington, relative to acknowledgment of deeds, mortgages and other instruments in writing.

Reported back by the committee with the recommendation that the bill pass.

Ordered to lie upon the table.

Senate bill No. 161, by Senator Dyer: 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.

Reported back by the committee with the recommendation that the bill be indefinitely postponed.

So ordered.

Senate bill No. 177, by Senator Dyer: An act to amend sections 5 and 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.

Reported back by the committee with the recommendation that the bill pass without amendment.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Vestal, and Wilson—24.

Senator Easterday voted in the negative.

Absent or not voting: Senators Baker, Drum, Forsyth, Long, Luce, Rutter, Van de Vanter, Van Houten, and Watt—9.

The emergency clause was then taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Vestal, and Wilson—25.

Absent or not voting: Senators Baker, Drum, Forsyth, Long, Luce, Rutter, Van de Vanter, Van Houten, and Watt—9.

Title of the bill to remain the title of the act.

Senate bill No. 179, by Senator Kneeland: A bill for an act making the state treasurer ex-officio fiscal agent for the State of Washington, defining his duties and declaring an emergency.

Reported back by the committee with amendments and recommending its passage.

Amendments were adopted, the rules were suspended, the bill was considered engrossed, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest,

Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Vestal, and Wilson—26.

Absent or not voting: Senators Baker, Drum, Forsyth, Luce, Thompson (G. T.), Van de Vanter, Van Houten, and Watt—8.

The emergency clause was then taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Vestal, and Wilson—26.

Absent or not voting: Senators Baker, Drum, Forsyth, Luce, Thompson (G. T.), Van de Vanter, Van Houten, and Watt—8.

Title of the bill to remain the title of the act.

Senator Forrest in the chair.

Senate bill No. 209, by Senator Dyer: Regulating fees of justices of the peace for services rendered by them.

Reported back with amendments, recommending its passage.

The amendments as reported were adopted, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Vestal, and Wilson—21.

Absent or not voting: Senators Baker, Drum, Forsyth, Hyde, Long, Luce, Richards, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt—13.

The emergency clause was taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, and Vestal—23.

Absent or not voting: Senators Baker, Drum, Forsyth, Long, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—11.

The title of the bill to remain the title of the act.

Senator L. F. Thompson was excused till to-morrow.

Senate bill No. 119, by 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.

Received from the House with amendments.

The amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, and Vestal—22.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Long, Luce, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—12.

Title of the bill to remain the title of the act.

Senate bill No. 118, by 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.

Received from the House with amendments, the amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, O'Neill, Owings, Preston, Rutter, Thompson (G. T.), Thompson (L. F.), Watt, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Drum, Frink, McCroskey, Parkinson, Richards, Smith, Van de Vanter, Van Houten, and Vestal—11.

The title of the bill to remain the title of the act.

Senate bill No. 115, by the Judiciary Committee: An act in relation to magistrates.

Received from the House with amendments.

The amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, and Vestal—21.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Long, Luce, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—13.

The title of bill to remain the title of the act.

Senate bill No. 112, by the Judiciary Committee: An act in relation to the powers of courts and judicial officers.

Received from the House with amendments.

The amendments were concurred in, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, and Vestal—20.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Long, Luce, Owings, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—14.

The title of the bill to remain the title of the act.

Senate bill No. 110, by the Judiciary Committee: An act in relation to attorneys.

Received from the House with amendments.

The amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Vestal, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt—12.

The title of the bill to remain the title of the act.

Senate bill No. 109, by the Judiciary committee: An act in relation to the powers and duties of clerks of courts.

Received from the House with amendments; the amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Parkinson, Richards, Smith, Thompson (G. T.), Vestal, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Luce, Owings, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—12.

The title of the bill to remain the title of the act.

Senate bill No. 105, by the Judiciary Committee: Relating to the manner of commencing civil actions.

Received from the House with amendments; the amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Parkinson, Richards, Smith, Thompson (G. T.), Vestal, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Hastings, Luce, Owings, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—13.

The title of the bill to remain the title of the act.

Senate bill No. 104, by the Judiciary Committee: Relating to pleadings in civil actions and amending sections 76, 77 and 109 of the Code of Washington of 1881.

Received from the House with amendments.

The amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Parkinson, Richards, Smith, Thompson (G. T.), Vestal, and Wilson—20.

Absent or not voting were: Senators Austin, Baker, Claypool, Drum, Forsyth, Hastings, Luce, Owings, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—14.

The title of the bill to remain the title of the act.

Senate bill No. 101, by the Judiciary Committee: An act relating to the proceedings against persons who violate injunctions, and amending section 168 of the Code of Washington of 1881.

Received from the House with amendments.

The amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Parkinson, Richards, Smith, Thompson (G. T.), Vestal, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Claypool, Drum, Forsyth, Hastings, Luce, Owings, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—14.

Title of the bill to remain the title of the act.

Senate bill No. 99, by the Judiciary Committee: An act in relation to receivers.

Received from the House with amendments; the amendments were adopted, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (G. T.), and Vestal—19.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Forsyth, Hastings, Long, Luce, Owings, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—15.

The title of the bill to remain the title of the act.

Senate bill No. 98, by the Judiciary Committee: In relation to trial by jury.

Received from the House with amendments; the amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Vestal, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Hastings, Luce, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—12.

The title of the bill to remain the title of the act.

President Wilson in the chair.

Senate bill No. 97, by the Judiciary Committee: An act in relation to arbitration and award, and amending sections 266 and 269 of the Code of Washington of 1881.

Received from the House with amendments.

The amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Vestal, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Claypool, Drum, Forsyth, Hastings, Long, Luce, Owings, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—14.

The title of the bill to remain the title of the act.

Senator Parkinson in the chair.

Senate concurrent resolution No. 22, by Senator Owings: Relative to amending rule VII of rules of proceedings in mode of removal of superior judges.

Senator Wilson moved to amend by striking out all after the word "yeas."

Adopted.

The resolution was then read and adopted.

President Wilson in the chair.

Senate bill No. 233, An act relating to crimes against public morals and decency.

Read first time; rules suspended, read second time by title, and referred to the Committee on Public Morals.

Senate bill No. 214, by Senator Kneeland: To provide for fees and compensation of the county clerk, ex-officio clerk of the superior court.

Reported back by the committee with the recommendation that the bill pass.

On motion of Senator Kinnear, the bill was made a special order for 10:30 Tuesday, February 24th.

Senate bill No. 139, by Senator Claypool: An act relating to estrays.

Reported back by the committee recommending that the bill be indefinitely postponed.

So ordered.

Senator Dyer in the chair.

Senate bill No. 136, by Senator Wilson: 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.

Reported back by the committee without recommendation.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, Owings, Parkinson, Preston, Richards, Smith, Vestal, and Wilson—21.

Senator McCroskey voted in the negative.

Absent or not voting: Senators Baker, Drum, Forsyth, Hast-

ings, Luce, O'Neill, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt—12.

President Wilson in the chair.

On motion of Senator Frink, the Senate, at 5:05, adjourned.

FORTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, February 24, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Hastings, Hyde, Long, Luce, G. T. Thompson, Van de Vanter, and Watt.

Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, February 23d, was dispensed with, and the journal was considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 23, 1891.

MR. PRESIDENT:

The House has passed House bill No. 261, entitled "An act to amend section 8 of an act relative to completion, annotation and distribution of the laws of Washington."

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 tax, and declaring an emergency.

House bill No. 45, An act to cure defective titles, etc.

Senate bill No. 123, An act for the relief of L. P. Berry, agent.

The speaker of the House has signed 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."

House concurrent resolution No. 18, Relative to, proceedings against Morris B. Sachs.

The House has concurred in Senate concurrent resolution No. 22, In relation to removal of judges, and the House has amended the same by adding "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," and the same is herewith returned to the Senate.

T. G. NICKLIN, Chief Clerk.

The following was read, and the invitation was accepted:

To the members of the Senate:

You are cordially invited to a "Martha Washington" dinner to be given at Columbia Hall this evening by the ladies of the Presbyterian church.

Dinner served from 5 to 9.

Price per couple 50 cents.

REPORTS OF STANDING COMMITTEES.

By the Judiciary Committee.

MR. PRESIDENT:

Your Committee on Judiciary, to whom 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," have had the same under consideration, and now respectfully report the same back to the Senate with amendments, and as amended recommend that the bill pass.

First amendment: Amend by striking out section eleven of said bill, and amend by re-numbering following sections to correspond.

Second amendment: Amend by striking out the word "superior," in line 6 of section 12, and inserting in lieu thereof the word "justice;" and amend by striking out the word "supreme," in line 7 of said section, and inserting in lieu thereof the word "superior."

Third amendment: Amend by striking out the word "and," in line 5 of section 15; and amend by striking out the words "civil cases," in line 6 of said section.

Fourth amendment: Amend by striking out the words "\$2,700.00," in line 2 of section 19, and inserting in lieu thereof the words "\$2,400.00;" and amend by striking out the words "\$1,500.00," in line 5 of said section, and inserting in lieu thereof the words "\$1,200.00;" amend by striking out the word "civil," in line 15 of said section.

Fifth amendment: Amend by adding after the word "mayor," in line 27 of section 20, the words "by and with the consent of the city council," making it read as follows: "It shall be the duty of the mayor, by and with the consent of the city council, to appoint a clerk of the municipal court in each of said cities as in this act provided, immediately upon the going into effect of this act."

Your Committee on Judiciary, to whom was referred Senate bill No.

138, entitled "An act entitled an act to amend section 347 of the Code of Washington, in relation to exemptions," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that said bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred House bill No. 152, substitute for House bill No. 58, entitled "An act confirming sheriff's deeds made by the successors in office of sheriffs who have sold land in pursuance of law but have not made deeds therefor," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that said bill pass.

Your Committee on Judiciary, to whom 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," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that said bill pass.

Your Committee on Judiciary, to whom was referred Senate bill No. 169, 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," have had the same under consideration, and now respectfully report that said bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred Senate bill No. 154, entitled "An act to prevent the sale, removal and secretion of mortgaged personal property, and to provide a penalty therefor," have had the same under consideration, and now respectfully report the same back to the Senate with amendments, and as amended recommend that the bill pass.

First amendment: Amend title to read: "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."

Second amendment: In line 1 of section 1, after the words "section 1," insert the words: "Section 1999 of the Code of Washington Territory, relating to sale, removal and secretion of mortgaged personal property, is hereby amended to read as follows: Section 1999."

Your Committee on Judiciary, to whom was referred Senate bill No. 190, entitled "A bill ~~for~~ an act to amend section 3 of an act entitled 'An act to provide for 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," have had the same under consideration, and now respectfully report the same back to the Senate with amendment, and as amended recommend that the bill pass.

First amendment: Amend by adding to section 3 the following: "*Provided*, That the time for taking an appeal shall not hereby be extended beyond six months from the date of the rendition of the judgment."

Your Committee on Judiciary, to whom was referred Senate bill No. 220, entitled "An act making it a crime to make false reports against employes, and providing for the punishment of persons making the same," have had the same under consideration, and now respectfully report the same back to the Senate without recommendation.

Your Committee on Judiciary, to whom was referred Senate bill No. 144, entitled "An act declaring the city clerk a police magistrate in cities having a population of more than fifteen hundred and less than five thousand, and declaring an emergency," have had the same under consideration, and now respectfully report the same back with the recommendation that said bill be indefinitely postponed.

Your Committee on Judiciary, to whom was referred House bill No. 172, entitled "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,'" have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that said bill do pass.

Respectfully submitted.

J. R. KINNEAR, Chairman.

Report concurred in by Senators Easterday, Austin, Claypool, Dyer, and Parkinson.

By Committee on Military:

MR. PRESIDENT:

Your Committee on Military, to whom was referred Senate bill No. 59, begs leave to report that they have had the same under consideration, and now report it back with amendments, and recommend that the bill pass as amended.

TRUSTEN P. DYER, Chairman,
C. E. CLAYPOOL.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolution, amending rule VII of joint rules of mode of procedure for removal of judges, etc., has been carefully compared with the original resolution, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
Member of committee.

By the special committee on state university:

MR. PRESIDENT:

Your special committee, appointed to serve with a like committee from the House, 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 prom-

inent 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 need and conditions of the university were freely discussed, and a number of committees were appointed to cooperate with the legislative committee. One of the 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 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 spot of which it was said would be donated to the university, but such donations would not exceed forty acres, and the committee decided it was not desirable as a location for the university; and we also visited section 16, township 25, north of 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 waters 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 shall be. This site is easy of access, the line of the Seattle, Lake Shore & Eastern railway now 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 will 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 found that there was no hindrance against setting aside school land for university purposes, providing interest on the appraised value of the school land 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 Seattle, and it is estimated to be worth from \$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 use of the institution. We believe it to be for the best interest 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 concerning our views of the matters in question, and we respectfully report it favorably for passage.

L. F. THOMPSON, Chairman of Senate committee.

E. S. MEANY, Chairman of House committee.

Senate bill No. 123 received from the House and ordered to be enrolled.

Senate concurrent resolution No. 22, In relation to the removal of judges, and amending one of the joint rules.

Received from the House, with amendments; the rules were suspended, and the amendments concurred in.

On motion of Senator Dyer, the secretary and chief clerk of the House were ordered to prepare the joint rules as amended, and have them printed for use this evening.

INTRODUCTION OF BILLS.

Senate bill No. 234, by Senator Watt: An act in relation to the duties of county attorneys, and declaring an emergency therefor.

Read first time; rules suspended, read second time by title, and referred to Committee on Judiciary.

Senate bill No. 235, by the joint committee on state university of Washington: An act providing for the establishment, location, maintenance and support of the university of Washington.

Read first time; rules suspended, read second time by title, and placed on general file.

Ordered not to be printed.

THIRD READING OF BILLS.

Senate bill No. 59, by Senator Claypool: An act appropriating \$19,183.19 on account of a deficiency in the fund for the support of the national guard of Washington for the years 1889-90.

Reported back by the committee with amendments, recommending its passage.

On motion of Senator Dyer, the Senate went into a committee of the whole to consider the bill.

Senator Frink in the chair.

The committee of the whole arose and reported that it recommended the passage of the bill as amended.

President Wilson in the chair.

The amendments as reported by the committee were adopted.

The bill was read a third time by sections.

Senator Drum moved to amend by inserting the word "state" after the word "general"

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van Houten, Vestal, and Wilson—26.

Senator Smith, voted in the negative.

Absent or not voting: Senators Baker, Hastings, Long, Luce, Thompson (G. T.), Van de Vanter, and Watt—7.

Title of the bill to remain the title of the act.

The special order of Senate bill No. 214, on motion of Senator Dyer, was continued till 2:30 P. M. this afternoon.

On motion of Senator Rutter, House bill No. 34 was taken up for consideration.

House bill No. 34, by Mr. Adams: An act declaring eight hours labor shall constitute a legal day's work done by and for the state, or any county or municipality therein.

Senator Parkinson in the chair.

The bill was read a third time by sections.

President Wilson in the chair.

Senator Owings moved to amend by adding to the end of section 1: "*Provided*, That nothing in this act shall be so construed as to add any additional cost to any public works in this state."

Adopted.

Senator Claypool moved to reconsider the vote by which the amendment was adopted.

So ordered.

The amendment was then rejected.

The bill failed to pass by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Drum, Dyer, Edens, Forrest, Frink, Kinnear, McCroskey, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van Houten, and Wilson—17.

Those voting in the negative were: Senators Austin, Cooper, Easterday, Eshelman, Forsyth, Kneeland, O'Neill, Owings, and Vestal—9.

Absent or not voting: Senators Baker, Hastings, Hyde, Long, Luce, Thompson (G. T.), Van de Vanter, and Watt—8.

The following telegram was presented by President Wilson, and read:

VANCOUVER, WASH., February 24, 1891.

Eugene T. Wilson, President of the Senate:

No delegation should be selfish as to the name of the grand mountain standing an eternal token of the magnificence of our beloved young commonwealth. Let the name of the glorious pile be Mount Sherman, and you have a fitting God-given monument to one of the great captains of the greatest epoch in our nation's life. JNO. D. GEOGHEGAN.

The president stated that he was about to sign House concurrent resolution No. 18, and House bill No. 51, which was done.

COMMITTEE ON STATE PRISON.

The following report was made by the Committee on State Prison:

MR. PRESIDENT:

Your Committee on State Prison, to whom was referred that portion of the message of the governor relating to the United States penitentiary at McNeil's Island, submit the following report:

In accordance with your directions, the following letter was sent to Hon. W. H. H. Miller, the attorney general of the United States:

STATE OF WASHINGTON, SENATE CHAMBER,
OLYMPIA, February 3, 1891.

Hon. W. H. H. Miller, Attorney General of the United States, Washington, D. C.:

SIR—The Senate of the State of Washington has directed me to enter into correspondence with you in relation to the United States penitentiary at McNeil's Island.

As we read your correspondence with the United States marshal for Washington, we understand you to hold that section 15 of the enabling act authorizes the transfer to the State of Washington of the grounds and buildings at McNeil's Island now used for penitentiary purposes.

As we understand the enabling act, it grants to Washington \$30,000 to be expended in the purchase of the necessary grounds, and to the erection of a penitentiary.

Will you have the kindness to inform me, for the benefit of the legislature of the State of Washington, whether you interpret the law and the facts to mean that the buildings and grounds which constitute the present United States penitentiary at McNeil's Island are to be turned over to the state in full satisfaction of the grant made by the enabling act?

I beg leave to call your attention to the fact, that the legislature of Washington will adjourn *sine die* on the 7th of March next, and, therefore, an early reply from you is very desirable.

I have the honor to be your obedient servant.

(Signed)

P. A. PRESTON,
Chairman Senate Committee on State Prison.

On the 23d day of February, 1891, the following reply was received from the department of justice:

DEPARTMENT OF JUSTICE,
WASHINGTON, D. C. February 16, 1891.

Hon. P. A. Preston, Chairman, Olympia, Washington:

SIR—Your letter of February 3d, in which you ask for my construction of section 15 of the act providing for the admission of the Dakotas, Montana and Washington, with reference to the penitentiary at McNeil's Island, is received.

In answer, I have to say that my letter to the marshal of Washington, dated January 20, 1891, was an ordinary routine letter written by one of the clerks of the department, and signed by me without an examination of the act. Upon reading the statutes, it is my impression that section 15 does not authorize the turning over of the penitentiary on McNeil's Island in satisfaction of the grant for penitentiary purposes in that section. On December 17, 1870, one J. E. Smith, of Pierce county, Washington Territory, deeded to the United States, for the consideration of a hundred dollars, twenty-seven and a fraction acres on McNeil's Island for the purposes of a penitentiary, that deed being approved by the attorney general March 6, 1871; November 22, 1873, E. S. Carney, then United States marshal for Washington Territory, accepted this deed on behalf of the department of justice. By an act of June 22, 1867 (14 Stats. at Large, 377), it was provided that the net proceeds of the internal revenue of the Territory of Washington for the fiscal years ending June 30, 1866, 1867, and 1868 be appropriated for the purpose of erecting a penitentiary building in Washington Territory, under the direction of the secretary of the interior, and at such place as he might designate: *Provided*, That such appropriation should not exceed twenty thousand dollars. By an act of February 22, 1873 (17 Stats. at Large, 475), this proviso was enlarged to forty thousand dollars. By an act of June 23, 1874 (18 Stats. at Large, 207, par. 9), there was appropriated \$7,271 for the purpose of putting the building at Steilacoom in a suitable condition for the reception and confinement of convicts. On March 2, 1881 (21 Stats. at Large, 378), an appropriation of thirty thousand dollars was made, for the purpose of erecting, under the direction of the secretary of the interior, a penitentiary building in Dakota, upon land to be designated by the secretary of the interior. Then follows section 15 (25 Stats. at Large, 680), to which reference is made in your letter.

In view of this state of the legislation, as already said, there does not seem to be a grant from the general government to the State of Washington covering this penitentiary, although possibly the intention was to make such grant.

Without further legislation, therefore, I shall not feel authorized to take any step looking to a transfer of this penitentiary to the state. I will, however, at once call this matter to the attention of the Washington senators, to the end that, if deemed desirable, the matter may have the attention of congress. Yours truly,

W. H. H. MILLER,
Attorney General.

The reply of the attorney general makes it clear that the effort of the U. S. marshal of Washington to turn over the U. S. penitentiary at McNeil's Island to the State of Washington was not warranted by law, though based on the orders of the department of justice.

It will also be noted that the attorney general of the United States does not construe section 15 of the enabling act to grant to the State of Washington the grounds and buildings at McNeil's Island, known as the United States penitentiary.

The attorney general of the United States leaves the inference to be drawn that congress, by the passage of the enabling act, said to the states of North Dakota and Washington, you "shall respectively have like grants for the same purpose, and subject to like terms and conditions as" was made by the act of March 2, 1881, to the Territory of Dakota.

Turning to that act, we find it an act appropriating \$30,000 "for the purpose of erecting, under the direction of the secretary of the interior, a penitentiary building" in the Territory of Dakota, and providing that the money "shall be devoted exclusively to the purchase of the necessary grounds and the erection of a penitentiary in said territory."

The enabling act makes a similar grant to the State of Washington. That is to say, it grants to Washington \$30,000 "to be devoted exclusively to the purchase of the necessary ground and the erection of a peni-

tentiary" within its limits "under the direction of the secretary of the interior."

In the opinion of your committee, it would be proper for the legislature to direct the penitentiary directors to apply to the secretary of the interior for the \$30,000 "appropriated for the purpose of erecting . . . a penitentiary building" in Washington. Of course the penitentiary directors, in making the application, would notify the secretary of the interior that the state has ample "necessary grounds" on which to erect "a penitentiary building," and they could submit to him, for his approval, plans of a "penitentiary building," to be erected as an addition to those now constructed.

The chairman of your committee, in company with the chairman of the House committee, visited and carefully inspected the United States penitentiary buildings and grounds at McNeil's Island, and reached the conclusion that they are practically valueless for the purpose for which they were designed. The building is insecure, and will not hold a prisoner who desires to escape. It could not be made secure for as small an expenditure as a new, larger and more secure building could be erected at Walla Walla. The grounds, consisting of 27 acres, are of small value. In their judgment, the building and grounds are not worth over \$3,000.

Your committee recommend the adoption of the following concurrent resolution.

Resolved by the Senate, the House concurring, That the penitentiary directors be, and they are hereby, instructed to apply to the secretary of the interior for the appropriation made by the enabling act for the erection of a penitentiary in the State of Washington.

All of which is respectfully submitted.

P. A. PRESTON,
T. J. SMITH,

Members of the State Prison Committee.

Senate concurrent resolution No. 23, by the Committee on State Prisons, relative to the erection of a penitentiary in the State of Washington.

Read, and referred to the Committee on State Prisons.

The president stated that he was about to sign Senate concurrent resolution No. 22, which was done.

Senate bill No. 236, by Senator Kneeland: An act to amend an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency."

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Ordered to be printed.

On motion of Senator Owings, the Senate, at 12:15, adjourned till 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
 OLYMPIA, WASHINGTON, Tuesday, February 24, 1891. }
 7:30 o'clock P. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Hastings, Luce, and Preston.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASH., February 24, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate bill No. 86, entitled "An act in relation to the effect of judgments of other states and territories."

Senate bill No. 47, An act for the relief of Lindley E. Moore.

Senate bill No. 53, An act to provide for the publication, distribution, and sale of the supreme court reports.

Senate concurrent resolution No. 16, Relative to furnishing laws to county attorneys and clerks.

Senate concurrent resolution No. 21, Relative to filing mineral claims on school lands.

Senate joint resolution No. 2, Relative to the president of the United States, and some of his cabinet, visiting the Pacific coast.

Senate joint memorial No. 10, Relative to William Tecumseh Sherman.

Senate bill No. 87, Proceedings in re exeat.

Senate bill No. 88, Proceedings upon habeas corpus.

Senate bill No. 89, Actions to abate nuisances.

Senate bill No. 90, Appropriation of property by corporations.

Senate bill No. 91, Cases of forcible entry.

Senate bill No. 92, Claims of third persons to property on execution.

Senate bill No. 95, Taking and entry of judgments.

Senate bill No. 86, Relative to exceptions.

Senate bill No. 111, Relative to sheriffs.

Senate bill No. 113, Relative to juries.

Senate bill No. 114, Relative to legal holidays.

Senate bill No. 116, Relative to holding sessions of court.

Senate bill No. 100, To dissolve or modify injunctions.

Senate bill No. 102, To obtain possession of personal property.

Senate bill No. 106, Place of trial of actions.

Senate bill No. 107, Parties to civil actions.

Senate bill No. 108, Time within which to commence actions.

Senate bill No. 85, An act relating to judgments.
And the same are herewith returned to the Senate.

T. G. NICKLIN, Chief Clerk.

JOINT CONVENTION.

Notice was received from the House of Representatives that the House was ready to receive the Senate in joint convention to investigate the charges against Morris B. Sachs, judge of the superior court of Jefferson, Clallam, San Juan, Kitsap and Island counties.

On motion of Senator Dyer, the Senate proceeded in a body to the hall of the House of Representatives.

At 10:15 P. M., the joint convention was dissolved.

The Senate proceeded to the Senate chamber; the roll was called, all responding present excepting Senators Baker, Austin, and Luce.

At 10:16 P. M., the Senate adjourned.

NOTE.—The record of the proceedings in joint convention in the Sachs case will be found in the Appendix.

FIFTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 25, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker and G. T. Thompson. Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, February 24, was dispensed with, and the journal was considered approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 24, 1891.

MR. PRESIDENT:

The House has passed House bill No. 117, entitled "An act to provide for the transportation of prisoners.

House bill No. 133, An act to amend the code in relation to election returns.

House memorial No. 13, memorializing congress for an appropriation for the improvement of Willapa river and Nasel river.

House memorial No. 14, In relation to the reclamation of desert lands.

Senate concurrent resolution No. 12, Relative to printing and binding the governor's message and reports of public officers.

Senate bill No. 125, An act relating to the civil jurisdiction of justices' courts, amending code of 1881, with amendment noted in bill.

The House has passed 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."

Senate bill No. 66, An act authorizing boards of county commissioners to sell and convey property belonging to their counties.

Senate bill No. 51, An act to amend section 2551 of chapter CXCVIII of the Code of Washington, relating to marks and brands, with amendments noted in bill.

Senate bill No. 42, An act to amend section 324 of chapter XXIX of the Code of Washington, with amendments as noted in bill.

Senate memorial No. 8, Relative to reclaiming shallow ponds and lakes.

The speaker of the House has appointed Messrs. Garretson, Godman and Megler as committee on part of the House to act under House concurrent resolution No. 17, to investigate title to capital grounds.

T. G. NICKLIN, Chief Clerk.

By the Committee on Education:

MR. PRESIDENT:

We, your Committee on Education, to whom was referred Senate bill No. 213, entitled "An act to amend section 1 of an act to establish a system of common schools in cities of ten thousand or more inhabitants, etc.," have had the same under consideration, and report the same back, together with a substitute entitled "An act to establish a system of common schools in cities or school districts of five thousand or more inhabitants, etc.," and recommend that the substitute do pass.

C. M. EASTERDAY, Chairman,

HENRY DRUM,

J. M. FRINK.

By the Committee on Mines and Mining:

MR. PRESIDENT:

Your Committee on Mines and Mining, to whom was referred House bill No. 83, Relating to the screening and weighing of coal, have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it pass.

JAMES O'NEILL,

W. C. RUTTER.

By the Committee on Internal Improvement:

MR. PRESIDENT:

We, your Committee on Internal Improvement, to whom was referred House bill No. 259, have carefully examined the same and recommend that it pass.

W. H. KNEELAND,
HENRY C. COOPER,
JAMES O'NEILL.

On motion of Senator Easterday, the substitute bill for Senate bill No. 213 was adopted as an amendment to the original bill.

On motion of Senator Smith, the report on Senate bill No. 213 was made a special order for 2:30 p. m. this afternoon.

On motion of Senator Kinnear, the rules were suspended, Senate bill No. 214 was taken up, and made a special order for 3 p. m. this afternoon.

On motion of Senator Dyer, the rules were suspended, Senate bill No. 26 was taken up, and made a special order for 4 p. m. this afternoon.

PETITIONS, RESOLUTIONS, ETC.

A petition by Senator McCroskey, from Crescent alliance No. 119, asking that the present road law be repealed, and a new law be passed.

Read, and referred to the Committee on Roads and Bridges.

INTRODUCTION OF BILLS.

Senate bill No. 238, by Senator Edens: An act to establish a normal school for the State of Washington in the city of Anacortes, in Skagit county, and for the government, management and control of the same.

Read first time; rules suspended, read second time by title, and referred to Committee on Education.

Senate bill No. 239, by Senator Kinnear: 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 February 28, 1890.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 240, by Senator Kinnear (by request): An act to enact and amend section 10 of an act entitled "An act relating to summary proceedings for obtaining possession of real property in

certain cases, and declaring an emergency," approved March 27, 1890, adding another section, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 241, by the Committee on Public Revenue and Taxation: 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 said taxation.

Read first time; rules suspended, read second time by title, and placed on general file.

Senate bill No. 242, by Senator Kneeland (by request): An act to provide for an agricultural industrial fair at the state capital.

Read first time; rules suspended, read second time by title, and referred to the Committee on Agriculture.

Senate bill No. 243, by Senator Smith (by request): An act to amend an act entitled "An act to provide for the organization, maintenance and discipline of the militia of the State of Washington.

Read first time; rules suspended, read second time by title, and referred to the Committee on Military.

House bill No. 183, by the Committee on Roads and Highways: 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.

Read first time; rules suspended, read second time by title, and referred to the Committee on Roads and Bridges.

House bill No. 261, by Mr. Yeomans: 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.

Read first time; rules suspended, read second time by title, and referred to the Committee on Judiciary.

House bill No. 45, by Mr. De Steigeur: 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 treasurers and auditors.

Read first time; rules suspended, read second time by title, and referred to the Committee on Judiciary.

THIRD READING OF BILLS.

On motion of Senator Dyer, House bill No. 30 was taken up out of order.

House bill No. 30, by Mr. Garretson: An act creating and establishing municipal courts in cities of the State of Washington having more than twenty thousand inhabitants.

Reported back by the committee with amendments, and recommending its passage.

The bill was read a third time by sections.

Senator Parkinson in the chair.

Senator Drum moved to amend by striking out the word "24" and inserting "12" in line 2, section 8.

Adopted.

Senator Dyer moved to amend by leaving section 3 as it appeared in the printed copy.

Adopted.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Edens, Hastings, Luce, Thompson (G. T.), and Van Houten—7.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, and Wilson—27.

Absent or not voting: Senators Baker, Edens, Hastings, Luce, Thompson (G. T.), Van Houten, and Watt—7.

The title of the bill was amended by inserting the emergency clause, and the title to remain the title of the act.

By the Committee on State, Granted and School Lands:

MR. PRESIDENT:

Your Committee on State, Granted and School Lands, to whom was referred Senate bill No. 224, report that they have considered the same, and beg leave to report it back with amendments, with the recommendation that the amendments be adopted and the bill passed:

Amend line 5, section 1, by filling the blank with "four."

Amend line 6, section 1, by inserting after the word "governor" the words "by and with the advice and consent of the Senate."

Fill the blank in line 7, section 1, by inserting the word "six."

Add at end of section 1: *Provided*, That in making the first appointments the governor shall designate one person to hold office two years, one to hold office four years, and two to hold office six years: *And provided further*, That vacancies occurring by death or otherwise shall be filled by appointment by the governor.

Amend line 1, section 4, by striking out the word "public."

Amend line 7, section 4, by changing the word "ten" to "thirty."

Amend section 5 by making reference to seal, in lines 5 and 6, read "seal of the board of land commissioners of the State of Washington."

Amend section 6, line 1, by striking out the words "the commissioner of public lands and."

Fill blank in section 6 with the word "fifty."

Amend section 7 by striking out the words "the commissioner of public lands shall receive a salary of — dollars annually, and," found in lines 1 and 2.

Fill blank in line 3, section 7, with "\$3,000."

Fill blank in section 8 with "\$5,000."

Amend section 9, line 2, by inserting after the word "surveys" the words "and platting," and by striking out the word "unsurveyed."

Amend section 11, line 7, by inserting after the word "quarterly" the words "to the credit of the general fund."

Amend section 12, line 1, by changing the word "one" to "two."

Amend line 9, section 13, by inserting the word "lands" after the word "public."

Amend line 3, section 14, by changing the word "three" at end of line, into "two."

In the written part of section 15 change the word "county" to "prosecuting," and after the word "appellants" insert the words "or appellees."

After the word "or," in line 4 of section 17, insert the words "town or."

After the word "city," in line 15, section 17, insert the words "or town."

In section 26, line 28, change the word "to" and make it "by."

In section 30, line 5, insert the word "shall" between the words "act" and "receive."

After the word "necessary," in line 6, section 30, insert the word "transportation."

Add to section 33: "*Provided*, Said right-of-way shall not be greater than twenty-five feet each way from the center of the track or road, and shall be void after five years from the day it is granted."

Amend section 34 by striking from lines 1 and 2 the words "and university," and by striking from lines 6 and 7 the words "or the university commissioners," and by striking from lines 14 and 15 the words "university commissioners."

Amend section 35 by inserting the word "directed" between the words "herein provided," in line 10, and adding to the section the words "that

the board of land commissioners may accept the appraisements made by any of the county commissioners if they are deemed fair and equitable."

Add as a new section: "Sec. 37. The cost of advertising and the expense of making the sales of lands authorized by this act shall be paid by the state treasurer upon warrants issued by the state auditor, upon accounts certified as correct by the board of land commissioners."

Make section 37 section 38.

All of which is respectfully submitted.

L. F. THOMPSON, Chairman,
T. J. SMITH,
PLATT. A. PRESTON,
C. G. AUSTIN,
C. E. FORSYTH,
T. P. DYER.

Report of Committee on Enrolled bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that the following bills have been carefully compared with the originals, and found correctly enrolled:

Senate bill No. 97, entitled "An act in relation to arbitration and award, and amending section 269, etc., of code of 1881."

Senate bill No. 98, entitled "An act relating to trial by jury, and amending section 232, etc., of the code of 1881."

Senate bill No. 99, entitled "An act in relation to receivers."

Senate bill No. 101, entitled "An act relating to the proceedings against persons who violate injunctions, and amending section 168 of the code of 1881."

Senate bill No. 104, entitled "An act relating to pleadings in civil actions, and amending sections 76, etc., of code of 1881."

Senate bill No. 105, entitled "An act relating to the manner of commencing civil actions."

Senate bill No. 109, entitled "An act relating to the powers and duties of clerks of courts."

Senate bill No. 110, entitled "An act relating to attorneys."

"Senate bill No. 112, entitled "An act in relation to powers of courts and judicial officers."

Senate bill No. 115, entitled "An act in relation to magistrates."

Senate bill No. 118, entitled "An act relating to new trials, and amending section 282 of the code of 1881."

C. E. FORSYTH, Chairman,
W. J. PARKINSON.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, February 24, 1891.

The Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed the following bills:

Senate bill No. 2, entitled "An act declaring labor day a legal holiday."

Senate bill No. 58, entitled "An act to fix the time for the meeting of the legislature."

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."

Senate bill No. 72, entitled "An act relating to proceedings to vacate or modify judgments in the courts in which they were rendered."

Senate bill No. 73, entitled "An act relating to referees."

Senate bill No. 75, entitled "An act relating to writs of mandate and prohibition, amending section 689 of the Code of Washington of 1881."

Senate bill No. 76, entitled "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."

Senate bill No. 77, entitled "An act declaring the rule of decision in the State of Washington, amending section 1 of the code of 1881."

Senate bill No. 78, entitled "An act concerning the construction of statutes."

Senate bill No. 79, entitled "An act in relation to applications for divorce, amendatory of sections 2000, 2001, 2005, 2006, 2007, 2008, 2009, 2010 and 2012 of the Code of Washington of 1881."

Senate bill No. 81, entitled "An act in relation to prosecutions for public offenses and amending sections 782, 779, 760, 1072, 1073, 1076, 764, 977, 979, 981, 984, 985, 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 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 Washington of 1881."

Senate bill No. 83, entitled "An act in relation to evidence in actions and judicial proceedings, and amending sections 390, 393, 406, 407, 408, 423, and 425 of the Code of Washington of 1881."

Senate bill No. 84, entitled "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,"

I have the honor to be,

Your obedient servant,

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

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 25, 1891.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 20, Relative to

the sergeant-at-arms appointing deputies and serving subpoenas on witnesses in Sachs' case, and the same is herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

Senate bill No. 244, by Senator Claypool: An act to regulate the fishing industry of the State of Washington.

Read first time; rules suspended, read second time by title, and referred to the Committee on Fisheries.

Senate bill No. 245, by Senator Claypool: An act for the appointment of a fish commission, and defining its duties.

Read first time; rules suspended, read second time by title, and referred to the Committee on Fisheries.

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 fish."

On motion of Senator Clough, House bill No. 190, was taken up for the passage of the emergency clause, which failed to pass by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Dyer, Edens, Eshelman, Forrest, Frink, Hastings, Kinneer, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, and Vestal—18.

Those voting in the negative were: Senators Claypool, Cooper, Drum, Easterday, Forsyth, Kneeland, and Long—7.

Absent or not voting: Senators Baker, Hyde, Luce, Owings, Thompson (G. T.), Thompson (L. F.), Van Houten, Watt, and Wilson—9.

On motion of Senator Rutter, Senate bill No. 31, was taken up.

Senate bill No. 31, by Senator Rutter (by request), Relative to a bureau of labor statistics.

Read a third time by sections.

Senator Dyer moved to strike out the word "article 2," in section 4.

Adopted.

Senator Frink moved to amend section 5, line 1, by striking out "2,400" and inserting "2,000."

The motion was ruled out of order, as the bill called for an appropriation, and should be considered in the committee of the whole.

House concurrent resolution No. 20, Relative to sergeant-at-arms appointing deputies and serving subpoenas on witnesses in the Sachs case.

Read and adopted.

A resolution by Senator Van de Vanter, from the Knights of

Labor, White River Assembly No. 2833, Relative to the passage of a law declaring eight hours a legal day's work.

Read, and on motion of Senator Van de Vanter, 200 copies were ordered to be printed.

Senator Kneeland gave notice that at the proper time he would move for a reconsideration of the vote by which the emergency clause of Senate bill No. 190 failed to pass.

On motion of Senator McCroskey, the Senate, at 12:10, adjourned until 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 25, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Edens, and Preston.

Excused.

INTRODUCTION OF BILLS.

The Judiciary Committee, by Senator Kinnear, introduced 117 W. Lair Hill code bills, with the recommendation that they pass to a first and second reading, and be placed on general file for third reading and passage.

Senate bill No. 246, by Senator Clough: An act providing for the restoration of public records and files which have been lost or destroyed by fire or otherwise, and declaring an emergency to exist.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 247, by Senator Van Houten: A bill for an act to provide for the appointment of an architect to superintend the construction of the state capitol building in the city of Olympia.

Read first time; rules suspended, read second time by title, and referred to Committee on Public Buildings.

Senate bill No. 248, by Senator Long: An act to amend an act entitled "An act providing for the establishment and location of a

state reform school, and to declare an emergency," approved March 28, 1890.

Read first time; rules suspended, read second time by title, and referred to the Committee on Education.

Senate bill No. 249, by Senator Eshelman: A bill for an act to be entitled "An act for the relief of Yakima county."

Read first time; rules suspended, read second time by title, and referred to Committee on County and County Lines.

Senate bill No. 250, by Senator L. F. Thompson: An act to provide for the appointment of a state agent, and 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 State of Washington, etc.

Read first time; rules suspended, read second time by title, and referred to the Committee on State, Granted and School Lands.

Senate bill No. 251, by Senator Kinnear (by request): An act to amend sections 1959, 1961, 1965, 1967, and 1968 of the Code of Washington, relative to liens of mechanics and others upon real property.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Senate bill No. 252, by Senator Luce: An act to amend section 2421 of chapter CLXXXV, of the code of 1881, as amended by an act relating to corporations, approved February 3, 1886.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 253, by Senator Claypool: An act to authorize the use of the grounds of the soldiers' home by the state militia for their annual encampment.

Read first time; rules suspended, read second time by title, and referred to Committee on Military.

Senate bill No. 254, by Senator Claypool: An act providing for transcribing the shorthand notes of the official stenographers of the late constitutional convention, and making an appropriation therefor.

Read first time; rules suspended, read second time by title, and referred to the Committee on Appropriations.

Senate bill No. 255, by Senator Claypool: An act appropriating

the sum of \$1,250 to pay certain officers of the constitutional convention.

Read first time; rules suspended, read second time by title, and referred to the Committee on Appropriations.

Senate bill No. 256, by Senator Claypool: An act in relation to state banks.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 257, by Senator O'Neill: An act to appropriate money for the erection or construction of a fish ladder at Meyer's Falls, on the Colville river.

Read first time; rules suspended, read second time by title, and referred to the Committee on Fisheries.

Senate bill No. 258, by Senator Easterday (by request): An act entitled "An act relating to the appointment of guardians of idiots and insane persons, and prescribing their powers and duties."

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

Ordered not to be printed.

Senate bill No. 259, by the Committee on Public Revenue and Taxation: An act to provide for the assessment and collection of taxes in the State of Washington; substitute for Senate bill No. 11.

Read first time; rules suspended, read second time by title, and referred to Committee on Public Revenue and Taxation.

Ordered not to be printed.

On motion of Senator Drum, the committee was instructed to report by 2 P. M. to-morrow, and the bill was made a special order for that hour.

Senate bill No. 260, by Senator Forrest: An act to regulate the duties and compensation of county surveyors, and their deputies and assistants.

Read first time; rules suspended, read second time by title, and referred to the Committee on Roads and Bridges.

Senate bill No. 261, by Senator Hastings: An act to amend section 1 of an act entitled "An act to amend sections 2692 and 2693 of the Code of Washington relating to county printing," approved February 3, 1886; and also to amend section 2694 of the Code of Washington of 1881.

Senate bill No. 262, by Senator Rutter: An act to regulate the rental allowed for the use of telephones, and to fix rates of toll.

Read first time; rules suspended, read second time by title, and referred to the Committee on Corporations other than Municipal.

Senate bill No. 263, by Senator Frink (by request): 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.

Read first time; rules suspended, read second time by title, and referred to the Committee on Municipal Corporations.

Ordered not to be printed.

Senate bill No. 264, by the Committee on State Prisons: An act in relation to the care of United States prisoners in the Washington penitentiary.

Read first time; rules suspended, read second time by title, and referred to the Committee on State Prisons.

Senate bill No. 265, by the Committee on State Penitentiary: An act appropriating money for the maintenance of the state penitentiary at Walla Walla, for necessary improvements, enlarging the powers of the commissioners, and declaring an emergency.

Read first time; rules suspended, read second time by title, and placed on general file.

The bill was accompanied by a report which was ordered to be printed and placed on general file with the bill.

The president stated that he was about to sign Senate bills Nos. 115, 108, 98, 104, 99, 110, 118, 112, 101, 105, and 97; House bill No. 79; and House concurrent resolution No. 17, which was done.

Senate bill No. 266, by the Committee on State Insane: An act empowering the board of commissioners of the hospital for insane at Medical Lake to purchase, sell or exchange lands, to condemn other lands for state purposes, and declaring an emergency.

Read first time; rules suspended, read second time by title, and placed on general file.

On motion of Senator Owings, Senate bill No. 130 was made a special order for 2 p. m. March 4.

Senate bill No. 267, by the Committee on State Insane: An act appropriating money for the maintenance of the hospitals for the insane, for necessary improvements, and declaring an emergency.

Read first time; rules suspended, read second time by title, and placed on general file.

A report accompanied the bill, which was ordered to be printed and placed on general file with the bill.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 25, 1891.

MR. PRESIDENT:

The House has passed House bill No. 86, entitled "An act to secure to workmen the payment of wages in lawful money."

House concurrent resolution No. 19, Providing for the appointment of delegates to the commercial congress at Kansas City, Mo.

The House has passed House concurrent resolution No. 22, Relative to privileges of the floor during the Sachs trial.

The speaker of the House has signed House bill No. 79, entitled "An act concerning the killing and injuring of live stock by railroads."

House concurrent resolution No. 17, Relative to appointing a committee to investigate title to present capital grounds.

Senate concurrent resolution No. 22, Amending rules of procedure in removal cases.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, February 25, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed the following:

Senate bill No. 47, entitled "An act for the relief of Lindley E. Moore."

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."

Senate bill No. 85, entitled "An act relating to judgments upon promissory notes and similar instruments."

Senate bill No. 86, entitled "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. 87, entitled "An act in relation to proceedings in the nature of re exeat, and amending sections 687, 688 and 642 of the Code of Washington of 1881."

Senate bill No. 88, entitled "An act relating to proceeds upon habeas corpus."

Senate bill No. 89, entitled "An act relating to actions to abate nuisances, and amending section 606 of the Code of Washington of 1881."

Senate bill No. 90, entitled "An act in relation to the appropriation of property by corporations."

Senate bill No. 91, entitled "An act relating to proceedings in cases of forcible entry into and forcible detainer of lands."

Senate bill No. 92, entitled "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. 95, entitled "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, entitled an "An act relating to exceptions, and amending section 260 of the Code of Washington of 1881."

Senate bill No. 100, entitled "An act relating to motions to dissolve or modify injunctions, and amending section 169 of the Code of Washington of 1881."

Senate bill No. 102, entitled "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. 106, entitled "An relating to the place of trial of actions and proceedings, and amending sections 50 and 53 of the Code of Washington of 1881."

Senate bill No. 107, entitled "An act with relation to parties to civil actions and proceedings, amending sections 12 and 15 of the Code of Washington of 1881."

Senate bill No. 108, entitled "An act relating to the time within which actions may be commenced, amending section 25 of the code of 1881."

Senate bill No. 111, entitled "An act in relation to sheriffs."

Senate bill No. 113, entitled "An act in relation to juries."

Senate bill No. 114, entitled "An act in relation to legal holidays."

Senate bill No. 116, entitled "An act in relation to the holding of sessions of courts."

Senate bill No. 164, 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 any extent that the said private corporations may seem meet; anything in the acts incorporating such private corporations to the contrary notwithstanding." I have the honor to be,

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

REPORT OF SPECIAL COMMITTEE ON STATE PENITENTIARY.

OLYMPIA, WASH., 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 24th) there were 309 convicts in the institution. The penitentiary officials have information that eleven 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 purpose 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 over head, 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 net profits were \$6,074.28. 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 \$150,000. This will afford a capacity for the manufacture of one and a half million grain sacks per year. The net profit (at six and one-half cents per sack to farmers) is estimated at \$8,000 per annum. The regular market price of sacks ranging from eight to nine cents, the farmer 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 four 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 forty-six 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. Add 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 in charge of that institution to do business on business principles.

SALARIES.

Your committee believes that the salaries of the warden, bookkeeper and physician are too low, in consideration of the responsibility of their positions and the character and amount of labor required of them.

RECOMMENDATIONS.

For 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 manufactory 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, 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 this 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 further 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.

REPORT OF JOINT COMMITTEE ON STATE INSANE.

OLYMPIA, WASHINGTON, 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 with 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 employes 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, with a drift 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 this 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 the 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 old 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 that 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 and 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 the 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 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 watchmen, by means of dark lanterns, may see every patient at any time during the night.

UNSUCCESSFUL EXPERIMENT.

In the hope of relieving the overcrowded 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 fifteen hundred feet of hose will be required in the building and one thousand 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 include about 40 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 & Company, labor and material.....		804 80
Spokane Chronicle, advertising.....		43 95
Holly, Mason, Marks & Company, sheet iron.....		10 12
Hughes & McDonald, labor and material.....		4,000 00
C. S. Reynolds, watchman.....		78 40
L. M. Boardman, architect.....		200 00
	FEBRUARY 3, 1891.	
C. W. Robbins, board superintendent.....		98 55
Thomas Campbell, lumber and feed.....		353 07
Holly, Mason, Marks & Company, hardware supplies.....		448 81
John M. Semple, salary, etc.....		257 60
Thomas Kay Woolen Mill Company, blankets.....		1,137 90

C. S. Reynolds, watchman.....	\$80 90
E. W. Gilkey, drayage.....	13 75
E. D. Goodwin, labor.....	13 50
S. I. Pope & Company, laundry and kitchen furniture.....	4,343 05
Hughes & McDonald, labor, material and balance retained.....	1,991 06
Foster & Robbinson, 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
W. W. Bailey labor.....	113 75
D. R. Macc, 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 Company, lumber.....	306 47
Allen & Harrison, coal.....	761 77
Lœwenberg Brothers, dry goods and supplies.....	1,802 16
Total.....	\$91,827 05

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
G. W. Robbins, board.....	64 28
Thomas Campbell, lumber and feed.....	353 07
Holley, Mason, Marks & Co., hardware.....	448 81
J. M. Semple, salary.....	257 60
C. W. Robbins, board.....	98 50
Total.....	\$2,517 38

THE CONTRACTS.

STATEMENT OF FINAL SETTLEMENT WITH HUGHES & M'DONALD.

Amount of contract.....	\$50,520 12
Extra work.....	3,074 95
Material.....	383 07
Sewer, etc.....	1,593 10
	\$55,521 24
Paid on old contract.....	2,690 54
Extra work and material.....	1,481 72
Total.....	\$59,632 38

STATEMENT OF ACCOUNT WITH S. I. POPE & COMPANY.

Amount of contract.....	\$18,390 00
To vouchers.....	15,828 00
Due on contract when work is completed.....	23,062 00

RECAPITULATION.

Drawn from the \$100,000 appropriation.....	\$93,309 62
General fund.....	2,517 38
	\$95,827 00
Due S. I. Pope & Company upon completion of contract	1,444 90
	\$100,033 90

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 off 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 Company, account.....	2,700 00
Spokane Furniture Company, 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 believe 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 accomodating 240 patients, provided there should be an equal proportion of male and female inmates. To be more explicit, the building was constructed with the 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. Thereofre, 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 helpless 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 perfect system of water works—a 45-horse power boiler, a pump with a capacity of 650 gallons per minute, a tower 100 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 $1\frac{1}{2}$ inch nozzle above the highest portion of the building, and subsequently above the top of the water tower, which is 100 feet in height. A fire company has been organized, composed of employes at the hospital, and they handle the appliances 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 requirement, 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 a day while actually on duty. They honestly earn \$5 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 to \$5 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 commissioners 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 several years to come.

Respectfully submitted.

Senate: { ALEX. WATT, Chairmam committee,
 { L. F. THOMPSON.
House: { E. L. POWELL,
 { WM. FARRISH.

By Committee on State Prisons:

MR. PRESIDENT:

Your Committee on State Prison, to whom was referred Senate concurrent resolution No. 23, Relative to taking steps to secure appropriation for state prison, report the same back with a substitute in the shape of a bill entitled "An act in relation to the care of United States prisoners in the Washington penitentiary."

P. A. PRESTON,
T. J. SMITH.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bills Nos. 47, 53, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 100, 103, 106, 107, 108, 111, 113, 114, and 116, heretofore reported correctly enrolled, have this day been delivered to the governor.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT.

By Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 59, entitled "An act appropriating \$18,778.69 on account of a deficiency in the fund for the support of the national guard of Washing-

ton for the years 1889-90," has been carefully compared with the original bill, and found correctly engrossed.

J. T. ESHELMAN.

By Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate joint memorial No. 10, Senate joint resolution No. 2, and Senate concurrent resolutions Nos. 16 and 21, heretofore reported correctly enrolled, have been delivered to the secretary of state.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT.

By Committee on Corporations other than Municipal:

MR. PRESIDENT:

The Committee on Corporations other than Municipal, having had under consideration Senate bill No. 18, which provides for an act to create and establish a railroad and transportation commission, and to define and regulate its duties and fix the compensation of its members and assistants, would respectfully report the same back without recommendation.

B. C. VAN HOUTEN,
R. C. MCCROSKEY,
C. E. CLAYPOOL,
J. R. KINNEAR.

By the Committee on Corporations other than Municipal:

MR. PRESIDENT:

The Committee on Corporations other than Municipal, having had under consideration Senate bill No. 203, An act to expedite the transportation of freight on railroads, would respectfully report the same back with the recommendation that it do pass as amended.

B. C. VAN HOUTEN,
R. C. MCCROSKEY,
J. R. KINNEAR.

By the Committee on Municipal Corporations:

MR. PRESIDENT:

Your Committee on Municipal Corporations, having had under consideration Senate bill No. 132, An act to amend the law providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, recommend that it do pass as amended.

Also, Senate bill No. 269, An act pertaining to the care, preparation and disposition of the dead, and to insure a better sanitary condition of the towns and cities, with the recommendation that it be indefinitely postponed.

Also, Senate bill No. 130, An act to amend sections 1266 and 2067 of the Code of Washington, prohibiting the keeping open of certain places of

business, and forbidding certain acts to be done on the first day of the week, commonly called Sunday, and to exempt incorporated cities from the operation thereof, with the recommendation that it be indefinitely postponed.

E. B. HYDE, Chairman,

A. T. VAN DE VANTER,

L. F. THOMPSON.

On motion of Senator Rutter, the special order for 2 P. M. was continued until after the Lair Hill code bills were read a first and second time.

On motion of Senator Kinnear, the rules were suspended, and the W. Lair Hill code bills were each read a first and second time by title, and placed on general file, and ordered not to be printed, as follows:

Senate bill No. 268, An act relating to common schools.

Senate bill No. 269, An act relating to the support of common schools.

Senate bill No. 270, An act relating to school district elections.

Senate bill No. 271, An act relating to union graded schools.

Senate bill No. 272, An act relating to damages caused by change of grades.

Senate bill No. 273, An act relating to clerks of school districts.

Senate bill No. 274, An act relating to boards of school directors.

Senate bill No. 275, An act relating to town plats.

Senate bill No. 276, An act relating to state boards of education.

Senate bill No. 277, An act relating to elections.

Senate bill No. 278, An act relating to harbor line commissioners.

Senate bill No. 279, An act relating to qualifications of electors.

Senate bill No. 280, An act relating to vacancies in office.

Senate bill No. 281, An act in relation to county and precinct officers.

Senate bill No. 282, An act relating to constables.

Senate bill No. 283, An act relating to the state university.

Senate bill No. 284, An act relating to the school for defective youth.

Senate bill No. 285, An act relating to assessment and collection of taxes.

Senate bill No. 286, An act relating to common schools in cities of more than 10,000 inhabitants.

Senate bill No. 287, An act relating to interest.

Senate bill No. 288, An act relating to building and loan associations.

Senate bill No. 289, An act relating to boards of school directors borrowing money.

Senate bill No. 290, An act relating to issuing county bonds for road purposes.

Senate bill No. 291, An act relating to landlords and tenants.

Senate bill No. 292, An act relating to the taking up of watercraft found adrift.

Senate bill No. 293, An act relating to wrecked property.

Senate bill No. 294, An act relating to the publication of the statutes of the state.

Senate bill No. 295, An act relating to packing and labelling fish.

Senate bill No. 296, An act in relation to logging ways of necessity.

Senate bill No. 297, An act relating to marriages.

Senate bill No. 298, An act relating to hospitals for the insane.

Senate bill No. 299, An act relating to the Washington state reform school.

Senate bill No. 300, An act relating to the rights and liabilities of husband and wife.

Senate bill No. 301, An act relating to relief of indigent soldiers.

Senate bill No. 302, An act relating to the construction of mills.

Senate bill No. 303, An act relative to the sale of rolling stock and equipments of railroads.

Senate bill No. 304, An act relative to conveyance between husband and wife.

Senate bill No. 305, An act relating to conveyances.

Senate bill No. 306, An act relating to the adoption of children.

Senate bill No. 307, An act relating to the guardianship of idiots and insane persons.

Senate bill No. 308, An act relating to the guardianship of infants.

Senate bill No. 309, An act to protect claims for wages in cases of insolvency.

Senate bill No. 310, An act respecting entering upon lands in this state by the United States.

Senate bill No. 311, An act relating to county printing.

Senate bill No. 312, An act relating to nuisances.

Senate bill No. 313, An act relating to the investigation of lost property.

Senate bill No. 314, An act providing for licensing of hawkers.

Senate bill No. 315, An act relating to mortgages.

Senate bill No. 316, An act relating to the sale of liquors.

Senate bill No. 317, An act providing for the payment of indebtedness of school districts.

Senate bill No. 318, An act relating to Patrons of Husbandry.

Senate bill No. 319, An act relating to the dissolution of private corporations.

Senate bill No. 320, An act relating to corporations for mining purposes.

Senate bill No. 321, An act relating to drains and ditches.

Senate bill No. 322, An act relating to the formation of private corporations.

Senate bill No. 323, An act providing for the cancellation of undelivered county warrants

Senate bill No. 324, An act relating to inclosures.

Senate bill No. 325, An act relating to assignments for the benefit of creditors.

Senate bill No. 326, An act providing for the preservation of order upon fair grounds.

Senate bill No. 327, An act relating to fires kindled by persons driving logs.

Senate bill No. 328, An act relating to the boards of county commissioners.

Senate bill No. 329, An act relating to the election, qualifications and duties of county prosecuting attorneys.

Senate bill No. 330, an act relating to roads and bridges.

Senate bill No. 331, An act relating to the powers, duties and salaries of lieutenant governor.

Senate bill No. 332, An act relating to county coroners.

Senate bill No. 333, An act relating to county assessors.

Senate bill No. 334, An act relating to county surveyors.

Senate bill No. 335, An act relating to justices of the peace.

Senate bill No. 336, An act relating to county auditors.

Senate bill No. 337, An act relating to the duties of the secretary of the state.

Senate bill No. 338, An act relating to the state auditor.

Senate bill No. 339, An act relating to the state treasurer

Senate bill No. 340, An act relating to the duties of the attorney general.

Senate bill No. 341, An act relating to the duties of the state geologist.

Senate bill No. 342, An act relating to the judges of the supreme court.

Senate bill No. 343, An act relating to county treasurers.

Senate bill No. 344, An act relating to county commissioners.

Senate bill No. 345, An act relating to county officers.

Senate bill No. 346, An act relating to county clerks.

Senate bill No. 347, An act relating to sheriffs.

Senate bill No. 348, An act relating to superior judges.

Senate bill No. 349, An act relating to the penitentiary at Walla Walla.

Senate bill No. 350, An act relating to the management and disposition of non-residents, infants and insane persons.

Senate bill No. 351, An act relating to town sites.

Senate bill No. 352, An act relating to fish commissioners.

Senate bill No. 353, An act relating to bounties for wild animals.

Senate bill No. 354, An act to protect domestic animals from disease.

Senate bill No. 355, An act relating to lien of owners for service of sires.

Senate bill No. 356, An act relating to quarantine.

Senate bill No. 357, * * *

Senate bill No. 358, An act relating to the extradition of fugitives.

Senate bill No. 359, An act relating to recovery on official bonds.

Senate bill No. 360, An act relating to billiard table licenses.

Senate bill No. 361, An act relating to drunkards.

Senate bill No. 362, An act relating to the practice of medicine.

Senate bill No. 363, An act relating to liens.

Senate bill No. 364, An act to perfect title to school and university lands.

Senate bill No. 365, An act relating to the appropriation of lands.

Senate bill No. 366, An act relating to telegraph contracts.

Senate bill No. 367, An act relating to county jails.

Senate bill No. 368, An act relating to coal mines.

Senate bill No. 369, An act relating to travel on highways.

Senate bill No. 370, An act relating to the construction of lien statutes.

Senate bill No. 371, An act relating to burial grounds.

Senate bill No. 372, An act relating to contract of minors.

Senate bill No. 373, An act relating to the payment of employes.

Senate bill No. 374, An act relating to oyster beds.

Senate bill No. 375, An act relating to the use of banks of streams for trade.

Senate bill No. 376, An act relating to bastardy.

Senate bill No. 377, An act relating to the inspection of hogs.

Senate bill No. 378, An act relating to pilotage.

Senate bill No. 379, An act relating to roads and bridges.

Senate bill No. 380, An act relating to foreign corporations.

Senate bill No. 381, An act relating to the location and possession of mining claims.

Senate bill No. 382, An act relating to the appropriation and use of water for irrigation.

Senate bill No. 383, An act requiring bonds of contractors for public work.

Senate bill No. 384, An act relating to burial of the dead.

By the Committee on Conference:

MR. PRESIDENT:

Your Committee on Conference, to whom was referred House bill No. 77, have had the same under consideration, and unanimously agreed to recommend that the Senate recede from its amendments.

N. H. OWINGS, Chairman,
HENRY DRUM.

The report of the committee was adopted, and the Senate receded from its amendment to House bill No. 77.

Senate bill No. 385, by Senator Richards: An act to provide for the formation of corporations for the purpose of carrying on the business of accident insurance and loaning money, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

Senate bill No. 386, by Senator Kinnear: An act to authorize boards of commissions or other corporate authorities having control or superintendence of parks or public grounds, of cities in this state, to acquire and condemn lands therefor.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

On motion of Senator Richards, Senate bill No. 120 was made a special order for 2 p. m. Monday, March 2d.

House concurrent resolution No. 22, by Mr. Berry: Relative to privileges on the floor during the Sachs case.

Read and adopted.

Senate concurrent resolution No. 23, Relative to taking steps to secure appropriation for the state prison.

Reported back by the committee with a substitute, Senate bill No. 264, and recommending the passage of the substitute.

President Wilson in the chair.

The report on Senate bill No. 213, made a special order for 2:30 p. m., was taken up, and the substitute, known as Senate bill No. 237, was adopted as an amendment to the original bill.

By Committee on Privileges and Elections:

MR. PRESIDENT:

Your Committee on Privileges and Elections, to whom was referred the cost bills in the case of Frank Richards contesting the seat of Morris McCarty in the Senate, submit the following report:

Bills totalizing \$1,405.60 were presented to us. After carefully examining the same your committee decided that it is proper to allow bills to the amount of \$700.50, as follows:

Morris McCarty, for disbursements.....	\$298 90
Frank Richards, for disbursements.....	279 20
H. B. Williams, commissioner taking testimony.....	50 00
Phil. Gallaher, commissioner taking testimony.....	50 00
Geo. C. Curtis, sheriff's fees.....	22 40

Your committee recommend that the proper officers of the Senate be directed to issue certificates for the amounts found due, to the respective parties.

The original bills are returned herewith.

J. H. LONG, Chairman,
R. C. McCROSKEY,
A. T. VAN DE VANTER.

The report was read and adopted.

Senate bill No. 214, by Senator Kinnear: Relative to fees and compensation of county clerks.

Taken up under special order for 3 p. m.

Read a third time by sections.

Senator Dyer moved to amend by inserting the emergency clause.

Adopted.

The bill then passed, as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Baker, Claypool, Edens, Luce, Richards, and Thompson (G. T.)—6.

The emergency clause was then taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—29.

Absent or not voting: Senators Baker, Claypool, Edens, Luce, and Thompson (G. T.)—5.

The title of the bill to remain the title of the act.

Senate memorial No. 8 and Senate concurrent resolution No. 12 were received from the House and ordered to be enrolled.

On motion of Senator Rutter, Senate bill No. 31, was made a special order for 11 A. M., Thursday, February 26th.

Senator Owings was excused for the remainder of the day.

Senate bill No. 26, Relative to liens of mechanics.

Received from the engrossing clerk and read for information.

Senator Rutter moved to amend by inserting after the word "person," in line 3, "furnisher or."

Adopted.

Senator Frink moved to amend by inserting after the word "road," in line 6, "street railroad."

Senator L. F. Thompson moved to amend the last line of printed bill by striking out "5" and inserting "20," so as to read within 20 days.

Adopted.

Senator Rutter moved to amend by adding section 2, as follows:

SEC. 2. That section 1971 of the Code of Washington be amended so as to read as follows:

Sec. 1971. The liens provided for in this chapter may be enforced in a civil action in the same manner and under the same proceedings as gov-

ern the foreclosure of a mortgage on real estate: *Provided always*, That the provisions of this act shall be liberally construed to secure to the laborer, contractor or material man payment of any just demand; and *Provided further*, That any court before whom any such lien is sought to be foreclosed shall have authority (when the same can be done without injustice to any of the parties interested) to allow any such lien, defective in matters of form or substance, to be amended so as to comply with the facts shown to exist by the evidence, when such facts would entitle such lienor to a lien under section 1957 of this code. Any such lien so amended at such trial may be postponed to all other existing liens.

Adopted.

Senator Frink moved to amend by striking out all after the word "chapter," in line 13, section 1.

On motion of Senator Van de Vanter, the bill was made a special order for 3 P. M., Thursday, February 26th.

On motion of Senator Dyer, the Senate, at 5:35, took a recess till 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, February 25, 1891. }
7:30 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Eshelman, Hastings, Luce, Parkinson, Preston, and Vestal.

JOINT CONVENTION.

Notice was received from the House of Representatives that the House was ready to receive the Senate in joint session to continue in the investigation of the charges against M. B. Sachs, superior judge.

The Senate then proceeded in a body to the Hall of the House of Representatives.

At 10:50 o'clock P. M. the joint convention was dissolved, the Senate proceeded to the Senate chamber.

The roll was called; all responding present excepting Senators Baker, Luce, Rutter, G. T. Thompson, and Watt.

At 10:55 the Senate adjourned.

FIFTY-FIRST DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, February 26, 1891. }
10 o'clock A. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Hyde, Luce, McCroskey, Parkinson, and Van Houten.

Excused.

On motion of Senator Easterday, the reading of the journal of yesterday, February 25th, was dispensed with, and the journal was considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 25, 1891.

MR. PRESIDENT:

The House has passed 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, relative to municipal corporations."

House concurrent resolution No. 21, Relative to the preservation by the State of Washington of the newspapers of the state.

And the same are herewith transmitted.

T. G. NICKLIN, Chief Clerk.

By the Committee on Roads and Bridges:

MR. PRESIDENT:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 183, entitled "An act to prevent the obstruction of highways, to abate nuisances thereon, providing a penalty therefor, and declaring an emergency," have had the same under consideration, and now respectfully report the same back to the Senate with the recommendation that it do pass.

J. J. EDENS, Chairman,

P. A. PRESTON,

R. C. McCROSKEY.

On motion of Senator Kinnear, amended by Senator Dyer, the

W. Lair Hill code bills were taken up for a consideration until the hour arrived for a special order.

Senator Kneeland in the chair.

Senator Kinnear moved that all the W. Lair Hill code bills be referred to a special committee of three, to report at three p. m. tomorrow.

Senator Dyer moved to amend by having the secretary segregate and distribute the various bills to the proper committees, and to report not later than Monday morning.

President Wilson in the chair.

The president ruled that the motions were out of order, as by a former acton of the Senate these bills were to go to the joint judiciary committee of both Houses.

On motion of Senator Kinnear, the W. Lair Hill code bills were referred to the Joint Judiciary Committee.

On motion of Senator Kneeland, House bill No. 172 was taken up.

House bill No. 172, An act providing for additional superior court judges.

Reported back by the committee without amendments, and recommending its passage.

Read a third time by sections.

Senator Kinnear moved to amend by adding a new section to be known as section 6, and section 6 to be numbered section 7, as follows:

“That superior court judges to whom cases have already been submitted, shall decide them, notwithstanding they may be in a district not including the county where the same was tried.”

Adopted.

Senator Richards moved to amend by striking out the words “Kitsap and Snohomish” and inserting “Whatcom and San Juan” in sections 3 and 4.

Adopted.

The bill then passed as amended, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, For-syth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Richards, Smith, Van de Vanter, Vestal, and Wilson—25.

Those voting in the negative were: Senators Rutter, Thompson (G. T.), and Watt—3.

Absent or not voting: Senators Austin, Baker, Luce, Preston, Thompson (L. F.), and Van Houten—6.

The emergency clause was taken up, and rejected by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Dyer, Edens, Eshelman, Hastings, Hyde, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Smith, Vestal, and Wilson—15.

Those voting in the negative were: Claypool, Easterday, Forrest, Forsyth, Frink, Long, Owings, Richards, Rutter, Thompson (G. T.), and Watt—11.

Absent or not voting: Senators Austin, Baker, Drum, Kinnear, Luce, Thompson (L. F.), Van de Vanter, and Van Houten—8.

Title of the bill to remain the title of the act.

Senator Vestal gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

Senator Forrest gave notice that at the proper time he would move for a reconsideration of the vote by which the emergency failed to pass.

On motion of Senator Forrest, House bill No. 93, was taken up for the passage of the emergency clause.

House bill No. 93, by Mr. Sharpstein: An act to provide for the disposal of money in certain cases, and declaring an emergency.

The emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Drum, Hastings, Kneeland, Long, Richards, and Van Houten—7.

Senate bill No. 31 was taken up under general order.

Senate bill No. 31, by Senator Rutter (by request): Relative to a bureau of labor statistics.

On motion of Senator Rutter, the Senate went into committee of the whole to consider the bill.

Senator Edens in the chair.

The committee of the whole arose and reported the bill back

with amendments, recommending their adoption and the passage of the bill.

President Wilson in the chair.

The report of the committee was adopted, and the amendments were adopted.

The bill then failed to pass by the following vote:

Those voting in the affirmative were: Senators Claypool, Dyer, Edens, Forrest, Frink, Hastings, Kinnear, Parkinson, Richards, Van de Vanter, Vestal, Watt, and Wilson—13.

Those voting in the negative were: Senators Austin, Clough, Cooper, Drum, Easterday, Eshelman, Forsyth, Kneeland, Long, O'Neill, Owings, Preston, and Rutter—13.

Absent or not voting: Senators Baker, Hyde, Luce, McCroskey, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—8.

Senator Rutter gave notice that at the proper time he would move for a reconsideration of the vote by which the bill failed to pass.

On motion of Senator Dyer, the Senate, at 12:20, adjourned until 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, February 26, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Edens, Eshelman, Forsyth, Luce, and McCroskey.

Excused.

On motion of Senator Smith, Senate bill No. 203 was taken from the general file and laid upon the table.

INTRODUCTION OF BILLS.

House memorial No. 14, by Mr. Peterson: Relative to the reclamation of desert lands.

Read first time.

House concurrent resolution No. 19, by the Committee on Agri-

culture: Relative to resolutions reported from the Kansas legislature, and the appointing of five members of the House and four members of the Senate to act as delegates to the commercial congress, to meet in Kansas City on April 15, 1891.

Read and adopted.

REPORTS OF STANDING COMMITTEES.

By the Committee on Public Revenue and Taxation:

MR. PRESIDENT:

Your Committee on Public Revenue and Taxation, to whom was referred Senate bill No. 11, entitled "An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency," would respectfully report that they have had said bill under long and close consideration, meeting jointly with the same committee from the House of Representatives for that purpose; that after such consideration your committee agreed to report Senate bill No. 259, which was introduced in the Senate yesterday, February 25, 1891, as a substitute for the bill committed to them. That in coming to this conclusion your committee have been actuated by a desire to promote all the varied interests of the state, and not for any portion or section only. They know the substitute presented is not perfect, but believe it an improvement on the act now in force in regard to the collection of revenue, and as such commend it to this honorable body, believing under all the circumstances that it is the best that can be done at this time. All of which is respectfully submitted.

W. R. FORREST, Chairman,
F. W. HASTINGS,
HENRY DRUM,
A. T. VAN DE VANTER,
C. E. FORSYTH,
N. H. OWINGS,
S. VESTAL,
B. C. VAN HOUTEN,
L. F. THOMPSON.

By the Committee on Appropriations:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred House bill No. 85, appropriating money to cover the deficiency for maintaining the state penitentiary to January 1, 1891, have considered the same, and herewith return it to the Senate with the recommendation that it pass.

L. B. CLOUGH,
W. J. PARKINSON.

Presented by Senator Drum:

TACOMA CHAMBER OF COMMERCE, SECRETARY'S OFFICE,
TACOMA, WASH., February 19, 1891.

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

Your memorialist, the Tacoma chamber of commerce, respectfully invites your attention to the numerous reports in the daily newspapers

about the slaughter of elk, particularly in the Olympic mountains. This part of this state is now one of the very few places in the entire country where these noble animals can be found. If ruthless hunters are much longer permitted to slay them in pure wantonness as they do now, it will not be long before the elk will become extinct. We therefore ask that the game laws of the state may be so amended as to afford them protection.

It is the purpose of this chamber at some favorable time to ask the national government to dedicate a portion of this Olympic range as a national park, and to exercise its protection over the useful animals that are found there, so that they may have a secure home there for all time. Until such dedication can be made, or at least until the national congress can have opportunity to make it, we ask that the state shall grant such protection to these animals as it can give. By order of the board.

C. A. SNOWDEN, Secretary.

By the Committee on Municipal Corporations:

MR. PRESIDENT:

Your Committee on Municipal Corporations, having had under consideration Senate bill No. 182, for "An act for the drainage of cities of the second, third, and fourth class, by the construction of sewers and drains," recommend that it do pass as amended.

E. B. HYDE,

L. F. THOMPSON,

A. T. VAN DE VANTER.

By the Committee on Education:

Your Committee on Education, to whom was referred Senate bill No. 191, entitled "An act to establish a state normal school," have had the same under consideration, and do now report the same back to the Senate without recommendation.

C. M. EASTERDAY, Chairman,

HENRY DRUM,

J. M. FRINK.

MR. PRESIDENT:

Your Committee on Education, to whom was referred Senate bill No. 199, An act to compel children under fourteen years of age to attend school, etc."

Senate bill No. 215, An act to provide for the adoption of text-books for common schools, etc.," have had the same under consideration, and now respectfully report the same back with the recommendation that the same be indefinitely postponed.

C. M. EASTERDAY, Chairman,

HENRY DRUM,

J. M. FRINK.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate bill No. 123, entitled "An act for the relief of L. P. Berry, agent; Senate memorial No. 8, relative to reclaiming shallow ponds and lakes;

Senate concurrent resolution No. 12, Relative to printing and binding the governor's message;

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, etc., have been carefully compared with the original bills, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
ALEX. WATT,

Members of committee.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolution No. 22, heretofore reported correctly enrolled, has been delivered to the secretary of state.

C. E. FORSYTH, Chairman,
ALEX. WATT,
W. J. PARKINSON,

Members of committee.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 26, 1891.

MR. PRESIDENT:

The speaker of the House has signed the following bills:

Senate bill No. 101, Relative to violation of injunctions.

Senate bill No. 99, Relative to receivers.

Senate bill No. 110, Relative to attorneys.

Senate bill No. 112, Relative to powers of courts, etc.

Senate bill No. 115, Relative to magistrates.

Senate bill No. 97, Relative to arbitration and award.

Senate bill No. 98, Relative to trial by jury.

Senate bill No. 118, Relative to new trials.

Senate bill No. 104, Relative to proceedings in civil actions.

Senate bill No. 109, Relative to powers and duties of clerks of courts.

Senate bill No. 105, Relative to commencing civil actions.

The House has concurred in the Senate amendments to House bill No. 118, An act providing for the election and terms of office of county commissioners.

The House has passed House bill No. 243, An act regulating and fixing railroad freight rates in the State of Washington.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

Senator Rutter in the chair.

Senate bill No. 259, by the Committee on Public Revenue and

Taxation: An act to provide for the assessment and collection of taxes.

Taken up under special order for 2 P. M.

Read a third time by sections.

Senator Drum moved to amend section 21, line 13, by striking out "instrument" and inserting "investment."

Adopted.

Senator Drum in the chair.

Senator Rutter moved to amend section 41, line 11, by adding after the word "paid" "in the State of Washington."

Adopted.

Senator Forrest moved to amend section 60, line 7, after the word "assessor" to add "after first making a demand for his poll tax."

Adopted.

On motion of Senator Forrest, the following proviso was added to section 64:

Provided, When the poll tax is collected from any person, firm, corporation or company for any number of persons in their employ in excess of 25, then the assessor shall be allowed 5 per cent. on such sum collected.

Adopted.

Senator Forrest moved to amend by striking out sections 112 and 114.

Adopted.

President Wilson in the chair.

The bill then passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Clough, Eshelman, Kinnear, Luce, Smith, and Thompson (L. F.)—7.

The emergency clause was then taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Clough, Eshelman, Kinneer, Luce, Smith, and Thompson (L. F.) — 7.

Senator Forrest moved to amend the title by inserting the emergency clause.

Adopted.

The title of the bill to remain the title of the act.

The President appointed Senators T. J. Smith, J. H. Long, W. J. Parkinson, and F. H. Luce, delegates to visit Kansas City in accordance with House joint resolution No. 19.

On motion of Senator Cooper, Senate bill No. 168 was made a special order for 2 P. M. to-morrow.

A petition by Senator Austin, from the citizens of Garfield county, favoring an increase of the pay of county surveyors.

Read, and placed on file.

A petition by Senator Geo. T. Thompson, from the citizens of Franklin and Walla Walla counties, favoring an increase of the pay of county surveyors.

Read, and placed on general file.

A petition by Senator Rutter, from the delegates of the building trades of the State of Washington and Province of British Columbia, asking for a reconsideration of the vote by which Senate bill No. 31 was defeated, relative to creating a bureau of labor and labor statistics.

Read, and placed on file.

On motion of Senator Forsyth, Senate bill No. 219 was taken up.

Senate bill No. 219, by Senator Forsyth: An act to amend the liquor law.

Reported back by the committee without amendment, and recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Richards, Thompson (G. T.), Thompson (L. F.), Vestal, Watt, and Wilson — 23.

Absent or not voting: Senators Baker, Claypool, Eshelman, Kinneer, Long, Luce, Owings, Rutter, Smith, Van de Vanter, and Van Houten — 11.

The title of the bill to remain the title of the act.

The president stated that he was about to sign Senate bills Nos. 123, 131, Senate memorial No. 8, and Senate concurrent resolution No. 12, which was done.

On motion of Senator Kneeland, the vote by which the emergency clause of House bill No. 190 failed to pass was reconsidered.

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 fish."

The emergency clause was taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Vestal, Watt, and Wilson — 23.

Absent or not voting: Senators Baker, Claypool, Drum, Eshelman, Kinnear, Luce, Owings, Smith, Thompson (L. F.), Van de Vauter, and Van Houten — 11.

On motion of Senator Austin, the Senate, at 5 o'clock, adjourned until 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, February 26, 1891. }
7:30 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Kneeland, Parkinson, Preston Richards, and L. F. Thompson.

JOINT CONVENTION.

On notice being received from the House that that body was ready to receive the Senate, the senate proceeded in a body to the hall of the House of Representatives to sit in joint convention for the purpose of further investigating the charges against Judge Morris B. Sachs.

At 10:50 the joint convention dissolved.

The Senate proceeded to the Senate chamber.

Roll was called; all present excepting Senators Baker, Luce, Parkinson, Kneeland.

The Senate then, at 10:55, on motion of Senator Claypool, adjourned.

FIFTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 27, 1891. }
10 o'clock A. M. }

Senate called to order at 10 o'clock A. M. pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Luce, Parkinson, and Van de Vanter.

Excused.

Senator Van de Vanter excused till 7:30 P. M.

On motion of Senator Dyer, Senator Van Houten was marked present since Monday last, being engaged in special committee work.

On motion of Senator Dyer, the reading of the journal of yesterday, February 26, was dispensed with, and the journal considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 27, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate bill No. 123, entitled "An act for the relief of L. P. Berry, agent."

Also, Senate concurrent resolution No. 12, 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 speaker of the House has signed House concurrent resolution No. 20, Relative to serving subpoenas on witnesses in Morris B. Sachs case.

House concurrent resolution No. 22, Relative to privileges on the floor during Morris B. Sachs case.

House bill No. 118, An act relative to election and terms of office of county commissioners.

House bill No. 30, An act relative to establishing municipal courts in cities of more than twenty thousand inhabitants.

House bill No. 77, An act relative to per diem and expenses of county commissioners.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

PETITIONS, RESOLUTIONS, ETC.

A petition by Senator Kinnear, from a committee of building and trades council of Washington and British Columbia, petitioning the legislature to pass Senate bill No. 251.

Read, and referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

By the joint Judiciary Committee:

To the President of the Senate:

The Judiciary Committees of the Senate and House, to whom was referred the general statutes and the codes of the State of Washington, annotated and arranged by William Lair Hill, code commissioner of the State of Washington, pursuant to Senate concurrent resolution No. 3, and to whom was referred 117 additional code bills to those already passed, numbered from 268 to 384, inclusive, prepared by said code commissioner, and now in the hands of the Senate committee, would respectfully report that said committees have fully and carefully examined the said 117 additional code bills, they being necessary in order to make the statutes and code harmonize.

Your committee therefore respectfully report that Nos. 268, 269, 270, 271, 273, 274, 276, 278, and 285 of the said bills be indefinitely postponed, and that the remainder of the said bills, being Nos. 272, 275, 277, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 358, 359, 360, 361, 362, 363, 364, 365, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384 be favorably considered, being necessary in order to perfect the said codes and statutes, and that the legislature enact them into laws.

All of which is respectfully submitted.

J. R. KINNEAR, Chairman.

Concurred in by all members of Senate Judiciary Committee.

A. W. FRATER, Chairman.

Concurred in by House Judiciary Committee.

By the Committee on State Tide Lands:

MR. PRESIDENT:

Your Committee on State Tide Lands, to whom was referred Senate bill No. 160, have had the same under consideration, and recommend the passage of the accompanying substitute bill.

W. J. PARKINSON,
J. J. EDENS,
F. H. RICHARDS,
J. M. FRINK.

The report adopted, and the substitute known as Senate bill No. 387 was adopted.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 26, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed Senate bill No. 97, entitled “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, entitled “An act relating to trial by jury, and amending sections 232, 234 and 244 of the Code of Washington of 1881.”

Senate bill No. 99, entitled “An act in relation to receivers.”

Senate bill No. 101, entitled “An act relating to proceedings against persons who violate injunctions, and amending section 168 of the Code of Washington of 1881.”

Senate bill No. 104, entitled “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, entitled “An act relating to the manner of commencing civil actions.”

Senate bill No. 109, entitled “An act in relation to the powers and duties of clerks of courts.”

Senate bill No. 110, entitled “An act in relation to attorneys.”

Senate bill No. 112, entitled “An act in relation to the powers of courts and judicial officers.”

Senate bill No. 115, entitled “An act in relation to magistrates.”

Senate bill No. 118, entitled “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.” I have the honor to be,

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor, and Acting Governor.

INTRODUCTION OF BILLS.

House bill No. 243, by Mr. Wasson: An act regulating and fixing railroad freight rates in the State of Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on Corporations other than Municipal.

House joint resolution No. 13, by Mr. Putney: Relative to an appropriation for the improvement of Willapa river and Nasel river, in Pacific county, Washington.

Read first time; rules suspended, read second time by title, and referred to Committee on Memorials.

House concurrent resolution No. 21, by Mr. Meany: Relative to the preservation of newspapers and periodicals of the state.

Read and referred to the Committee on State Library.

House bill No. 184, by the 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 March 27, 1890, entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

House bill No. 117, by Mr. Collins: An act to provide for the transportation of prisoners to the state penitentiary, to fix the compensation therefor, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to the Committee on State Prisons.

House bill No. 86, by M. J. Parcell: An act to secure to workmen the payment of wages in lawful money.

Read first time; rules suspended, read second time by title, and referred to Corporations other than Municipal.

House bill No. 133, by Mr. Berry: An act to amend sections 3095 and 3098 of the Code of Washington, relating to official counts of election returns.

Read first time; rules suspended, read second time by title, and referred to the Committee on Elections and Privileges.

On motion of Senator Easterday, the rules were suspended and the vote by which House bill No. 172 passed, was reconsidered.

House bill No. 172, An providing for additional superior court judges.

Senator Richards then withdrew his amendment to sections 3 and 4, with the consent of his second.

On motion of Senator Dyer, the vote by which the new section was adopted was reconsidered and rejected.

The bill then passed, without amendment, as it came from the House by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Richards, Thompson (G. T.), Thompson (L. F.), Vestal, and Wilson—24.

Voting in the negative: Senator Watt—1.

Absent or not voting: Senators Baker, Eshelman, Luce, Parkinson, Preston, Rutter, Smith, Van de Vanter, and Van Houten—9.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Vestal, and Wilson—25.

Voting in the negative: Senator Easterday—1.

Absent or not voting: Senators Baker, Drum, Luce, Parkinson, Smith, Van de Vanter, Van Houten, and Watt—8.

The title was amended by inserting the emergency clause and to remain the title of the act.

On motion of Senator Dyer, Senate bill No. 129 was taken up for the passage of the emergency clause.

Senate bill No. 129, by Senator Dyer, An act regulating fees of county clerks for services rendered as clerks of superior courts, etc.

The emergency clause failed to pass by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forsyth, Hastings, Hyde, McCroskey, O'Neill, Preston, Richards, Rutter, Thompson (G. T.), Vestal, Watt, and Wilson—19.

Those voting in the negative were: Senators Drum, Forrest, Frink, Kinnear, and Long—5.

Absent or not voting: Senators Baker, Claypool, Kneeland, Luce, Owings, Parkinson, Smith, Thompson (L. F.), Van de Vanter, and Van Houten—10.

The title amended by striking out the emergency clause and to remain the title of the act.

Senator Long in the chair.

On motion of Senator Kinnear, the following bills were taken up, having been reported back by the committees with the recommen-

dation that they be indefinitely postponed, and were indefinitely postponed:

Senate bill No. 215, Adoption of text-books.

Senate bill No. 199, To compel children under age to attend school.

Senate bill No. 201, Relative to the care and disposition of the dead.

Senate bill No. 184, City clerks as police magistrates.

Senate bill No. 138, Relating to exemptions.

Senate bill No. 169, Relating to supreme court reporter.

Senate bill No. 173, To furnish lists of employes to county assessors.

The following W. Lair Hill code bills were, on report of the Judiciary Committee, indefinitely postponed:

Senate bill No. 268, An act relating to common schools.

Senate bill No. 269, An act relating to the support of common schools.

Senate bill No. 270, An act relating to school district elections.

Senate bill No. 271, An act relating to union graded schools.

Senate bill No. 273, An act relating to clerks of school districts.

Senate bill No. 274, An act relating to boards of school directors.

Senate bill No. 276, An act relating to state board of education.

Senate bill No. 278, An act relating to harbor line commissioners.

Senate bill No. 285, An act relating to the assessment and collection of taxes.

On motion of Senator Hastings, Senate bill No. 194 was taken up.

Senate bill No. 194, by Senator Hastings: An act providing for floating the flag over school buildings.

Senator Hastings moved to amend, as follows:

Amend title by striking out the word "requiring," in line 2, and inserting in lieu thereof the words "providing that."

In same line strike out the word "to," and insert in lieu thereof the word "shall."

In section 1, lines 1 and 2 of printed bill, strike out the words "it shall be the duty of;" in same line strike out the word "each" and insert in lieu thereof the word "any," and strike out the word "to" and insert in lieu thereof the word "may."

Strike out all of section 3.

In section 4 strike out all after the word "after," in line 12 of printed bill, and insert in lieu the following: "Its approval by the governor."

Adopted.

The bill then passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, Owings, Preston, Richards, Rutter, Vestal, Watt, and Wilson — 24.

Absent or not voting: Senators Baker, Luce, O'Neill, Parkinson, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten — 10.

The emergency clause taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Vestal, Watt, and Wilson — 23.

Those voting in the negative were: Senators Austin and Eshelman — 2.

Absent or not voting: Senators Baker, Luce, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten — 9.

The title was amended by striking out "and providing penalties for the same," and to remain as the title of the act.

House memorial No. 14, by Mr. Peterson: In relation to the reclamation of desert lands.

Read a second time, and referred to the Committee on Memorials.

Senate bill No. 387, by Committee on State Tide Lands: An act to amend sections 2 and 4 of an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington."

The substitute was adopted as an amendment to the original bill, and placed on general file.

Senate bill No. 186, by Senator Dyer: Relative to collecting demands against ships.

Reported back by the committee with the recommendation that it be referred to a committee of the whole.

On motion of Senator Dyer, the Senate went into a committee of the whole to consider the bill.

Senator Drum in the chair.

The committee of the whole arose and reported the bill back without recommendation.

Senator Long in the chair.

The report of the committee of the whole adopted.

On motion of Senator Dyer, the bill was laid upon the table.

On motion of Senator Preston, Senate bill No. 200 was taken up.

Senate bill No. 200, by the Committee on State Prisons: An act to define, regulate and govern the Washington penitentiary, and declaring an emergency.

Reported back by the committee without amendment, and recommending its passage.

Read a third time by sections.

The president stated that he was about to sign House concurrent resolution No. 22, House bills Nos. 118, 30 and 77, which was done.

On motion of Senator Rutter, the Senate, at 12:10, adjourned until 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 27, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Luce, Parkinson, and Smith.

Excused.

The time on Senate bill No. 168, a special order for 2 P. M., was extended.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 27, 1891.

MR. PRESIDENT:

The House has instructed me to transmit to the Senate all petitions on railroad legislation, to come up with bill on the same subject, and the same are herewith transmitted.

T. G. NICKLIN, Chief Clerk.

Senate bill No. 200, Relative to the Washington penitentiary, was again taken up.

Senator Owings moved to amend section 2, line 8, to strike out “\$3” and insert “\$5.”

Adopted.

Also to strike out in line 9 “necessary and actual expenses,” and insert “mileage actually paid.”

Adopted.

On motion of Senator Dyer, the name of “Washington” was stricken out, and “state” inserted wherever it applies to the name of the penitentiary in the bill.

Senator Owings moved to amend by adding after the word “prosecuted,” in line 6 of section 7, “by the county attorney of Walla Walla county,” and after the word “directors,” the following: “And that he be allowed \$10 per day for each day actually employed by said directors.”

On motion of Senator Owings, section 26 was stricken out.

On motion of Senator Kinnear, in section 7, line 7, after “\$10 per day,” “the entire amount not to exceed \$500 per annum,” was inserted.

Senator Owings moved to amend in line 31, section 14, after the word “herewith,” “and shall have the power to reject any and all bids.”

Adopted.

On motion of Senator L. F. Thompson, the word “prisons,” in line 6, section 21, was stricken out, and “penitentiary” inserted.

Senator Drum moved to amend section 29 by adding at the end of the section “not to exceed in amount \$25,000.”

Adopted.

On motion of Senator McCroskey, line 15, section 14, was amended by striking out “two” and inserting “four.”

Senator L. F. Thompson moved to amend section 21 by adding: “*Provided*, That such expenditure shall in no instance exceed \$10,000 without a special appropriation therefor by the state legislature.”

Adopted.

The bill then passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Claypool, Luce, Parkinson, Smith, Van de Vanter, and Van Houten—7.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kueeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G.T.), Thompson (L.F.), Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Claypool, Luce, Parkinson, Smith, Van de Vanter, and Van Houten—7.

The title of the bill to remain the title of the act.

Report of Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 119, entitled "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," has been carefully compared with the original bill and found correctly enrolled.

C. E. FORSYTH, Chairman,
ALEX. WATT.

The president stated that he was about to sign Senate bill No. 119, which was done.

By Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bills Nos. 97, 98, 99, 101, 104, 105, 109, 110, 112, 115, and 118, heretofore reported correctly enrolled, have been delivered to the governor February 26, 1891, and Senate concurrent resolution No. 22, heretofore reported correctly enrolled, has been delivered to secretary of state February 26, 1891.

C. E. FORSYTH, Chairman,
ALEX. WATT.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate bills Nos. 123 and 131, heretofore reported correctly enrolled, have been this day delivered to the governor; and Senate memorial No. 8 and Senate concurrent resolution No. 12, heretofore reported correctly enrolled, have been this day delivered to secretary of state.

C. E. FORSYTH, Chairman.

By Committee on Labor and Labor Statistics:

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, to whom was referred House bill No. 128, entitled "An act to make time checks bear interest

from date of issue, have had the same under consideration, and would respectfully report the same back to the Senate with the recommendation that it pass.

W. C. RUTTER, Chairman,

J. J. EDENS.

L. B. CLOUGH,

On motion of Senator Frink, the Senate went into a committee of the whole to consider Senate bill No. 168.

Senator Long in the chair.

Senate bill No. 168, by Senator Cooper: Relative to harbor line commissioners.

The committee of the whole arose and reported the bill back with various amendments and recommending its passage.

President Wilson in the chair.

On motion of Senator Dyer, the report of the committee and amendments were adopted.

The bill ordered to be engrossed.

Senator Austin in the chair.

On motion of Senator Kinnear, the W. Lair Hill code bills introduced by the Judiciary Committee, were taken up.

Senate bill No. 272, An act relating to damages caused by change of grade.

Reported back by the committee recommending its passage.

Read third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Rutter, Thompson (L. F.), Watt, and Wilson—19.

Absent or not voting: Senators Baker, Clough, Forsyth, Frink, Hastings, Hyde, Luce, Owings, Parkinson, Richards, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Vestal—15.

Title of the bill to remain the title of the act.

Senate bill No. 285, An act relative to town plats.

Reported back by committee without amendments, recommending its passage.

Read a third time by sections, and passed by the following vote:

President Wilson in the chair.

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Rutter, Watt, and Wilson—18.

Senator Easterday voted in the negative.

Absent or not voting: Senators Baker, Drum, Forsyth, Frink, Hastings, Luce, Owings, Parkinson, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Vestal—16.

Title of the bill to remain the title of the act.

Senate bill No. 277, An act relating to elections.

Reported back by the committee without amendment, and recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Thompson (G. T.), Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Forsyth, Luce, Owings, Parkinson, Smith, Thompson (L. F.), Van de Vanter, and Van Houten—9.

Title of the bill to remain the title of the act.

Senate bill No. 279, An act relating to the qualifications of electors.

Reported back by the committee without amendment, and recommending its passage.

Read a third time by sections, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Thompson (G. T.), Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Luce, Parkinson, Smith, Thompson (L. F.), Van de Vanter, and Van Houten—10.

Title of the bill to remain the title of the act.

Senate bill No. 280, An act relative to vacancies in office.

Reported back by the committee without amendment, and recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Clay

pool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Thompson (G. T.), Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Forsyth, Luce, Owings, Parkinson, Smith, Thompson (L. F.), Van de Vanter, and Van Houten—9.

The title of the bill to remain the title of the act.

Senate bill No. 281, An act relative to county and precinct officers.

Reported back by the committee with the recommendation that the bill pass without amendment.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Baker, Forsyth, Luce, Owings, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten—11.

The title of the bill to remain the title of the act.

Senate bill No. 282, An act relative to constables.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Thompson (G. T.), Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Forsyth, Luce, Owings, Parkinson, Rutter, Smith, Thompson (L. F.), Van de Vanter, and Van Houten—10.

Senate bill No. 283, An act relative to the state university.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Clay-

pool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Thompson (G. T.), Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Forsyth, Luce, Owings, Parkinson, Smith, Thompson (L. F.), Van de Vanter, and Van Houten—9.

The title of the bill to remain the title of the act.

Senate bill No. 284, An act relative to the school for defective youth.

Reported back by the committee recommending its passage.

Read a third time by sections, and, on motion of Senator Drum, taken from the file and referred to the Committee on Education.

Senate bill No. 286, An act relative to common schools.

Reported back by the committee recommending its passage.

Read a third time by sections, and, on motion of Senator Easterday, the bill was referred to Committee on Education.

On motion of Senator Austin, the Senate, at 4:55 P. M., adjourned until 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, February 27, 1891. }
7:30 P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Clough, Frink, Hastings, Hyde, Luce, Preston, L. F. Thompson, Watt, Richards, and McCroskey.

JOINT CONVENTION.

On notice from the House, the Senate, on motion of Senator Claypool, repaired to the hall of the House of Representatives to take part in joint convention to continue the investigation of the charges against Judge Morris B. Sachs.

At 10:05 the joint convention dissolved.

The Senate proceeded to the Senate chamber.

President Wilson in the chair.

After roll call, a quorum present, the Senate adjourned.

FIFTY-THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, February 28, 1891. }
10:15 o'clock A. M.

Senate called to order pursuant to adjournment. President Wilson in the chair.

Roll called; all present excepting Senators Baker, Forsyth, Luce, Parkinson, Thompson (G. T.), and Thompson (L. F.).

Excused.

On motion of Senator Rutter, the reading of the journal was dispensed with, and the same was considered approved.

PETITIONS, RESOLUTIONS, ETC.

A petition from the citizens of Castle Rock and the city of Waitsburg, asking that the present Sunday law be not repealed.

Read and referred to the Committee on Municipal Corporations.

Several petitions by Senator McCroskey, from the citizens of Whitman county, petitioning against any division of the county of Whitman.

From the members of Pine City Alliance No. 14, demanding legislation on railroad freights and fares.

From the Farmers' Alliance of Whitman county, asking that mandatory provisions be added to section 13 and section 18, act 12, of the constitution of the State of Washington, relative to railroads.

A telegram from R. Bridges, relative to the passage of Senate bill No. 20.

A petition from the Spokane Falls chamber of commerce, asking for a reduction of railroad rates.

And from the Farmers' Alliance No. 4, of Whitman county, relative to a reduction of railroad rates.

Read and referred to the Committee on Corporations other than Municipal.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 28, 1891.

MR. PRESIDENT:

The House has concurred in Senate amendment to House bill No. 172, An act in relation to judicial districts.

The speaker has signed House bill No. 172, In relation to judicial districts.

The House has passed House bill No. 164, An act relating to private sales of real estate belonging to estates.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 27, 1891.

To the Honorable the President and the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed Senate bill No. 123, entitled "An act for the relief of L. P. Berry, agent." I have the honor to be,

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting 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—On the 21st instant a pardon was granted by me to Henry Masse, convicted of manslaughter and sentenced on the 17th day of September 1881, 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 Seatco, 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 the 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 instant, 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.

REPORTS OF STANDING COMMITTEES.

By the Committee on Privileges and Elections:

MR. PRESIDENT:

Your Committee on Privileges and Elections, to whom was referred Senate bill No. 158, "An act to amend an act to provide for and to regulate the registration of voters in cities and towns, etc.," begs leave to report that they have had the same under consideration, and respectfully return it back to the Senate without recommendation.

J. H. LONG, Chairman,
R. C. McCROSKEY,
A. T. VAN DE VANTER.

By the Committee on Corporations other than Municipal.

MR. PRESIDENT:

Your Committee on Corporations other than Municipal, having had under consideration Senate bill No. 218, For an act to regulate and license insurance business in this state, and declaring an emergency, would respectfully recommend that it do pass.

Also, Senate bill No. 226, For an act regulating and fixing railroad freight rates in the State of Washington, without recommendation.

Also, Senate bill No. 61, For an act to fix maximum rates of freights on railroads in this state, and to provide a penalty for violation of its provisions, without recommendation.

Also, Senate bill No. 167, For an act requiring railroad corporations to fence their tracks, without recommendation.

B. C. VAN HOUTEN, Chairman.

By the Committee on Municipal Corporations:

MR. PRESIDENT:

Your Committee on Municipal Corporations, to whom was referred House bill No. 184, substitute for House bills Nos. 88 and 89, herewith return the same to the Senate without recommendation.

E. B. HYDE,
A. T. VAN DE VANTER.

By the Committee on Corporations other than Municipal:

MR. PRESIDENT:

The Committee on Corporations other than Municipal, having had under consideration House bill No. 86, for "An act to secure to workmen the payment of wages in lawful money," would respectfully recommend that it do pass.

Also, Senate bill No. 228, for "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," without recommendation.

Also, Senate bill No. 135, for "An act providing that railroad companies shall be liable for injuries to all persons and employes in consequence of mismanagement of the engineers or other employes of such corporation, and providing that no contract which restricts such liability shall be legal and binding," without recommendation.

B. C. VAN HOUTEN, Chairman.

By the Committee on Municipal Corporations:

MR. PRESIDENT:

Your Committee on Municipal Corporations, to whom was referred Senate bill No. 132, report the same back with a substitute section for section No. 3, and recommend its adoption.

E. B. HYDE,
A. T. VAN DE VANTER,
Committee.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled bills begs leave to report that Senate bill No. 51, entitled "An act to amend section 2551, of chapter CXCVIII, of the Code of Washington Territory, relating to marks and brands," has been carefully compared with the original bill, and found correctly enrolled.

ALEX. WATT,
Other members of the committee absent.

By the Judiciary Committee:

MR. PRESIDENT:

Your committee would respectfully report and recommend that Senate bill No. 231 do pass.

J. R. KINNEAR,
C. M. EASTERDAY,
G. T. THOMPSON,
C. E. CLAYPOOL.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred 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 may be served on them, respectfully report that they have had the same under consideration, and report the same back to the Senate with the recommendation that it do pass.

J. R. KINNEAR, Chairman.

Senators Dyer, Easterday, Claypool, and Parkinson, concur, being all the members present.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 207, beg leave to report that they have had the same under consideration, and respectfully report the bill back to the Senate with the recommendation that it pass.

J. R. KINNEAR, Chairman,
T. P. DYER,
C. E. CLAYPOOL,
C. G. AUSTIN,
GEO. T. THOMPSON,
C. M. EASTERDAY,
Committee.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred House bill No. 236, relating to municipal corporations, beg leave to report that they have had the same under consideration, and now report the same back to the Senate with the recommendation that it do pass.

J. R. KINNEAR, Chairman.
C. E. CLAYPOOL,
T. P. DYER,
C. G. AUSTIN,
C. M. EASTERDAY,
G. T. THOMPSON.

By the Judiciary Committee:

MR. PRESIDENT:

Your committee would respectfully report that they have considered Senate bill No. 178, and they recommend that the same be amended as follows, and that the same as amended do pass:

Strike out from word "unless" in the 9th line, all and inclusive the words ending "beginning," in said section.

Also, insert new section rider as follows:

"Section 21. That this act shall be construed to be a concurrent remedy with the attachment laws of this state, and nothing herein shall be construed to limit or curtail the right to garnishment as provided under such attachment laws.

Respectfully submitted.

J. R. KINNEAR, Chairman,
T. P. DYER,
GEO. T. THOMPSON,
C. E. CLAYPOOL,
Judiciary Committee.

By the Judiciary Committee:

MR. PRESIDENT:

Your Judiciary Committee report back Senate bill No. 251, Relating to liens, without recommendation.

J. R. KINNEAR, Chairman,
C. E. CLAYPOOL,
C. M. EASTERDAY,
T. P. DYER.

By the Committee on Education:

MR. PRESIDENT :

We, your Committee on Education, to whom was referred Senate bill No. 238, An act to establish a normal school in the city of Anacortes, have had the same under consideration, and report the same back without recommendation.

C. M. EASTERDAY, Chairman,
J. M. FRINK,
HENRY DRUM.

By the Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that 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, has been carefully compared with the original bill. and found correctly engrossed.

J. T. ESHELMAN,
A. T. VAN DE VANTER.

By Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary reports on the following bills:

Senate bill No. 234, Relating to county attorneys, be indefinitely postponed.

Senate bill No. 225, Relating to liens, be indefinitely postponed, because the provisions of this bill have been acted upon.

House bill No. 45, Relative to delinquent taxes, and recommend its passage.

House bill No. 261, Relating to code, and recommend favorably.

J. R. KINNEAR, Chairman.

By Committee on Memorials:

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred House memorials Nos. 13 and 14, have had the same under consideration, and would respectfully report the same back to the Senate with the recommendation that they pass.

GEO. T. THOMPSON, Chairman,
JNO. R. KINNEAR,
W. C. RUTTER.

By the Committee on Education:

MR. PRESIDENT:

We, your Committee on Education, to whom was referred Senate bill No. 284, An act in regard to school for defective youth, have had the same under consideration, and report the same back and recommend that it do pass.

C. M. EASTERDAY, Chairman,
J. M. FRINK,
HENRY DRUM.

By the Committee on State Library:

MR. PRESIDENT:

Your Committee on State Library to whom was referred House concurrent resolution No. 21, have had the same under consideration, and report it back with recommendation that it pass.

C. E. CLAYPOOL, Chairman.

Report concurred in by Senators Owings and Thompson (G. T.).

By the Committee on Elections and Privileges:

MR. PRESIDENT:

Your Committee on Elections and Privileges, to whom was referred Senate bill No. 198, entitled "An act to amend an act entitled 'An act to provide for and to regulate the registration of voters in cities and towns, and precincts having a voting population of two hundred and fifty (250) or more,'" approved March 27, 1890, and would respectfully report that your committee have had said bill under consideration, and unanimously would recommend the passage of the same, and that it become a law. Your committee would further report that during the consideration of said bill, the same, by some means to your committee unknown, became lost or mislaid. Your committee therefore have replaced the said original bill with an exact copy of the same, as a substitute, and would respectfully ask that said copy be adopted as a substitute, and would in all respects be treated and used as the original bill No. 198. All of which is respectfully submitted.

J. H. LONG,

R. C. McCROSKEY,

A. T. VAN DE VANTER.

The report was adopted and the substitute accepted.

Report of Committee on Public Morals:

MR. PRESIDENT:

Your standing Committee on Public Morals has had under consideration Senate bill No. 221, entitled "An act for the commitment in cities and incorporated towns in the State of Washington of females over the age of ten years who have been convicted by a justice of the peace or police magistrate in said cities or towns of being prostitutes or visitants of houses of assignation or prostitution, or who are found in association with vicious and dissolute persons, and to permit such cities, towns and counties to contract for the safe keeping, care, maintenance and instruction of females committed under the provisions of this act," and beg leave to report as a substitute therefor Senate bill No. 388, entitled "An act providing for the commitment in cities and towns of certain females, etc.," and recommend that the substitute do pass.

J. T. ESHELMAN, Chairman,

T. P. DYER.

The report of the committee was adopted and the substitute was accepted, known as Senate bill No. 388.

On motion of Senator Easterday, Senate bill No. 234 and Senate bill No. 225 were indefinitely postponed.

Senate joint resolution No. 3, by Senator Owings: Relative to naming Mt. Rainier or Mt. Tacoma, Mt. Sherman.

Read, and laid upon the table.

On motion of Senator Austin, Senate bill No. 168 was taken up.

Senate bill No. 168, by Senator Cooper: 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.

Received from the engrossing clerk, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Baker, Forsyth, Hyde, Luce, Parkinson, Thompson (G. T.), Thompson (L. F.), and Van Houten—8.

The title of the bill to remain the title of the act.

Senate bill No. 31, by Senator Rutter (by request): Relative to a bureau of labor statistics.

On motion of Senator Rutter, the vote by which Senate bill No. 31 failed to pass was reconsidered, and was rejected the second time, by the following vote:

Those voting in the affirmative were: Senators Claypool, Dyer, Edens, Forrest, Frink, Hastings, Kinnear, McCroskey, Richards, Rutter, Van de Vanter, Vestal, Watt, and Wilson—14.

Those voting in the negative were: Senators Austin, Clough, Cooper, Drum, Easterday, Eshelman, Kneeland, Long, O'Neill, Owings, and Smith—11.

Absent or not voting: Senators Baker, Forsyth, Hyde, Luce, Parkinson, Preston, Thompson (G. T.), Thompson (L. F.), and Van Houten—9.

Senate bill No. 51, by Senator Wilson, An act to amend section 2551 of the code, in relation to marks and brands.

Received from the House with amendments. The amendments were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool,

Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Baker, Forsyth, Hyde, Luce, Parkinson, Thompson (G. T.), Thompson (L. F.), and Van Houten—8.

Title of the bill to remain the title of the act.

On motion of Senator Claypool, Senate bill No. 67 was taken up out of order.

On motion of Senator Claypool, the substitute, Senate bill No. 230, was adopted as an amendment to the original bill.

Senate bill No. 230, substitute for Senate bill No. 67, An act in relation to attachments and garnishments.

Read a third time by sections.

Senator Claypool moved to amend section 2, by striking out in lines 24 and 25 "the county of his residence or from."

Adopted.

On motion of Senator Claypool, sections 30 and 31 were stricken out and two added as substitutes.

Senator Claypool moved to amend section 16 by adding to the section "but the plaintiff shall only be entitled to actual expenses, to be approved by the court, for the care and keeping of such property."

Adopted.

Senator Claypool moved to amend section 22 by inserting after the word "affidavit," in line 3, "and upon or based upon oral testimony."

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Van de Vanter, Watt, and Wilson—23.

Absent or not voting were: Senators Baker, Clough, Forsyth, Luce, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Vestal—11.

The emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Frink, Hastings,

Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Watt, and Wilson—23.

Absent or not voting: Senators Baker, Clough, Easterday, Forsyth, Luce, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Vestal—11.

The title of the bill to remain the title of the act.

On motion of Senator Dyer, the rules were suspended and Senate bill No. 178, was taken up.

Senate bill No. 178, by Senator Dyer, An act relating to garbishment in superior courts.

Reported back by the committee with amendments recommending its passage.

The amendments as reported were adopted.

Read a third time by sections.

Senator Dyer moved to amend by striking out all after the word "appeared," in section 5.

Adopted.

Senator Van de Vanter in the chair.

Read a third time by sections, and passed by the following vote as amended:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Forsyth, Luce, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Vestal—9.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Forsyth, Luce, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Vestal—10.

The title of the bill to remain the title of the act, after amendment by inserting the emergency clause.

On motion of Senator Richards, the substitute for Senate bill No. 198 was numbered 198.

Senate bill No. 287, An act relating to interest.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment, by the following vote.

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Richards, Smith, and Van de Vanter—18.

Absent or not voting: Senators Austin, Baker, Forsyth, Frink, Hastings, Luce, Owings, Parkinson, Preston, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—16.

The title of the bill to remain the title of the act.

Senate bill No. 288, An act relating to building and loan associations.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hyde, Kinnear, Kneeland, Long, O'Neill, Owings, Richards, Smith, Van de Vanter, and Wilson—18.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Hastings, Luce, McCroskey, Parkinson, Preston, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, and Watt—16.

The title of the bill to remain the title of the act.

Senate bill No. 289, An act relating to boards of school directors borrowing money.

Reported back by the committee recommending its passage.

Read a third time by sections and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, Owings, Preston, Smith, Van de Vanter, Vestal, and Wilson—18.

Absent or not voting: Senators Austin, Baker, Claypool, Dyer, Forsyth, Frink, Luce, McCroskey, O'Neill, Parkinson, Richards,

Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—16.

Title of the bill to remain the title of the act.

Senate bill No. 290, An act relating to bonds for roads.

Reported back by the committee recommending its passage.

Read a third time by sections and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Van Houten, and Vestal—18.

Absent or not voting: Senators Austin, Baker, Claypool, Clough, Dyer, Forsyth, Frink, Hastings, Long, Luce, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Watt, and Wilson—16.

Title of the bill to remain the title of the act.

Senate bill No. 291, An act relating to landlord and tenants.

Reported back by the committee recommending its passage.

Laid upon the table.

Senate bill No. 292, An act relating to taking up water crafts found adrift.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hyde, Kinnear, Kneeland, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Van Houten, Vestal, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Hastings, Long, Luce, McCroskey, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), and Watt—14.

The title of bill to remain the title of the act.

Senate bill No. 293, An act relating to wrecked property.

Reported back by the committee, recommending its passage.

Read third time, and passed, without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Van de Vanter, and Vestal—18.

Absent or not voting: Senators Austin, Baker, Forsyth, Frink,

Hastings, Hyde, Long, Luce, Parkinson, Thompson (G. T.), Thompson (L. F.), Van Houten, Watt, and Wilson—16.

The title of the bill to remain the title of the act.

Senate bill No. 294, An act relative to publication of the statutes.

Reported back by the committee, recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hyde, Kinneer, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Van Houten, and Vestal—20.

Absent or not voting: Senators Austin, Baker, Claypool, Dyer, Forsyth, Frink, Hastings, Luce, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Watt, and Wilson—14.

The title of the bill to remain the title of the act.

Senate bill No. 295, An act relative to packing and labelling fish.

Reported back by the committee, recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hyde, Kinneer, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Van Houten, Vestal, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Hastings, Luce, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), and Watt—12.

The title of the bill to remain the title of the act.

Senate bill No. 296, Act relative to logging.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Kinneer, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Hastings, Hyde, Luce, Parkinson, Rutter, Thompson (G. T.), and Thompson (L. F.)—12.

Title of the bill to remain the title of the act.

President Wilson in the chair.

Senate bill No. 297, An act relative to marriages.

Reported back by the committee recommending its passage.

Read a third time by sections.

Senator Forrest moved to amend by changing "county clerk" to "county auditor" wherever the same appeared.

Adopted.

Senator Eshelman moved to amend section 6 after the word "person:" "Obtaining the license at the time the same is issued."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hyde, Kinnear, Long, McCroskey, O'Neill, Owings, Richards, Smith, Vestal, Watt, and Wilson — 19.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Hastings, Kneeland, Luce, Parkinson, Preston, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten — 15.

The title of the bill to remain the title of the act.

On motion of Senator Easterday, Senate bill No. 349 was indefinitely postponed.

On motion of Senator Richards, Senate bill No. 182 was taken up.

Senate bill No. 182, by Senator Long: An act in relation to drainage of cities, etc.

Reported back by the committee with amendments, and recommending its passage.

The amendments as reported were adopted.

Read a third time by sections.

Senator Forrest moved that in section 5, line 8, after the word "received," add the following: "On the date therein named."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hyde, Kinnear, Long, Owings, Richards, Smith, Van de Vanter, Vestal, Watt, and Wilson — 18.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Hastings, Kneeland, Luce, McCroskey, O'Neill, Parkinson,

Preston, Rutter, Thompson (G. T.), Thompson (L. F.), and Van Houten — 16.

On motion of Senator Long the bill was laid upon the table.

On motion of Senator Long, House bill No. 184 was taken up, and Senate bill No. 132 was adopted as a substitute to Senate bill No. 184.

Senate bill No. 132, by Senator Long: Government of municipal incorporations.

Reported back by the committee with amendments, and recommending its passage.

The amendments were adopted.

Senator Richards moved to amend section 2, line 13, by adding after "mayor's" or "mayor pro tem."

Adopted.

On motion of Senator Owings, the bill was referred to the Committee on Municipal Corporations.

The president stated that he was about to sign House bill No. 172, which was done.

On motion of Senator Richards, Senate bill No. 198 was taken up.

Senate bill No. 198, by Senator Richards: 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.

Read a third time by sections.

Senator Easterday moved to amend the title by inserting after amend "sections 6, 7 and 11," and at the end of the title the following: "And repealing section 10 of said act.

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Eshelman, Forrest, Hyde, Kinnear, Kneeland, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Vestal, Watt, and Wilson — 19.

Absent or not voting: Senators Austin, Baker, Dyer, Edens, Forsyth, Frink, Hastings, Long, Luce, McCroskey, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), and Van Houten — 15.

The title of the bill to remain the title of the act.

Senate concurrent resolution No. —, Relative to permission being allowed to introduce two bills.

The resolution failed to pass by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Vestal, Watt, and Wilson—21.

Senator Claypool voted in the negative.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Luce, McCroskey, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), and Van Houten—13.

On motion of Senator O'Neill, House bill No. 139 was taken up.

House bill No. 139, by Mr. Smith: Relative to taking the census of the Colville Indians.

Reported back by the committee, recommending its passage.

On motion of Senator Claypool, the Senate went into committee of the whole to consider the bill.

Senator Kinnear in the chair.

The committee of the whole arose and reported that they recommended that the bill be indefinitely postponed.

President Wilson in the chair.

House bill No. 139 was indefinitely postponed.

Senator Smith excused for the day.

On motion of Senator Kinnear, the W. Lair Hill code bills were taken up.

Senate bill No. 299, Relative to the reform school.

Reported back by the committee, recommending its passage.

Read a third time by sections, and referred to Committee on Education.

Senate bill No. 132, by Senator Long: An act to amend an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency."

Reported back by the committee with amendment, recommending its passage.

The amendment was adopted.

Read a third time by sections, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hastings

Hyde, Kinnear, Kneeland, Long, O'Neill, Owings, Preston, Richards, Smith, Van de Vanter, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Luce, McCroskey, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), and Van Houten—12.

Senator Long moved to amend the title by striking out the emergency clause.

Adopted.

Senator Easterday moved to amend the title by adding sections 105, 106, 114, and 117, and at the end, "and declaring an emergency," approved March 27, 1890.

The title as amended to remain the title of the act.

On motion of Senator Clough, Senate bill No. 149 was indefinitely postponed.

Senate bill No. 301, An act relative to indigent soldiers.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, O'Neill, Richards, Smith, Van de Vanter, Vestal, Watt, and Wilson—19.

Senator Drum voted in the negative.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Luce, McCroskey, Owings, Parkinson, Preston, Rutter, Thompson (G. T.), Thompson (L. F.), and Van Houten—14.

The title of the bill to remain the title of the act.

House bill No. 300, An act relative to husband and wife.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Easterday, Edens, Eshelman, Hastings, Hyde, Kinnear, Kneeland, Long, O'Neill, Owings, Richards, Smith, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—19.

Absent or not voting: Senators Austin, Baker, Clough, Dyer, Forrest, Forsyth, Frink, Luce, McCroskey, Parkinson, Preston, Rutter, Thompson (G. T.), and Van Houten—15.

The title of the bill to remain the title of the act.

Senate bill No. 302, An act relative to the construction of wills.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, O'Neill, Richards, Smith, Van de Vanter, Vestal, Watt, and Wilson — 19.

Senator Easterday voted in the negative.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Luce, McCroskey, Owings, Parkinson, Preston, Rutter, Thompson (G. T.), Thompson (L. F.), and Van Houten — 15.

The title of the bill to remain the title of the act.

Senate bill No. 303, An act relating to rolling stock.

Reported back by the committee with recommendation that it pass.

Read a third time by sections, and passed without amendment by the following vote.

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Vestal, Watt, and Wilson — 21.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Luce, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten — 13.

The title of the bill to remain the title of the act.

Senate bill No. 304, An act relating to conveyances between husband and wife.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Long, O'Neill, Owings, Preston, Richards, Smith, Vestal, Watt, and Wilson — 20.

Absent or not voting: Senators Austin, Baker, Claypool, Dyer, Forsyth, Frink, Luce, McCroskey, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten — 14.

The title of the bill to remain the title of the act.

Senate bill No. 305, An act relative to conveyances.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Easterday, Edens, Eshelman, Forrest, Hastings, Hyde, Kinnear, Kneeland, Preston, Richards, Smith, Van de Vanter, Vestal, and Wilson—18.

Absent or not voting: Senators Austin, Baker, Dyer, Forsyth, Frink, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—16.

The title of the bill to remain the title of the act.

On motion of Senator Forrest, the Senate, at 4:50, adjourned till 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, February 28, 1891. }
7:30 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Dyer, Frink, Luce, Owings, Rutter, Thompson (L. F.), Van Houten and Watt.

JOINT CONVENTION.

On notice being received from the House, the Senate repaired in a body to the hall of the House of Representatives to sit in joint convention to continue the investigation of the charges against Judge Morris B. Sachs. At 10:55 the joint convention dissolved, and the Senate proceeded to the Senate chamber.

President Wilson in the chair.

A quorum being present, at 11 P. M., on motion of Senator Forrest, the Senate adjourned.

FIFTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, March 2, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Parkinson, Thompson (L. F.), and Van de Vanter.

Excused.

On motion of Senator Easterday, the reading of the journal of February 28th was dispensed with, and the same was considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 28, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 190, entitled "An act to amend certain sections of the code in relation to protection of fish.

House bill No. 93, An act to provide for the disposition of money in certain cases.

House concurrent resolution No. 19, Relative to appointing delegates to commercial congress.

The House has passed Senate bill No. 145, entitled "An act relating to the state library," with amendments noted in bill.

Senate bill No. 124, An act for the protection of farmers and ranchmen, etc., with amendments.

Senate bill No. 147, An act to amend section 1975 of the code, in relation to liens.

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 erecting public buildings and a penitentiary, the use and support of agricultural and scientific normal schools, and charitable, penal and reformatory institutions.

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. 16, An act requiring railroad corporations to fence their tracks.

House concurrent resolution No. 23, In relation to the joint committee to investigate affairs of state officers.

House bill No. 196, An act appropriating \$480 for the insurance of state library and state house for two years.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

By the Committee on State Prisons:

MR. PRESIDENT:

Your Committee on State Prison, to whom was referred House bill No. 117, entitled "An act to provide for the transportation of prisoners to the state penitentiary, to fix the compensation therefor, and declaring an emergency," would respectfully report that they have had said bill under consideration, and report the same back with the recommendation that the same be amended, as noted in the riders attached to said bill, and as amended that the same do pass.

P. A. PRESTON, Chairman,

ALEX. WATT,

T. J. SMITH.

By the Judiciary Committee.

MR. PRESIDENT:

Your Judiciary Committee now reports Senate bill No. 246, relating to the restoration of public records destroyed by fire, and recommend its passage.

J. R. KINNEAR, Chairman,

T. P. DYER,

C. M. EASTERDAY,

C. E. CLAYPOOL.

By the Committee on Public Morals:

MR. PRESIDENT:

Your Committee on Public Morals, to whom was referred Senate bill No. 233, an act relating to crimes against public morals and decency, herewith report the same back with amendments, and recommend its passage as amended.

J. T. ESHELMAN, Chairman,

T. P. DYER,

F. H. RICHARDS.

By the Judiciary Committee:

MR. PRESIDENT:

Your Judiciary Committee now reports Senate bill No. 239, being an act to amend sections 46 and 124 of an act entitled "An act providing for organization, etc., of municipal corporations," and recommend its passage.

J. R. KINNEAR, Chairman,

T. P. DYER,

C. M. EASTERDAY,

C. E. CLAYPOOL.

By the Committee on Constitution and Revision:

MR. PRESIDENT:

Your Committee on Constitution and Revision, to whom was referred House concurrent resolution No. 12, Proposing an amendment to section 5, article XVI of the constitution, report the same back and recommend its passage.

N. H. OWINGS, Chairman,
C. M. EASTERDAY,
W. R. FORREST.

By the Committee on Corporations other than Municipal:

MR. PRESIDENT:

The Committee on Corporations other than Municipal, having had Senate bill No. 243 under consideration, would respectfully report back the same without recommendation.

B. C. VAN HOUTEN, Chairman.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, March 2, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—In accordance with section 6 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, I have this day appointed Frank B. Gault of Tacoma, John D. Atkinson of Seattle, D. Bemiss of Spokane Falls, and R. C. Kerr of Walla Walla, as members of the state board of education, in place of L. H. Leach, E. S. Ingraham, O. A. Tiffany, and O. A. Noble, whose terms of office expire this day.

I would respectfully ask that your honorable body advise and consent to these appointments. I have the honor to be,

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

On motion of Senator Cooper, the Senate, by unanimous consent, reconsidered the vote by which House bill No. 139 was indefinitely postponed, and laid the bill on the table.

PETITIONS, RESOLUTIONS, ETC.

Four petitions were presented by Senator Cooper, from the citizens of Chehalis and Lewis counties, against the repeal of the present Sunday law.

Read, and referred to the Committee on Municipal Corporations.

INTRODUCTION OF BILLS.

House bill No. 164, by Mr. Jones: An act relative to private sales of real property belonging to estates of decedents, minors and insane persons.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

The president stated that he was about to sign House bill No. 93, House bill No. 190, and House concurrent resolution No. 19, which was done.

THIRD READING OF BILLS.

Senate bill No. 306, An act relative to the adoption of children.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Easterday, Edens, Forrest, Forsyth, Kinnear, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Eshelman, Frink, Hastings, Hyde, Kneeland, Luce, Owings, Parkinson, Thompson (L. F.), and Van de Vanter—14.

The title of the bill to remain the title of the act.

Senate bill No. 307, An act relative to the guardianship of idiots and insane persons.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Drum, Easterday, Edens, Forrest, Forsyth, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Cooper, Dyer, Eshelman, Frink, Hastings, Hyde, Luce, Parkinson, Thompson (L. F.), and Van de Vanter—12.

The title of the bill to remain the title of the act.

Senate bill No. 308, An act relating to the guardianship of infants.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Easterday, Edens, Forrest, Forsyth, Kinnear, McCroskey, O'Neill,

Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Vestal, Watt, and Wilson—18.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Dyer, Eshelman, Frink, Hastings, Hyde, Kneeland, Long, Luce, Parkinson, Thompson (L. F.), Van de Vanter, and Van Houten—16.

The title of the bill to remain the title of the act.

Senate bill No. 309, An act relating to priority of wages.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Easterday, Edens, Forrest, Forsyth, Kinnear, Kneeland, McCroskey, O'Neill, Preston, Richards, Rutter, Smith, Thompson (G. T.), Vestal, Watt, and Wilson—18.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Dyer, Eshelman, Frink, Hastings, Hyde, Long, Luce, Owings, Parkinson, Thompson (L. F.), Van de Vanter, and Van Houten—16.

The title of the bill to remain the title of the act.

Senate bill No. 310, An act relating to entry on land by the United States.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Easterday, Edens, Eshelman, Forrest, Forsyth, Kinnear, McCroskey, O'Neill, Preston, Rutter, Smith, Thompson (G. T.), Van Houten, Watt, and Wilson—18.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Frink, Hastings, Hyde, Kneeland, Long, Luce, Owings, Parkinson, Richards, Thompson (L. F.), Van de Vanter, and Vestal—16.

The title of the bill to remain the title of the act.

Senate bill No. 311, An act relative to county printing.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough,

Cooper, Easterday, Edens, Eshelman, Forrest, Forsyth, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Rutter, Smith, Thompson (G. T.), and Wilson—18.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Frink, Hastings, Hyde, Luce, Owings, Parkinson, Richards, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—16.

The title of the bill to remain the title of the act.

Senate bill No. 312, An act relative to nuisances.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Easterday, Edens, Eshelman, Forrest, Forsyth, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Rutter, Smith, Thompson (G. T.), Watt, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Frink, Hastings, Hyde, Luce, Parkinson, Richards, Thompson (L. F.), Van de Vanter, Van Houten, and Vestal—14.

Title of bill to remain the title of the act.

Senate bill No. 313, An act relative to the restoration of lost property.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Easterday, Edens, Eshelman, Forrest, Forsyth, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Rutter, Smith, Thompson (G. T.), and Wilson—18.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Frink, Hastings, Hyde, Luce, Owings, Parkinson, Richards, Thompson (L. F.) Van de Vanter, Van Houten, Vestal, and Watt—16.

Title of the bill to remain the title of the act.

Senator Claypool in the chair.

Senate bill No. 314, An act relative to hawkers' licenses.

Reported back with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Easterday, Edens, Eshelman, Forrest, Forsyth, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Rutter, Smith, Thompson (G. T.), and Wilson—20.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Frink, Hastings, Luce, Parkinson, Richards, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—14.

The title of the bill to remain the title of the act.

Senate bill No. 315, An act relative to mortgages.

Reported back with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Smith, Thompson (G. T.), and Wilson—20.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Dyer, Frink, Luce, Owings, Parkinson, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—14.

The title of the bill to remain the title of the act.

Senate bill No. 316, An act relative to the sale of liquors.

Reported back with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Easterday, Edens, Eshelman, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Forrest, Frink, Luce, and Parkinson—8.

The title of the bill to remain the title of the act.

Senate bill No. 317, An act relative to the indebtedness of school districts.

Reported back with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough,

Cooper, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Frink, Luce, Parkinson, Thompson (L. F.), Van de Vanter, and Van Houten—10.

The title of the bill to remain the title of the act.

Senate bill No. 318, An act relative to the patrons of husbandry.

Reported back recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Smith, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Dyer, Frink, Luce, Owings, Parkinson, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten—12.

Title of the bill to remain the title of the act.

Senate bill No. 319, An act relative to the dissolution of corporations.

Reported back with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Van Houten, Vestal, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Frink, Hyde, Luce, Owings, Parkinson, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—12.

Title of the bill to remain the title of the act.

Senate bill No. 320, An act relative to mining corporations.

Reported back recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth,

Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Preston, Richards, Rutter, Van Houten, and Vestal — 20.

Absent or not voting: Senators Austin, Baker, Drum, Frink, Hyde, Luce, Owings, Parkinson, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Watt, and Wilson — 14.

Title of the bill to remain the title of the act.

President Wilson in the chair.

Senate bill No. 321, Relative to drains and ditches.

Reported back recommending its passage.

Read a third time by sections, and referred to the Committee on Agriculture.

Senate bill No. 125, by Senator Dyer: An act relating to the civil jurisdiction of justice courts, amending the code of 1881.

Received from the House with amendments; the amendments were concurred in, and the bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Smith, Vestal, and Wilson — 23.

Absent or not voting: Senators Austin, Baker, Hastings, Luce, Parkinson, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt — 11.

The title of the bill to remain the title of the act.

Senate bill No. 322, An act relative to private corporations.

Reported back recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, and Wilson — 18.

Senator Frink voted in the negative.

Absent or not voting: Senators Austin, Baker, Easterday, Luce, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt — 15.

The title of the bill to remain the title of the act.

House bill No. 196, by Mr. Collins: An act appropriating \$480

for the insurance of the state library and the state house for two years.

Read first time; rules suspended, read second time by title, and placed on general file.

On motion of Senator Claypool, the Senate went into a committee of the whole for the consideration of the bill.

Senator Hastings in the chair.

The committee of the whole arose and reported the bill back favorably.

President Wilson in the chair.

The report of the committee of the whole was adopted.

On motion of Senator Claypool, the rules were suspended and the bill placed on its final passage.

Read a third time by sections.

Senator Owings moved to strike out the word "governor," and insert "board of commissioners of the state library."

Adopted.

Senator Preston moved to insert in section 2, line 2, after "building" the words "and furniture."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Vestal, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Drum, Forsyth, Hyde, Luce, Parkinson, Thompson (L. F.), Van de Vanter, Van Houten, and Watt—11.

On motion of Senator Claypool, the emergency clause was stricken out.

The title of the bill to remain the title of the act.

On motion of Senator Van Houten, Senate bill No. 243 was made a special order for 2 p. m., Tuesday, March 3d.

On motion of Senator Rutter, the Senate, at 12 m., adjourned till 2 p. m.

AFTERNOON SESSION.

SENATE CHAMBER,
 OLYMPIA, WASHINGTON, Monday, March 2, 1891. }
 2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Forsyth, Kneeland and Watt.

Senator Austin in the chair.

On motion of Senator Kinnear, Senate bill No. 174 was taken from the table.

Senate bill No. 174, by Senator Kinnear: An act requiring the appointment of police matrons in certain cities, designating their duties, and directing their compensation.

Reported back by the committee with amendments, and recommending its passage.

The amendments were adopted.

Read a third time by sections.

Senator Kinnear moved to amend section 7, line 8, after "treatment," to add "an emergency therefor exists and."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Owings, Parkinson, Richards, Rutter, Smith, Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Forsyth, Kneeland, Long, Luce, McCroskey, O'Neill, Preston, Thompson (G. T.), and Van de Vanter—10.

On motion of Senator Kinnear, the title was amended by inserting "and declaring an emergency."

The emergency clause passed, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Owings, Parkinson, Richards, Rutter, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—23.

Absent or not voting: Senators Baker, Forsyth, Kneeland, Long, Luce, McCroskey, O'Neill, Preston, Thompson (G. T.), Van de Vanter, and Wilson—11.

The title of the bill to remain the title of the act.

REPORTS OF STANDING COMMITTEES.

By the Committee on Agriculture:

MR. PRESIDENT:

We, your Committee on Agriculture, to which was referred Senate bill No. 170, beg leave to report the same back without recommendation.

R. C. McCROSKEY, Chairman,
J. H. LONG,
ALEX. WATSON

By the Committee on Education:

MR. PRESIDENT:

Your Committee on Education, to whom was referred Senate bill No. 248, report the same back without recommendation.

C. M. EASTERDAY, Chairman,
HENRY DRUM,
J. M. FRINK.

By the Committee on Claims:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred Senate bill No. 227, An act for the relief of Huntington & Lytle, would respectfully represent that this bill is a duplicate of one now pending in the House, and that the papers accompanying the claim are in the possession of the House committee. We therefore herewith return the bill with the recommendation that it be considered in committee of the whole.

S. VESTAL,
P. A. PRESTON.

By the Committee on Counties and County Boundaries:

MR. PRESIDENT:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 249, For the relief of Yakima county, have had the same under consideration, and respectfully recommend that it pass.

T. J. SMITH, Chairman,
L. B. CLOUGH,
F. H. LUCE.

By the Committee on Counties and County Boundaries:

MR. PRESIDENT:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 223, To create and organize new counties in the

State of Washington, have had the same under consideration, and report it back with amendments, and without recommendation.

T. J. SMITH, Chairman,
L. B. CLOUGH.

By the Committee on Indian Affairs:

MR. PRESIDENT:

Your Committee to whom was referred communication from the governor dated February 20, 1891, relative to outbreak of Indians in Okanogan county, with bill of expenses and recommendation, has been carefully considered and they recommend as follows:

That said communication be spread upon the journal, and that the bill of expenses, amounting to \$684.07, be paid from the general appropriation bill.

JAMES O'NEILL,
T. J. SMITH,
FRANK H. RICHARDS.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 125, substitute for Senate bill No. 117, entitled "An act relating to the civil jurisdiction of justices' courts, amending code of 1881;"

And Senate bill No. 147, entitled "An act to amend section 1975 of the Code of Washington, relating to liens;"

Have been carefully compared with the original bills, and found correctly enrolled.

W. J. PARKINSON;

Other members of committee absent.

On motion of Senator Owings, Senate bill No. 237 was taken up.

Senate bill No. 237, substitute for Senate bill No. 213, Relative to common schools.

Senator Smith moved to amend by striking out "cities having a population of 10,000 or more inhabitants," and inserting "every incorporated city and town."

The yeas and nays were unanimously called for.

The amendment was lost by the following vote:

Those voting in the affirmative were: Senators O'Neill, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Vestal, Watt, and Wilson—9.

Those voting in the negative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, Owings, Parkinson, Richards, and Van Houten—21.

Absent or not voting: Senators Baker, Forsyth, McCroskey, and Van de Vanter—4.

The bill was read a third time by sections, and failed to pass by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Richards, and Van Houten—13.

Those voting in the negative were: Senators Clough, Edens, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Vestal, Watt, and Wilson—17.

Absent or not voting: Senators Baker, Easterday, Forsyth, and Van de Vanter—4.

Senator Owings gave notice that at the proper time he would move for a reconsideration of the vote by which the bill failed to pass.

President Wilson in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 2, 1891.

MR. PRESIDENT:

The House has passed 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."

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, with an amendment to the emergency clause.

The speaker has signed Senate bill No. 51, "An act to amend section 2551 of chapter CXCVIII of the Code of Washington, relating to marks and brands.

The House has indefinitely postponed Senate bill No. 280, An act relating to vacancies in office, amending section 3063 of the Code of Washington of 1881.

Senate bill No. 281, An act relating to county and precinct offices, 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.

Senate bill No. 282, An act relating to constables, amending sections 2797, 2799, 2800, and 2801 of the Code of Washington of 1881.

And the same are herewith returned to the Senate.

T. G. NICKLIN, Chief Clerk.

By the Committee on Agriculture:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred Senate bill No. 321, entitled "An act in relation to drains and ditches," would respectfully report that they have had the same under consideration, and would report the same back with the amendments to the same as attached thereto, and as so amended they would recommend that said bill do pass.

R. C. McCROSKEY, Chairman,
J. H. LONG,
ALEX. WATT.

Senate concurrent resolution No. 24, by Senator Kinnear: Relative to permission being granted to allow two bills to be introduced.

Read, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—27.

Senator G. T. Thompson voted in the negative.

Absent or not voting: Senators Baker, Drum, Forsyth, Hyde, McCroskey, and Van de Vanter—6.

On motion of Senator Forrest, Senate bill No. 66 was taken up for consideration out of order.

Senate bill No. 66, by Senator Forrest: An act relative to empowering county commissioners to sell and convey property belonging to respective counties, and declaring an emergency.

Received from the House with amendments, which were concurred in by the Senate, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Easterday, Forrest, Frink, Hastings, Hyde, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, and Wilson—24.

Absent or not voting: Senators Baker, Claypool, Edens, Eshelman, Forsyth, Kinnear, Owings, Rutter, Van de Vanter, and Watt—10.

The title of the bill to remain the title of the act.

On motion of Senator Long, Senate bill No. 182 was taken up for the passage of the emergency clause.

Senate bill No. 182, by Senator Long: An act in relation to drainage of cities.

The emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, and Wilson—24.

Absent or not voting: Senators Baker, Claypool, Edens, Forsyth, Frink, Kneeland, Owings, Rutter, Van de Vanter, and Watt—10.

The title of the bill to remain the title of the act.

On motion of Senator Austin, Senate bill No. 224 was taken up out of order.

Senate bill No. 224, by Senator Austin: Relative to a board of land commissioners.

Reported back by the committee, with the recommendation that the bill pass as amended.

The bill, with the amendments as reported, was adopted as a substitute for the original bill, and the bill numbered Senate bill No. 389.

On motion of Senator Smith, the rules were suspended, and the bill was made a special order for 10:30 A. M. Tuesday, March 2.

On motion of Senator Owings, the committee which reported the bill was instructed to prepare the same for the printer, and have it printed immediately.

On motion of Senator Claypool, Senate bill No. 145 was taken up.

Senate bill No. 145, by the Committee on State Library: 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.

Received from the House with an amendment, which was concurred in by the Senate, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Forrest, Frink, Kneeland, Luce, O'Neill, Parkinson, Preston, Richards, Smith, Van Houten, Vestal, and Wilson—18.

Absent or not voting: Senators Baker, Drum, Edens, Eshelman, Forsyth, Hastings, Hyde, Kinnear, Long, McCroskey, Owings, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—16.

The title of the bill to remain the title of the act.

The president stated that he was about to sign Senate bills Nos. 147 and 125, which was done.

Senator L. F. Thompson was excused for the remainder of the day.

On motion of Senator Dyer, Senate bill No. 235 was taken up out of order.

Senate bill No. 235, by the Joint University Committee: An act providing for the establishment, location, maintenance and support of the University of Washington.

On motion of Senator Long, the bill was laid upon the table.

On motion of Senator Smith, Senate bill No. 124 was taken up out of order.

Senate bill No. 124, by Senator Smith: An act for the protection of farmers, ranchmen and herders of cattle, etc.

Received from the House with an amendment, which was concurred in, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, Luce, O'Neill, Parkinson, Preston, Rutter, Smith, Van Houten, Vestal, and Wilson — 23.

Absent or not voting: Senators Baker, Edens, Forsyth, Hyde, McCroskey, Owings, Richards, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Wilson — 11.

The title of the bill to remain the title of the act.

On motion of Senator Austin, Senate bill No. 175 was taken up.

Senate bill No. 175, by Senator Geo. T. Thompson, 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 and officials and others, and making an appropriation therefor.

Received from the house with the title amended, which was concurred in.

The bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, Luce, O'Neill, Owings, Parkinson, Preston, Rutter, Vestal, and Wilson — 22.

Absent or not voting: Senators Baker, Edens, Forsyth, Hyde,

McCroskey, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt—12.

On motion of Senator Dyer, S. B. No. 235 was taken up and made a special order for 11 A. M., Tuesday, March 3d.

On motion of Senator Smith, Senate bill No. 220 was taken up out of order.

Senate bill No. 220, by Senator Smith: An act concerning reports against employes.

Reported back by the committee without recommendation.

Read a third time by sections.

Senators Smith, Austin and Dyer moved a call of the Senate. So ordered, and resulted as follows:

Those present were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Van Houten, Vestal, Watt, and Wilson—28.

Those absent were: Senators Baker, Clough, Forsyth, Thompson (G. T.), Thompson (L. F.), and Van de Vanter—6.

On motion of Senator Smith, the further call of the Senate was dispensed with.

Senate bill No. 220 passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van Houten, Vestal, Watt, and Wilson—25.

Those voting in the negative were: Senators Kneeland and Owings—2.

Absent or not voting: Senators Baker, Clough, Forsyth, Hastings, Thompson (G. T.), Thompson (L. F.), and Van de Vanter—7.

The title of the bill to remain the title of the act.

On motion of Senator Kneeland, the rules were suspended, and Senate bill No. 120 was taken up.

Senate bill No. 120, by Senator Kneeland: An act providing for the establishment and location of a state normal school, the creation of a commission to locate the same, and to declare an emergency.

On motion of Senator Kneeland, the Senate went into committee of the whole for the consideration of the bill.

Senator Frink in the chair.

The committee of the whole arose, and reported the bill back with amendments recommending its passage.

On Motion of Senator Kneeland the report was adopted.

President Wilson in the chair.

The bill failed to pass as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Forrest, Hastings, Luce, McCroskey, Preston, and Wilson — 9.

Those voting in the negative were: Senators Drum, Dyer, East-erday, Edens, Eshelman, Frink, Kinnear, Kneeland, Long, O'Neill, Owings, Parkinson, Richards, Rutter, and Vestal — 15.

Absent or not voting: Senators Austin, Baker, Forsyth, Hyde, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt — 10.

Senator Kneeland gave notice that at the proper time he would move for a reconsideration of the vote by which the bill failed to pass.

The following resolution was introduced by Senator Owings:

Resolved, That when the Senate adjourns this evening that it adjourns to meet at 10 o'clock in the morning, to remain in session all day, not later than 5 o'clock p. m., and that the sergeant-at-arms be instructed to procure a sandwich lunch for the senators and the officers at noon.

Read and adopted.

On motion of Senator Dyer, Senate bill No. 233 was taken up out of order.

Senate bill No. 233, by Senator Dyer: An act relative to crimes against public morals and decency.

Reported back by the committee with amendments, and recommending its passage.

The amendments were adopted.

Read a third time by sections.

Senator Dyer moved to amend after "confinement," in section 6, add "in the state penitentiary."

Adopted.

Senator Parkinson in the chair.

Senator Dyer moved to amend, in section 8, after the word "labor," "in the state penitentiary."

Adopted.

Senator Easterday moved to amend section 8, line 7, by striking out "not."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Frink, Hastings, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Baker, Forrest, Forsyth, Hyde, Long, Luce, Richards, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten—11.

On motion of Senator Kinnear, the emergency clause was stricken out.

The title of the bill to remain the title of the act.

The bill ordered to be engrossed.

House concurrent resolution No. 23, by Messrs. Snively and Godman: Relative to a joint committee of the Senate and House being appointed to investigate the offices and accounts of the state officers, with power to subpoena witnesses.

Senator Van Houten moved the adoption of the resolution, which was rejected.

On motion of Senator Wilson, the Senate, at 5:30, adjourned until 7:30 p. m.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, March 2, 1891. }
7:40 o'clock p. m. }

Senate called to order.

All present excepting Senators Baker, Forsyth, Frink, Hyde, Kneeland, Long, Luce, Parkinson, Van de Vanter, and Van Houten.

On notice being received that the House was ready to receive the Senate, that body repaired to the hall of the House of Representatives to further investigate the charges against Judge Morris B. Sachs.

At 10:05 the joint convention dissolved, and the Senate proceeded to the Senate chamber.

President Wilson in the chair.

A quorum present.

On motion of Senator Dyer, the Senate, at 10:10 p. m., adjourned.

FIFTY-SIXTH DAY.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, March 3, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Clough, Hyde, and G. T. Thompson.

Excused.

On motion of Senator Dyer, the reading of the journal was dispensed with, and the same considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 3, 1891.

MR. PRESIDENT:

The speaker has signed Senate bill No. 125, entitled "An act relating to the civil jurisdiction of justices' courts, and amending the Code of Washington of 1881."

Senate bill No. 147, entitled "An act to amend section 1975 of the Code of Washington, relating to liens."

The House has concurred in Senate amendments to House bill No. 196, entitled "An act appropriating \$480 for the insurance of the state library and state house for two years."

The House has concurred in Senate concurrent resolution No. 24, Relative to introducing two bills in the Senate, with an amendment, by which permission is granted to introduce only the bill for the relief of Pierce county.

The House has passed 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.

The speaker of the House of Representatives signed House bill No. 119, An act defining certain crimes, etc., and amending the code of 1881, on the 28th inst., and the same was transmitted to the governor by mistake, and the receipt for the same is herewith transmitted to the Senate.

The house has passed 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. 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. 247, entitled "An act granting to cities of the third class power and authority to vacate streets and alleys, and declaring an emergency."

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,

OLYMPIA, March 2, 1891.

To the honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed Senate bill No. 119, entitled "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." I have the honor to be,

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 175, entitled "An act to provide for the purchase of Barton's Legislative Hand-Book, etc.," and Senate bill No. 124, entitled "An act for the protection of farmers, ranchmen, herders of cattle, etc.," have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman,

W. J. PARKINSON,

Member of committee.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate bill No. 66, entitled "An act authorizing and empowering boards of county commissioners to sell and convey county property belonging to their respective counties," also 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, have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman.

Other members of committee being absent.

By Committee on Military:

MR. PRESIDENT:

Your Committee on Military, to whom was referred Senate bill No. 253, "An act to authorize the state militia to use certain grounds," beg leave to report that they have had the same under consideration, and herewith return it back to the Senate with the recommendation that it pass.

TRUSTEN P. DYER, Chairman,

C. E. CLAYPOOL,

W. J. PARKINSON.

On motion of Senator Austin, Senate bill No. 389 was taken up under special order.

Senate bill No. 389, substitute for Senate bill No. 224, An act creating a board of land commissioners, etc.

Read a third time by sections.

Senator Claypool in the chair.

On motion of Senator Kinnear, section 7, line 1, was amended by striking out "\$3,000" and inserting "\$2,000."

Senator Austin moved to amend as follows:

Add to section 12: "It shall be the duty of the commissioners to divide the state into four districts, and assign the management of the sales in such districts to the commissioner residing therein."

Adopted.

Senator Austin moved to amend section 14, line 1, by striking out "auditor" and inserting "commissioner;" also, in line 2, strike out "country receiving the same" and insert "district in which the land is located."

Rejected.

Senator Dyer moved to amend section 18 by adding at the end of the section "and may dedicate streets and alleys to the public use in accordance therewith."

Adopted.

Senator Austin moved to amend section 22, line 1, by striking out "auditor" and inserting "commissioner;" in line 2, by striking out "counties" and inserting "districts;" in line 3, by striking out "county auditors" and inserting "commissioners;" in line 5, by striking out "said" and insert "the;" also, after "county" add "of which the land lie."

Adopted.

Senator Dyer moved to amend section 23, line 21, by adding after the word "value:" "Said board of land commissioners may dedicate streets and alleys to the public use."

Adopted.

Senator Austin moved to amend section 25 by striking out lines 5, 6, 7, and 8.

Adopted.

Also, to strike out in section 26, line 1, "county auditors of the respective counties," and insert "commissioners of respective districts;" and in line 11, strike out "county auditor" and insert "commissioner."

Adopted.

On motion of Senator Dyer, the word "great," line 9, section 26, was stricken out.

On motion of Senator Austin, the word "auditor," line 2, section 28, was stricken out and "commissioner" was inserted.

Senator Kinnear moved to amend as follows: Amend section 30, line 3, by adding after the word "expenses," line 3, the following: "Not exceeding the sum of \$1,000 per annum to each member so engaged."

Adopted.

President Wilson in the chair.

On motion of Senator Drum, the word "ten" in line 2, section 29, was stricken out, and "five" inserted.

The president stated that he was about to sign Senate bills Nos. 66 and 145, which was done.

Senator Van Houten moved to amend as follows: Add to section 27 the words "assignee, or his legal representative."

Adopted.

Senator Kneeland moved to amend section 29 by adding at the end of the section: "*Provided*, That the lessee shall not be entitled to remove any merchantable timber from the land so leased."

Adopted.

On motion of Senator Dyer, the vote was reconsidered by which the amendment was lost to section 14, by Senator Austin, and the same was adopted.

On motion of Senator Drum, the word "merchantable" was added after the word "no," line 17, section 24.

On motion of Senator Luce, the Senate, at 12:15, took a recess for thirty minutes.

AFTER RECESS.

Senate called to order at 12:45, pursuant to adjournment.

The president stated that he was about to sign Senate bills Nos. 124 and 175, which was done.

Senate bill No. 389 still under consideration.

Senator Dyer moved to amend by adding sections 5, 6, 7 and 8 of the session laws of 1890, page 252, relative to providing compensation for the land commissioner, etc., to be inserted between sections 35 and 36, and the rest of the sections renumbered.

Adopted.

Senator Drum moved to amend section 10 by adding to the end of the section:

Fifth. For expenses connected with surveying and platting any piece of land of one quarter-section or less, such sum as the board of land commissioners may assess against such piece or parcel of land, not exceeding the sum of twenty-five dollars.

Adopted.

Senator Owings offered a substitute for section 37, which was adopted, and the original section was stricken out.

Senator Drum offered the following amendment, which was adopted:

To add after the word "state," line 3, section 32, the following: "*Provided*, Said investment is first approved by the state auditor and attorney general."

Also, in line 2 of the same section, strike out "the board of land commissioners," and insert "commissioner of public lands."

Adopted.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forsyth, Frink, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Baker, Forrest, Hastings, Hyde, Rutter, and Thompson (G. T.)—6.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forsyth, Frink, Kinnear, Kneeland, Long, Luce, O'Neill, Owings, Parkinson, Preston, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Clough, Forrest, Hastings, Hyde,, McCroskey, Richards, Rutter, Smith, and Thompson (G. T.)—10.

The title of the bill to remain the title of the act.

Senate bill No. 390, by Senator Claypool: An act for the relief of the county of Pierce.

Read first time; rules suspended, read second time by title, and referred to Committee on Appropriations.

Senate bill No. 235, by the Joint University Committee: An act providing for the establishment, location, maintenance and support of the University of Washington.

Taken up under special order.

Read a third time by sections.

Senator Owings moved to amend section 1, line 18, by striking out "reasonable compensation" and insert "\$500 per year, or so much thereof as may be necessary."

Adopted.

Senator Drum moved to amend section 1, line 3, by adding after "Washington" "not more than two of whom shall be from the same political party."

Adopted.

Senator Drum moved to amend by adding after "documents," line 5, section 1, "when present."

Adopted.

Also, in line 6, to add after "pro tem." "who shall sign all official documents."

Adopted.

Senator Dyer moved to amend section 1, line 5, by striking out "in his absence;" and in line 6 to add after "documents" "in the absence of the governor."

Adopted.

Senator Long moved to amend by inserting after the word "on," line 11, section 5, "a tract of land not exceeding 160 acres of the."

Adopted.

Also, in the same line strike out "the."

Adopted.

Also, in line 14, after the word "said," insert "160 acres of."

Adopted.

Also, in line 18, strike out "fractional section" and insert after "of said" "160 acres."

Adopted.

Senator Dyer moved to strike out, in line 1, section 6, the figure "4" and insert "five."

Adopted.

Also, in line 5, strike out "with" and insert after the word "blocks" "the board shall dedicate;" and after the word "alleys" "to the public use."

Adopted.

Senator Van de Vanter moved to strike out, in line 8, section 6, "a reasonable compensation" and insert "\$5 per day."

Adopted.

Senator Rutter in the chair.

Senator Claypool moved to amend section 6 by adding thereto the following:

Provided, That the sale of that portion of said land upon which the first regiment armory is now located, shall be subject to the lease of the same heretofore made by the board of regents of said university with the first regiment armory association.

Adopted.

President Wilson in the chair.

The president stated that he was about to sign House bill No. 196, which was done.

Senator Drum moved to amend section 8, line 14, by striking out "and as near fire proof as possible."

Adopted.

Senator McCroskey moved to amend section 6, by adding thereto the following: "*Provided further*, That the bids hereinbefore mentioned, in order to be considered, must be accompanied by a certified check for \$100, which check shall be forfeited to the regents of the university should the bid accompanying be accepted and the party making such bid fail to make the first payment within the prescribed time."

Adopted.

The bill then passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 31.

Voting in the negative: Senator Thompson (G. T.) — 1.

Absent or not voting: Senators Baker and Eshelman — 2.

The emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt—30.

Absent or not voting: Senators Baker, Eshelman, Kneeland, and Wilson—4.

The title amended by the emergency clause, and to remain the title of the act.

The bill was ordered to be engrossed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 3, 1891.

MR. PRESIDENT:

The House has passed House bill No. 166, An act for the relief of John Huntington and John Lytle, co-partners known as Huntington & Lytle, and declaring an emergency.

House bill No. 202, To appropriate moneys to pay deficiencies in appropriations for expressage, furniture, and for cleaning capitol building, and for other expenses.

The House has passed House bill No. 220, An act appropriating money for the improvement of the Washington penitentiary.

The House has refused to pass Senate bill No. 19, An act declaring it unlawful to employ an armed body of men in this state, and providing punishment therefor.

The House has passed Senate bill No. 68, An act relative to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors.

The speaker of the House has signed House bill No. 196, An act appropriating \$480 for the insurance of state library and state house for two years.

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.

Senate bill No. 145, relative to the state library.

Senate bill No. 66, An act relative to empowering county commissioners to sell and convey property belonging to respective counties, and declaring an emergency.

Senate bill No. 124, An act for the protection of farmers, ranchmen, herders of cattle, etc.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bills Nos. 51, 125, and 147, heretofore reported correctly enrolled, have been this day delivered to the governor.

C. E. FORSYTH, Chairman,
W. J. PARKINSON.

By the Committee on State, Granted and School Lands:

MR. PRESIDENT:

The Committee on State, Granted and School Lands, to whom was referred Senate bill No. 250, 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 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," have had the same under consideration, and herewith report said bill back to the Senate with the recommendation that it do pass.

L. F. THOMPSON, Chairman.
B. C. VAN HOUTEN,
C. G. AUSTIN.

By the Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 233, entitled "An act relating to crimes against public morals and decency," has been carefully compared with the original bill, and found correctly engrossed.

J. T. ESHELMAN,
W. R. FORREST.

The following resolution was offered by Senator Austin:

Be it resolved by the Senate, That the Hon. W. L. Hill be requested to meet with the Judiciary Committee and advise with them as to what number of what are known as the code bills it is absolutely necessary to pass, to the end that the remainder may be indefinitely postponed, and the work of the session hastened thereby.

Amended by referring the bills to W. L. Hill, and that he report to the joint Judiciary Committee.

Read and adopted.

Senate concurrent resolution No. 5, Removal of Indian war rec-

ords of 1855 and 1856 from office of secretary of state to adjutant general.

Received from the House with amendments; the amendments were concurred in, and the resolution adopted.

Ordered to be enrolled.

House bill No. 243, by Mr. Wasson, An act regulatıng and fixing railroad freight rates in the state of Washington.

Taken up under special order.

Senator Van de Vanter moved to strike out "70," in line 4, section 1, and insert "80."

Adopted.

Senator Rutter in the chair.

Senator McCroskey moved to amend section 4, line 2, by adding after "1890," "or whose rates of freights may be established after the first day of December, 1890."

Adopted.

Senator Dyer in the chair.

The bill then passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Those voting in the negative were: Senators Claypool, Kneeland, Owings, and Thompson (G. T.)—4.

Absent or not voting: Senators Baker, Clough, Eshelman, Forsyth, and Thompson (L. F.)—5.

The title of the bill to remain the title of the act.

Senator Van Houten gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

On motion of Senator Kinnear, the Senate, at 5 P. M., adjourned till 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Tuesday, March 3, 1891. }
7 o'clock P. M.

The secretary of the Senate, in the absence of the president, called the Senate to order, pursuant to adjournment.

Senator Kinnear called to the chair.

Roll called; all present excepting Senators Baker, Easterday, Eshelman, Frink, Hastings, Kneeland, Luce, and Owings.

On notice being received from the House of Representatives that it was ready to receive the Senate, the latter repaired in a body to the hall of the House of Representatives to further investigate the charges against Judge M. B. Sachs.

At 10:45 the joint convention dissolved, and the Senate proceeded to the Senate chamber.

President Wilson in the chair. Quorum present.

On motion of Senator Dyer, the Senate, at 10:50, adjourned.

FIFTY-SEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, March 4, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Edens, and Hastings. Excused.

On motion of Senator G. T. Thompson, the reading of the journal of yesterday, March 3, was dispensed with, and the same considered approved.

Senator Van Houten withdrew the notice that he would move for a reconsideration of the vote by which House bill No. 243 passed, and the bill was sent to the House.

On motion of Senator Dyer, the Senate went into executive session with open doors to consider the nominations for the state board of education.

The Senate then resumed open session.

REPORTS OF STANDING COMMITTEES.

By the Committee on State Insane:

MR. PRESIDENT:

Your standing Committee on State Insane, to whom was referred Senate bill No. 232, providing for the establishment of an orphans' home, have carefully considered the same, and find that the bill is carefully drawn and is a meritorious measure; but, owing to the limited time remaining for legislation during this session, we do not think it could be given due consideration. We therefore recommend that the bill be indefinitely postponed.

ALEX. WATT,
L. F. THOMPSON,
W. R. FORREST.

By the Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 389, entitled "An act creating a board of land commissioners, and defining the powers and duties thereof, fixing the compensation of the members, and declaring an emergency;"

Also, Senate bill No. 235, entitled "An act providing for the establishment, location, maintenance and support of the university of Washington," have been carefully compared with the original bills, and found correctly engrossed.

J. T. ESHELMAN,

Other members of committee absent.

By the Committee on Fisheries:

MR. PRESIDENT:

Your Committee on Fisheries, to whom was referred Senate bill No. 257, by Senator O'Neill, Relating to construction of a fish ladder on the Colville river, have had the same under consideration, and report it back with recommendation that it pass.

FRANK H. RICHARDS, Chairman,
HENRY C. COOPER,
L. B. CLOUGH.

By Committee on Military:

MR. PRESIDENT:

Your Committee on Military, to whom was referred Senate bill No. 243, "An act in relation to the national guard of Washington," respectfully report the same back with the recommendation the same be indefinitely postponed.

TRUSTEN P. DYER, Chairman,
C. E. CLAYPOOL.

INTRODUCTION OF BILLS.

House bill No. 185, by Mr. Meany: An act providing for the election and prescribing the duties of electors of president and vice president of the United States.

Read first time; rules suspended, read second time by title, and placed on general file.

House bill No. 16, by Mr. Sharpstein: An act requiring railroad companies to fence their tracks.

Read first time; rules suspended, read second time by title, and referred to Judiciary Committee.

House bill No. 195, by Joint Special Committee 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.

Read first time; rules suspended, read second time by title, and placed on general file.

House bill No. 121, by Mr. McKay: 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 land granted to the State of Washington under sections 1947, 2275, and 2276 of the revised statutes of the United States.

Read first time; rules suspended, read second time by title, and referred to the Committee on State, School and Granted Lands.

House bill No. 222, by the 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."

Read first time; rules suspended, read second time by title, and referred to the Committee on Roads and Bridges.

House bill No. 247, by Mr. Spinning: An act granting to cities of the third class the power and authority to vacate streets and alleys, and declaring an emergency.

Read first time; rules suspended, read second time by title, and referred to Committee on Municipal Corporations.

House bill No. 202, by Committee on Ways, Means and Claims: An act to appropriate money to pay deficiencies in appropriations for expressage and furniture, and for cleaning of capitol building, and for other expenses.

Read first time; rules suspended, read second time by title, and referred to committee of the whole.

House bill No. 166, by Mr. Tillotson: An act for the relief of John Huntington and John D. Lytle, co-partners known as Huntington & Lytle, and making an appropriation therefor.

Read first time; rules suspended, read second time by title, and referred to committee of the whole.

House bill No. 130, by Mr. Yeomans: 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.

Read first time; rules suspended, read second time by title, and referred to committee of the whole.

House bill No. 155, by Mr. Yeomans: An act appropriating money for the support and education of the feeble minded pupils of the Washington School for Defective Youth.

Read first time; rules suspended, read second time by title, and referred to committee of the whole.

House bill No. 170, by Mr. Adams: 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; rules suspended, read second time by title, and referred to the Committee on Agriculture.

House bill No. 220, by Mr. Painter: An act appropriating money for the improvement of the Washington penitentiary.

Read first time; rules suspended, read second time by title, and referred to the committee of the whole.

Senator G. T. Thompson was excused till 2 p. m.

THIRD READING OF BILLS.

On motion of Senator Kinneer, Senate bill No. 239 was taken up out of order.

Senate bill No. 239, by Senator Kinneer, To amend the municipal incorporation act.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and, on motion of Senator Vestal, made a special order for 2:30 p. m. Wednesday.

Senator Frink in the chair.

On motion of Senator Claypool, Senate bill No. 137 was taken from the table.

Senate bill No. 137, by Senator Claypool, Relative to the acknowledgment of deeds.

Reported back by the committee recommending its passage; read a third time by sections.

Senator Claypool moved to amend section 1, line 8, by striking out "of record" and inserting "holding terms within this state." Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Kinnear, Luce, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, Van Houten—20.

Absent or not voting: Senators Austin, Baker, Eshelman, Hastings, Hyde, Kneeland, Long, McCroskey, Owings, Thompson (G. T.), Thompson (L. F.), Vestal, Watt, and Wilson—14.

The title of the bill to remain the title of the act.

On motion of Senator Richards, House bill No. 195 was taken up out of order.

House bill No. 195, by the Joint Special Committee 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.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forsyth, Frink, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Van Houten, Vestal, and Wilson—25.

Absent or not voting: Senators Baker, Eshelman, Forrest, Hastings, Long, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—9.

The title of the bill to remain the title of the act.

President Wilson in the chair.

On motion of Senator Cooper, House bill No. 139 was taken from the table.

House bill No. 139, by Mr. Smith: Relative to taking the census of the Colville Indians.

The emergency clause was stricken out, and the bill passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Smith, Thompson (L. F.), Van Houten, Vestal, and Wilson—27.

Absent or not voting: Senators Baker, Hastings, Long, Preston, Thompson (G. T.), Van de Vanter, and Watt—7.

Title of the bill to remain the title of the act.

On motion of Senator Preston, Senate bill No. 206 was taken up out of order.

Senate bill No. 206, by Senator Preston: An amendment relating to corporations.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, and Wilson—28.

Absent or not voting: Senators Baker, Hastings, Long, Thompson (G. T.), Van Houten, and Watt—6.

The title of the bill to remain the title of the act.

On motion of Senator Dyer, Senate bill No. 231, An act concerning shorthand reporters, was taken up out of order.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forsyth, Frink, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Richards, Van de Vanter, Van Houten, Vestal, and Wilson—20.

Senator Rutter voted in the negative.

Absent or not voting: Senators Austin, Baker, Edens, Forrest, Hastings, Hyde, Long, McCroskey, Preston, Smith, Thompson (G. T.), Thompson (L. F.), and Watt—13.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Austin, Baker, Hastings, Long, Owings, and Thompson (G. T.)—7.

The title of the bill to remain the title of the act.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, March 3, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed Senate bill No. 51, entitled "An act to amend section 2551 of chapter CXCVIII of the Code of Washington relating to marks and brands."

Senate bill No. 125, entitled "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."

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, and declaring an emergency."

Senate bill No. 147, entitled "An act to amend section 1975 of the Code of Washington relating to liens."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor, and Acting Governor.

On motion of Senator Kinnear, Senate bill No. 189 was taken up out of order.

Senate bill No. 189, by Senator Kinnear: An act relative to redemption of real estate sold on execution.

Reported back by the committee with amendments, and recommending its passage.

The amendments were adopted.

Read a third time by sections.

On motion of Senator Kinnear, section 3 was stricken out.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool,

Clough, Cooper, Dyer, Easterday, Eshelman, Forrest, Hyde, Kinnear, Kneeland, O'Neill, Parkinson, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—20.

Those voting in the negative were: Senators Drum, and Thompson (L. F.)—2.

Absent or not voting: Senators Baker, Edens, Forsyth, Frink, Hastings, Long, Luce, McCroskey, Owings, Preston, Smith, and Thompson (G. T.)—12.

The title of the bill to remain the title of the act.

On motion of Senator Kneeland, the vote by which Senate bill No. 120 was lost, was reconsidered.

Senate bill No. 120, by Senator Kneeland, Location of state normal school.

The bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Edens, Forrest, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Rutter, Smith, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—21.

Those voting in the negative were: Senators Drum, Dyer, Forsyth, Frink, Richards, and Thompson (L. F.)—6.

Absent or not voting: Senators Baker, Cooper, Easterday, Eshelman, Hastings, Preston, and Thompson (G. T.)—7.

The title of the bill to remain the title of the act.

On motion of Senator Forsyth, House memorial No. 13 was taken up out of order.

House memorial No. 13, by Mr. Putney, in relation to Willapa harbor and Nasel river.

Reported back by the committee, recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Hyde, Kinnear, Kneeland, Long, Luce, O'Neill, Owings, Parkinson, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Baker, Easterday, Frink, Hastings, McCroskey, Preston, Thompson (G. T.), and Van Houten—8.

On motion of Senator Luce, Senate bill No. 49 was taken up.

Senate bill No. 49, by Senator Luce, An act to regulate the practice of pharmacy.

Received from the engrossing clerk, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Forsyth, Hyde, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—22.

Those voting in the negative were: Senators Forrest, Frink, and Kinnear—3.

Absent or not voting: Senators Baker, Easterday, Edens, Eshelman, Hastings, Kneeland, Preston, and Thompson (G. T.)—8.

The title of the bill to remain the title of the act.

Senator Kneeland in the chair.

On motion of Senator Forrest, Senate bill No. 241 was taken up out of order.

Senate bill No. 241, Relating to the taxation of the proceeds of mines.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Eshelman, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Voting in the negative: Senator Rutter—1.

Absent or not voting: Senators Baker, Drum, Easterday, Edens, Forsyth, Hastings, Owings, and Thompson (G. T.)—8.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Drum, Eshelman, Forsyth, Hastings, Rutter, and Thompson (G. T.)—7.

The title of the bill, after inserting the emergency clause, to remain the title of the act.

Senate concurrent resolution No. 25, by Senator Hyde: Relative to amending rule 8 of the joint rules in the Sachs case, by extending the time one-half hour for counsel on each side in which to deliver their arguments.

Read and adopted.

On motion of Senator Austin, the Senate, at 12:20, adjourned till 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, March 4, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Cooper, and Edens.

Excused.

The Judiciary Committee reported back Senate bill No. 16, recommending that it be referred to the Committee on Corporations other than Municipal.

Senate bill No. 130 was taken up under special order for 2 P. M.

Senate bill No. 130, by Senator Owings: Relative to the Sunday law.

Reported back by the committee recommending the bill be indefinitely postponed.

The previous question was unanimously called for, and on the question "Shall the main question be put?" it was so ordered.

The yeas and nays were unanimously called for, and the report of the committee was adopted by the following vote, and the bill was indefinitely postponed:

Those voting in the affirmative were: Senators Austin, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 25.

Those voting in the negative were: Senators Claypool, Clough, Cooper, Drum, Kneeland, Owings, Rutter, and Thompson (G. T.)—8.

Absent or not voting: Senator Baker—1.

On motion of Senator Kinnear, the following W. Lair Hill code bills were indefinitely postponed:

Senate bill No. 327, An act relative to fires kindled by persons.

Senate bill No. 326, Relative to preservation of order upon fair grounds.

Senate bill No. 333, Relative to county assessors.

Senate bill No. 335, Relative to justices of the peace.

Senate bill No. 381, Relative to location and possession of mining claims.

Senate bill No. 384, Relative to the burial of the dead.

Senate bill No. 378, Relative to pilotage.

Senate bill No. 376, Relative to bastardy.

Senate bill No. 379, Relative to roads and bridges.

Senate bill No. 372, Relative to contracts of miners.

Senate bill No. 330, Relative to roads and bridges.

Senate bill No. 354, An act to protect domestic animals from disease.

Senate bill No. 357, An act relative to the fee bill.

Senate bill No. 361, An act relative to drunkards.

Senate bill No. 353, Relative to bounties for wild animals.

Senate bill No. 346, Relative to county clerks.

Senate bill No. 368, Relative to coal miners.

Senate bill No. 365, Relative to appropriation of lands.

Senate bill No. 363, Relative to liens.

Senate bill No. 366, Relative to telegraphic contracts.

Senate bill No. 334, Relative to county surveyors.

Senate bill No. 351, Relative to town sites.

Senate bill No. 366, Relative to billiard licenses.

Senate bill No. 375, Relative to use of banks of streams.

Senate bill No. 374, Relative to oyster beds.

Senate bill No. 371, Relative to burial grounds.

Senate bill No. 338, Relative to state auditor.

Senate bill No. 324, Relative to inclosures.

Senate bill No. 355, Relative to lien of owners for service.

Senate bill No. 352, Relative to fish commissioner.

Senate bill No. 364, An act to perfect title to school and university lands.

Senate bill No. 377, Relative to inspector of hogs.

Senate bill No. 369, Relative to travel on highways.

Senate bill No. 321, Relative to drains and ditches.

The president stated that he was about to sign Senate bill No. 68, House bill No. 243, and Senate concurrent resolution No. 5, which was done.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 4, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate bill No. 68, An act relative to the proper ventilation and safety of coal mines, and prescribing the manner and appointment of inspectors.

Senate concurrent resolution No. 5, Providing for the removal of the Indian war records of 1855 and 1856 from the office of secretary of state to the custody of the adjutant general.

House bill No. 243, An act regulating and fixing railroad freight rates, etc.

The House has passed House memorial No. 19, Conger pure lard bill.

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.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

By the Committee on Roads and Bridges:

MR. PRESIDENT:

Your Committee on Roads and Bridges, to whom was referred House bill No. 222, have had the same under consideration, and report the same back with the recommendation that it do pass.

J. J. EDENS, Chairman,

R. C. McCROSKEY,

P. A. PRESTON.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 68, entitled "An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors," and 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, have been carefully compared with the original bills and found correctly enrolled; and

Senate bills 66, 124, 145 and 175, heretofore reported correctly enrolled, have been this day delivered to the governor.

C. E. FORSYTH, Chairman,
W. J. PARKINSON.

By the Judiciary Committee:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 164, Relating to private sale of real property belonging to estates, etc., have had the same under consideration, and report it back without recommendation.

That Senate bill 261, amending code, do pass.

J. R. KINNEAR, Chairman,

Report concurred in by Senators Austin, Dyer and Claypool.

By the Judiciary Committee:

To the Honorable, the Judiciary Committee of the State of Washington:

In obedience to the resolution passed yesterday, I have examined such of the bills, heretofore prepared by me in connection with the codification of the laws, as remain yet in the hands of the Senate, for the purpose of pointing out those upon which it is especially important that action be taken, as distinguished from those having little importance beyond that of producing logical and systematic arrangement or making verbal corrections.

I consider it important, in order to avoid grave legal questions and probably serious complications in the administration of the laws, that the following bills be acted upon: Senate bills 321, 323, 325, 328, 329, 331, 332, 336, 337, 340, 341, 342, 343, 344, 345, 347, 348, 350, 356, 358, 359, 362, 367, 370, 373, 380, 382, and 383.

As to the others of the bills, while their adoption would, I think, be desirable for the purpose of an orderly and logical arrangement of the statutes, I do not think any public interest would suffer by their not being acted upon; and compilation of the previous statutes relating to the same subjects could be so done as to prevent any great inconvenience in their application.

Very respectfully,

W. LAIR HILL.

OLYMPIA, WASHINGTON, March 4, 1891.

On motion of Senator Kinnear, Senate bill No. 239 was taken up.

Senate bill No. 239, by Senator Kinnear: 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 February 26, 1890.

Passed by the following vote without amendment:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, For-

rest, Forsyth, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Baker, Frink, Hastings, Long, Rutter, and Thompson (L. F.)—6.

The title of the bill to remain the title of the act.

On motion of Senator Long, Senate bill No. 193 was taken up out of order.

Senate bill No. 193, by Senator Long, Improvement bonds for cities and towns.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections.

Senator Long moved to strike out the emergency clause.

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Van de Vanter, Van Houten, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Edens, Frink, Hastings, Rutter, Smith, Thompson (G.T.), Thompson (L. F.), and Vestal—9.

The title of the bill to remain the title of the act.

Senator Dyer in the chair.

On motion of Senator Long, Senate bill No. 183 was taken up out of order.

Senate bill No. 183, by Senator Long: An act relative to the obstruction of highways.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Drum, Dyer, Easterday, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Smith, Van de Vanter, Van Houten, and Vestal—21.

Absent or not voting: Senators Baker, Claypool, Clough, Cooper,

Edens, Eshelman, Hastings, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Watt, and Wilson—13.

The emergency clause was passed by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Dyer, Easterday, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Claypool, Drum, Edens, Eshelman, Hastings, Rutter, Thompson (G. T.), and Thompson (L. F.)—10.

The title of the bill to remain the title of the act.

On motion of Senator Kinnear, Senate bill No. 159 was taken from the table for consideration.

Senate bill No. 159, by Senator Kinnear: An act relative to the conveyance of land sold for taxes.

Passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Drum, Dyer, Easterday, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Smith, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Baker, Claypool, Clough, Cooper, Edens, Eshelman, Forsyth, Hastings, Richards, Thompson (G. T.), and Thompson (L. F.)—12.

The title of the bill to remain the title of the act.

By the Committee on Engrossed Bills:

MR. PRESIDENT:

Your standing Committee on Engrossed Bills begs leave to report that Senate bill No. 189, entitled "An act to amend an act to provide for the redemption of real estate sold under judgment or foreclosure of mortgage," approved February 3, 1886, has been carefully compared with the original bill, and found correctly engrossed. J. T. ESHELMAN.

On motion of Senator Forrest, House bill No. 45 was taken up out of order.

House bill No. 45, by Mr. DeSteiguer: An act curing defects in titles.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, O'Neill, Parkinson, Preston, Rutter, Smith, Van Houten, Vestal, and Watt—20.

Absent or not voting: Senators Austin, Baker, Claypool, Clough, Cooper, Edens, Luce, McCroskey, Owings, Richards, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Wilson—14.

The title of the bill to remain the title of the act.

On motion of Senator Kinnear, Senate bill No. 190 was taken up out of order.

Senate bill No. 190, by Senator Kinnear: Removing causes from superior courts.

Reported back by the committee with amendments, and recommending its passage.

The amendments were adopted.

Read a third time by sections, and passed without further amendment by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Drum, Dyer, Easterday, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Vestal, and Watt—21.

Absent or not voting: Senators Austin, Baker, Claypool, Edens, Eshelman, Kneeland, Long, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Wilson—13.

The emergency clause was taken up, and passed by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Smith, Van de Vanter, Van Houten, Vestal, and Watt—27.

Absent or not voting: Senators Austin, Baker, Claypool, Owings, Thompson (G. T.), Thompson (L. F.), and Wilson—7.

The title of the bill to remain the title of the act.

President Wilson in the chair.

On motion of Senator Preston, House bill No. 85 was taken up out of order.

House bill No. 85, by Mr. Painter: An act to appropriate money

to cover the deficiency for maintaining the state penitentiary to January 1, 1891.

Reported back by the committee recommending its passage.

On motion of Senator Long, the Senate went into a committee of the whole to consider the bill.

Senator Kneeland in the chair.

The committee of the whole arose and reported the bill back without amendment, and recommending its passage.

President Wilson in the chair.

The report of the committee of the whole was adopted.

On motion of Senator Easterday, section 3 was stricken out.

Read a third time by sections and passed as amended by the following vote:

Those voting in the affirmative were: Senators Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Claypool, Clough, Eshelman, Hyde, Luce, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten—12.

The title of the bill to remain the title of the act.

On motion of Senator Dyer, Senate bill No. 165 was taken up out of order.

Senate bill No. 165, by Senator Dyer, An act in relation to actions against the state.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Baker, Claypool, Clough, Eshelman, Kneeland, Long, Luce, Parkinson, Smith, Thompson (G. T.), and Thompson (L. F.)—11.

The title of the bill to remain the title of the act.

On motion of Senator Kinnear, Senate bill No. 42 was taken up out of order.

Senate bill No. 42, by Senator Kinnear, An act to amend section 324 of chapter 29 of the code of Washington relating to the revival and continuance of judgments.

Received from the House with amendments, which were concurred in, and the bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Cooper, Drum, Dyer, Easterday, Edens, Forsyth, Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Van de Vanter, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Baker, Claypool, Clough, Eshelman, Forrest, Kneeland, Long, Luce, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—13.

The title of the bill to remain the title of the act.

On motion of Senator Drum, House bill No. 152 was taken up out of order.

House bill No. 152, by Judiciary Committee, 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.

Reported back by the committee, recommending the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Cooper, Drum, Dyer, Easterday, Edens, Forsyth, Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Owings, Preston, Richards, Van de Vanter, Vestal, Watt, and Wilson—20.

Absent or not voting: Senators Baker, Claypool, Clough, Eshelman, Forrest, Kneeland, Long, Luce, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—14.

The title of the bill to remain the title of the act.

House bill No. 254, by the 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.

Read first time; rules suspended, read second time by title, and placed on general file.

On motion of Senator Richards, House bill No. 182 was taken up.

House bill No. 182, by Fisheries Committee, Relative to the killing of trout.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Cooper, Drum, Dyer, Easterday, Edens, Forsyth, Hastings, Kinnear, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Van de Vanter, Watt, and Wilson—18.

Absent or not voting: Senators Baker, Claypool, Clough, Eshelman, Forrest, Frink, Hyde, Kneeland, Long, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Vestal—17.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Claypool, Eshelman, Forrest, Kneeland, Long, Smith, Thompson (G. T.), and Thompson (L. F.)—9.

Title of the bill to remain the title of the act.

On motion of Senator Frink, the Senate, at 4:45, adjourned until 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Wednesday, March 4, 1891. }
7:30 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Austin, Baker, Claypool, Eshelman, Forrest, Hyde, Kneeland, Luce, Owings, Parkinson, G. T. Thompson, and Van Houten.

On notice being received from the House that it was ready to receive the Senate, the latter repaired in a body to the hall of the House of Representatives to further investigate the charges against Morris B. Sachs.

At 9:45 the joint convention dissolved, and the Senate proceeded to the Senate chamber.

President Wilson in the chair.

A quorum present.

On motion of Senator Dyer, the Senate adjourned.

FIFTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, March 5, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senator Baker.

Excused.

On motion of Senator Dyer, the reading of the journal of yesterday, March 4, was dispensed with, and the same considered approved.

On motion of Senator Kinnear, Senate bill No. 19 was ordered to be returned to the House.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1891.

MR. PRESIDENT:

The House has tabled Senate concurrent resolution No. 25, Relative to amending joint rules in the Sachs case.

The House has reconsidered the vote by which Senate bill No. 19, entitled "An act declaring it unlawful to organize and maintain armed bodies, etc.," failed to pass, and requests the return of the same to the House for further action.

The House has passed House concurrent resolution No. 24, Removing Morris B. Sachs from office as superior judge, by the following vote: Ayes 62, nays 14, absent and not voting 2.

And the same are herewith transmitted to the Senate.

AMOS F. SHAW, Speaker.

T. G. NICKLIN, Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 25, 1891.

MR. PRESIDENT:

The House has passed House bill No. 255, A bill for an act relating to tide and shore lands.

Senate bill No. 57, An act relative to the commencement of term of state officers.

Senate bill No. 28, An act to create and establish a board of health and bureau of statistics in the state of Washington, with amendments.

House bill No. 178½, An act to regulate vital statistics in the state of Washington.

Senate bill No. 196, An act relative to forcible entry and detainer.

House bill No. 120, An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation.

House bill No. 228, An act to prevent the destruction of forests by fire on public lands.

And the same are herewith transmitted to the senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF COMMITTEES.

By the Committee on Agriculture:

MR. PRESIDENT:

We, your committee, to which was referred House bill No. 170, beg leave to report the same back without recommendation, and that it be made a special order for 2 P. M. to-day.

R. C. McCROSKEY, Chairman,
ALEX. WATT.

All the members present.

Read and adopted, and House bill No. 170 was made a special order for 2 p. m. Thursday.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 68, heretofore reported correctly enrolled, has been delivered to the governor this day, and Senate concurrent resolution No. 5, heretofore reported correctly enrolled, has been this day delivered to secretary of state.

C. E. FORSYTH, Chairman,
ALEX. WATT,

W. J. PARKINSON,
Members of committee.

By the Committee on Public Morals:

MR. PRESIDENT:

Your Committee on Public Morals, to whom was referred Senate bill No. 208, entitled "An act for the prevention of cruelty to children, animals, fowls and birds," would respectfully report the same back without recommendation.

J. T. ESHELMAN, Chairman.

By the Committee on Public Buildings and Grounds:

MR. PRESIDENT:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 229, An act to create a commission for the purpose of acquiring title to certain lands, etc., have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it pass.

N. H. OWINGS, Chairman,

W. H. KNEELAND.

House memorial No. 19, by Mr. Nevin: Relative to passing the Conger pure lard bill.

Read first time; rules suspended, read second time by title; rules further suspended, and placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote.

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Dyer, Edens, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Senator Easterday voted in the negative.

Absent or not voting: Senators Baker, Clough, Drum, Eshelman, Hyde, and Long—6.

House bill No. 228, by Mr. Rockwell: An act to prevent the destruction of forests by fire on public lands.

Read first time; rules suspended, read second time by title, and referred to the Committee on Agriculture.

House bill No. 120, An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation.

Read first time; rules suspended, read second time by title, and referred to the Committee on Claims.

House bill No. 178½, by Mr. Wasson: An act to regulate vital statistics.

Read first time; rules suspended, read second time by title, and referred to Committee on Medicine, Surgery and Hygiene.

House bill No. 255, by the Committee on Tide Lands: An act relating to tide and shore lands.

Read first time; rules suspended, read second time by title, and referred to the Committee on Tide Lands.

House concurrent resolution No. 24, by the Committee on Judiciary: Relative to the removal of Judge Morris B. Sachs, judge of the superior court for the counties of Jefferson, Island, Kitsap, San Juan and Clallam.

Read and, on motion of Senator Dyer, made a special order for 11:30 A. M., and the president was instructed to order the sergeant-at-arms to request the presence of all absent members.

On motion of Senator Van Houten, Senate bill No. 29 was taken from the table for consideration, and Senate bill No. 391 was adopted as a substitute for the same.

Senate bill No. 391, by Senator Van Houten: An act concerning the appropriation of water for irrigation purposes.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—24.

Senator Preston voted in the negative.

Absent or not voting: Senators Baker, Drum, Easterday, Forrest, Long, Richards, Rutter, Smith, and Van de Vanter—9.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Drum, Easterday, Forrest, Long, McCroskey, Preston, Richards, Rutter, and Van de Vanter—10.

Title of the bill to remain the title of the act.

Senate bills Nos. 57 and 196 received from the House and ordered to be enrolled.

Senator Dyer in the chair.

On motion of President Wilson, House bill No. 83 was taken from the table.

House bill No. 83, by Mr. Ready, An act concerning the screening and weighing of coal.

Reported back by the committee, recommending its passage.

Read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Clough, Dyer, Eshelman, Forsyth, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—19.

Those voting in the negative were: Senators Austin, Claypool, Cooper, Easterday, Edens, Forrest, Frink, and Owings—8.

Absent or not voting: Senators Baker, Drum, Hyde, Preston, Richards, Thompson (G. T.), and Van Houten—7.

The title of the bill to remain the title of the act.

On motion of Senator McCroskey, Senate bill No. 154 was taken up out of order.

Senate bill No. 154, by Senator McCroskey, Relating to mortgaged property.

Reported back by the committee with amendments, and recommending its passage.

The amendments were adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Voting in the negative: Senator Easterday—1.

Absent or not voting: Senators Baker, Drum, Hyde, Kneeland, Rutter, and Thompson (G. T.)—6.

The title of the bill to remain the title of the act.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that 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," has been carefully compared with the original bill, and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1891.

MR. PRESIDENT:

The House has passed House bill No. 219, An act regulating the manufacture and sale of jute fabrics and bricks at the Washington penitentiary, and making an appropriation for the purchase of material.

And the same is herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

On motion of Senator McCroskey, Senate bill No. 167 and Senate bill No. 61 were indefinitely postponed.

Senate bill No. 167, by Senator McCroskey: An act requiring railroads to fence their tracks.

Senate bill No. 61, by Senator McCroskey: An act fixing rates on railroads.

On motion of Senator Eshelman, Senate bill No. 249 was indefinitely postponed.

Senate bill No. 249, by Senator Eshelman: An act for the relief of Yakima county.

On motion of Senator Claypool, Senate bill No. 207 was indefinitely postponed.

Senate bill No. 207, by Senator Claypool: An act in relation to law libraries.

On motion of Senator Easterday, Senate bill No. 134 was taken from the table and indefinitely postponed.

Senate bill No. 134, by Senator Easterday, Prescribing manner of commencing civil actions.

On motion of Senator Long, Senate bill No. 226 was indefinitely postponed.

Senate bill No. 226, by Senator Long: An act fixing rates on railroads.

On motion of Senator Watt, House bill No. 185 was indefinitely postponed.

House bill No. 185, by Mr. Meany: Presidential electors.

On motion of Senator L. F. Thompson, Senate bill No. 65 was indefinitely postponed.

Senate bill No. 65, by Senator L. F. Thompson: An act making an appropriation for the survey and selection of lands granted to the State of Washington, etc.

On motion of Senator Edens, Senate bill No. 238 was indefinitely postponed.

Senate bill No. 238, by Senator Edens: An act establishing a normal school at Anacortes.

On motion of Senator Clough, Senate bill No. 246 was indefinitely postponed.

Senate bill No. 246, by Senator Clough: An act relative to the restoration of public records.

On motion of Senator Long, Senate bill No. 321 was taken up out of order.

Senate bill No. 321 (code), Relating to drains and ditches.

Reported back by the committee with amendment, and recommending its passage.

The amendment was adopted.

Read a third time by sections, and passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Absent or not voting: Senators Baker, Cooper, Drum, Hyde, Owings, and Rutter—6.

The title of the bill to remain the title of the act.

President Wilson in the chair.

THE SACHS CASE.

On motion of Senator Dyer, House concurrent resolution No. 24 was taken up, To remove Morris B. Sachs from office as superior judge.

Senator Luce was excused from voting.

The resolution failed to pass by the following vote:

Those voting in the affirmative were: Senators Clough, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, McCroskey, O'Neill, Preston, Vestal, and Watt—16.

Those voting in the negative were: Senators Austin, Claypool, Cooper, Forsyth, Kneeland, Long, Owings, Parkinson, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Wilson—16.

Absent or not voting: Senators Baker, and Luce—2.

On motion of Senator Clough, House bill No. 261 was taken up out of order.

House bill No. 261, by Mr. Youmans, Amending the code commissioner act.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forsyth, Frink, Hastings, Hyde, Kinneer, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Austin, Baker, Eshelman, Forrest, Kneeland, Long, Smith, Thompson (G. T.), and Thompson (L. F.)—9.

The title of the bill to remain the title of the act.

Senate bill No. 336, Relative to county auditors.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinneer, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Vestal, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Hyde, Kneeland, Long, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Watt—11.

Title of the bill to remain the title of the act.

On motion of Senator Edens, House bill No. 222 was taken up out of order.

House bill No. 222, Relative to county commissioners to issue bonds for roads.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections.

On motion of Senator Easterday, the title was amended by adding "Approved March 22, 1890, and declaring an emergency."

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough,

Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Van Houten, Vestal, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Forsyth, Kneeland, Parkinson, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—10.

The emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van Houten, Vestal, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Clough, Kneeland, Long, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—10.

The title of the bill to remain the title of the act.

The president stated that he was about to sign Senate bill No. 42, which was done.

On motion of Senator O'Neill, Senate bill No. 157 was taken up out of order.

Senate bill No. 157, by Senator O'Neill, Location and registration of mines.

Reported back by the committee recommending the bill pass.

Read a third time by sections.

Senator O'Neill moved to amend by striking out all sections excepting section 7.

Adopted.

And the figure 7 stricken out and insert 1.

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hyde, Kinnear, Luce, McCroskey, O'Neill, Richards, Vestal, and Watt—19.

Absent or not voting: Senators Austin, Baker, Hastings, Kneeland, Long, Owings, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Wilson—15.

The title of the bill to remain the title of the act.

On motion of Senator Claypool, the Senate, at 12:10, adjourned till 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, March 5, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Edens, Kneeland, Parkinson, and Vestal.

Excused.

On motion of Senator Forrest, House bill No. 164 was taken up out of order.

House bill No. 164, by Mr. Jones: Private sales of real property.

Reported back by the committee without recommendation.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Dyer, Easterday, Forrest, Frink, Hyde, Kinnear, Kneeland, Long, Luce, Owings, Preston, Rutter, Smith, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—19.

Absent or not voting: Senators Austin, Baker, Clough, Cooper, Drum, Edens, Eshelman, Forsyth, Hastings, McCroskey, O'Neill, Parkinson, Richards, Thompson (L. F.), and Van de Vanter—15.

The title of the bill to remain the title of the act.

Senator Rutter in the chair.

House bill No. 170 taken up under special order for 2 P. M.

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.

On motion of Senator Easterday, the Senate went into a committee of the whole to consider the bill.

Senator Easterday in the chair.

The committee of the whole arose and reported the bill back without recommendation.

President Wilson in the chair.

Read a third time by sections.

Senator Drum moved to amend by adding to section 8: "Provided the board of regents shall make provision as soon as practicable upon the receipt of the government appropriation for the establishment of experimental stations for at least one experimental station in the western portion of the state."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Richards, Rutter, Smith, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—28.

Senator Hyde voted in the negative.

Absent or not voting: Senators Baker, Parkinson, Preston, Thompson (G. T.), and Thompson (L. F.)—5.

The emergency clause passed, by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Austin, Baker, Hyde, Parkinson, Thompson (G. T.), and Thompson (L. F.)—7.

The title of the bill to remain the title of the act.

Senator Van Houten gave notice that at the proper time he would move for a reconsideration of the vote by which the bill passed.

REPORTS OF COMMITTEES.

By the Committee on Claims:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred House bill No. 120, An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation, have had the same under consideration, and herewith return the bill with the recommendation that it do pass.

S. VESTAL,

P. A. PRESTON.

By the Judiciary Committee.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate bill No. 222, An act relating to real property, beg leave to report that they have

had the same under consideration, and respectfully report the bill back to the Senate with the recommendation that it do pass.

J. R. KINNEAR, Chairman.

By the Committee on Appropriations:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred Senate bill No. 390, entitled "An act for the relief of the county of Pierce," have carefully considered the same, and recommend its passage.

F. H. LUCE, Chairman,

L. B. CLOUGH.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 5, 1891.

MR. PRESIDENT:

The House has passed House bill No. 279, "An act relating to juvenile offenders."

Also, Senate bill No. 217, Relating to reform school.

Also, 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."

Also, House bill No. 54, by Mr. Meany, "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 making an appropriation therefor."

The speaker of the House has signed 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," and the same is herewith returned to the Senate.

T. G. NICKLIN, Chief Clerk.

The following resolution was introduced:

WHEREAS, Extra clerical assistance will be needed in the enrolling department of the Senate from this time until the closing hour of this session, and it will be impracticable for the secretary to make out time checks for the large number which may be employed; therefore, be it

Resolved, That the supervising clerk shall correctly keep the time of each extra clerk actually employed in enrolling bills, and, with the approval of the special committee on employes, shall report the same to the Senate on Saturday, March 7th, and thereupon the secretary shall issue a time check in the name of Senator J. H. Long for the total amount due said clerks; and thereupon said chairman shall draw said sum from the state treasury and pay over to each of said clerks the amount to which he may be entitled.

And be it further Resolved, That the secretary is hereby directed to

issue to Mrs. Josie Ferry, journal clerk, and to A. J. Munson, assistant journal clerk, each, a time check for one day's extra salary for writing up the journal after the final adjournment of this session, and that the president pro tem. and the secretary are hereby authorized to correct and approve the same.

Read and adopted.

On motion of Senator Claypool, House bill No. 166 was taken up out of order.

House bill No. 166, by Mr. Tillotson: An act for the relief of John Huntington and John D. Lytle, co-partners, known as Huntington & Lytle, and making an appropriation therefor.

Referred to a committee of the whole.

On motion of Senator Claypool, the Senate went into a committee of the whole to consider the bill.

Senator Hastings in the chair.

The committee of the whole arose and reported the bill back favorably.

President Wilson in the chair.

The report of the committee adopted.

Read a third time by sections.

On motion of Senator Claypool, the emergency clause was stricken out.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Forrest, Frink, Hastings, Kneeland, Long, Luce, Owings, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Vestal, and Wilson — 18.

Those voting in the negative were: Senators Forsyth, Hyde, Kinneer, O'Neill, and Watt — 5.

Absent or not voting: Senators Austin, Baker, Clough, Edens, Eshelman, McCroskey, Parkinson, Preston, Rutter, Van de Vanter, and Van Houten — 11.

The title of the bill to remain the title of the act.

On motion of Senator Vestal, House bill No. 120, was taken up out of order.

House bill No. 120, by Mr. Sharpstein: An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation.

Reported back with recommendation that the bill pass.

On motion of Senator Dyer, the Senate went into a committee of the whole to consider the bill.

Senator Dyer in the chair.

The committee of the whole arose and reported the bill back with recommendation that the bill pass.

President Wilson in the chair.

The report of the committee of the whole adopted.

Senator Forrest in the chair.

On motion of Senator Vestal, the bill was made a special order for 10 A. M. Friday, March 6.

On motion of Senator Claypool, House bill No. 202 was taken up out of order.

House bill No. 202, by Committee on Ways and Means: An act to appropriate money to pay deficiencies in appropriations for expressage, furniture for, and cleaning of capitol building, and for other expenses.

Referred to committee of the whole.

On motion of Senator Claypool, the Senate went into committee of the whole to consider the bill.

Senator Kinnear in the chair.

The committee of the whole arose, and reported the bill back recommending its passage.

Senator Forrest in the chair.

The report of the committee of the whole was adopted.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Austin, Baker, Eshelman, Hastings, Parkinson, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten—10.

The title of the bill to remain the title of the act.

On motion of Senator Claypool, Senate bill No. 222 was taken up out of order.

Senate bill No. 222, by the Committee on Roads and Highways: In relation to summary proceedings for obtaining possession of real property in certain cases, and declaring an emergency.

Reported back by the committee recommending its passage.

Read a third time by sections.

Senator Kinnear moved to amend by striking out all of section 1 after the word "land," in line 4.

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, and Vestal—21.

Absent or not voting: Senators Austin, Baker, Eshelman, Hastings, Hyde, Parkinson, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson—13.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Austin, Baker, Eshelman, Hastings, Hyde, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—11.

The title of the bill to remain the title of the act.

Senate bill No. 217, received from the House and ordered to be enrolled.

On motion of Senator Rutter, the Senate, at 4:40, adjourned till 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Thursday, March 5, 1891. }
7:30 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll call; all present excepting Senators Austin, Baker, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, Owings, Parkinson, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Vestal.

No quorum.

On motion of Senator Watt, the Senate, at 7:35 P. M., adjourned.

FIFTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, March 6, 1891. }
10 o'clock A. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Forsyth and Hyde.

On motion of Senator Dyer, the reading of the journal of yesterday, March 5, was dispensed with, and the same considered approved.

Senator Van Houten gave notice that he withdrew his notice of reconsideration of House bill No. 170.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 4, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN — I have this day approved and signed 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."

Senate bill No. 124, 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."

Senate bill No. 145, entitled "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."

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 1891 and 1892, for the use and benefit of the state and state legislature and officials and others, and making an appropriation therefor."

I have the honor to be your obedient servant,

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

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 5, 1891.

MR. PRESIDENT:

The House has passed House memorial No. 16, In relation to federal courts.

Also, Senate joint resolution No. 1, An act relative to establishing a gun factory for the manufacture of heavy ordnance on Puget Sound.

Also, House joint resolution No. 6, Relative to habits of fish.

Also, House memorial No. 15, In relation to an appropriation by Congress for dredging the channel to enable deep draught steamers to arrive at Olympia.

Also, Senate memorial No. 9, by Mr. Thompson, Relative to a ship railway around the Dalles and Cascade Locks.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

By the Committee on Roads and Bridges:

MR. PRESIDENT:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 260, have had the same under consideration, and report the same back without recommendation.

J. J. EDENS,
R. C. McCROSKEY,
P. A. PRESTON.

By Committee on Roads and Bridges:

MR. PRESIDENT:

Your Committee on Roads and Bridges, to whom was referred House bill No. 183, beg leave to report it back with the recommendation that it be indefinitely postponed.

J. J. EDENS,
R. C. McCROSKEY,
P. A. PRESTON.

By the Committee on Fisheries:

MR. PRESIDENT:

Your Committee on Fisheries, to whom was referred Senate bills Nos. 244 and 245, by Senator Claypool, relative to the fishing industry of the State of Washington, have had the same under consideration, and report them back without recommendation.

FRANK H. RICHARDS, Chairman,
L. B. CLOUGH,
HENRY C. COOPER.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 6, 1891.

MR. PRESIDENT:

The House has adopted House concurrent resolution No. 25, Providing for printing and distributing the journals of the House and Senate.

Also, House concurrent resolution No. 26, Providing for printing and distributing the session laws.

The House has reconsidered the vote by which Senate bill No. 19, An act declaring it unlawful to employ an armed body of men in this state and providing punishment therefor, failed to pass, and has passed the bill with amendments.

The house has passed House bill No. 248, An act authorizing cities and towns to borrow money.

Also, Senate bill No. 259, An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency, with amendments.

The House has passed House bill No. 160, An act to appropriate money for water supply plant for the Eastern Washington hospital for the insane.

Also, 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.

Also, 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.

Also, 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.

Also, House bill No. 217, An act regulating the business of logging.

The House has indefinitely postponed Senate bill No. 220, An act concerning reports against employes.

The speaker has signed House bill No. 139, An act to provide for taking census of Colville Indians, etc.

Also, House bill No. 182, An act making it unlawful to catch or kill trout, etc.

Also, House bill No. 85, An act to appropriate money to cover the deficiency for maintaining the state penitentiary.

Also, House bill No. 152, An act confirming sheriffs' deeds, etc.

Also, House bill No. 45, An act to cure defective titles, etc.

Also, House bill No. 195, An act to regulate salmon and sturgeon fishing.

The speaker of the House has signed House bill No. 83, entitled "An act concerning the screening and weighing of coal."

Also, House bill No. 261, An act to amend the Code of Washington.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

The following resolution by Senator Long:

Resolved, That the sergeant-at-arms is hereby instructed to furnish the enrolling office with six lamps, with necessary wicks and oil.

Read and adopted.

INTRODUCTION OF BILLS.

House bill No. 219, by Mr. Painter: 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.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

On motion of Senator Dyer, the Senate went into committee of the whole to consider the bill.

Senator Drum in the chair.

The committee of the whole arose, and reported the bill back without recommendation.

President Wilson in the chair.

The report of the committee of the whole adopted.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Dyer, Easterday, Edens, Eshelman, Frink, Hastings, Kinnear, O'Neill, Preston, Richards, Rutter, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Baker, Cooper, Drum, Forrest, Forsyth, Hyde, Kneeland, Long, Luce, McCroskey, Owings, Parkinson, and Smith—13.

The title of the bill to remain the title of the act.

House bill No. 120, An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation.

Taken up under special order for 10:30 A. M.

Reported back by the committee of the whole, recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Dyer, Easterday, Edens, Eshelman, Frink, Kinnear, Kneeland, Preston, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—18.

Absent or not voting: Senators Baker, Cooper, Drum, Forrest, Forsyth, Hastings, Hyde, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, and Smith—16.

The title of the bill to remain the title of the act.

The president stated that he was about to sign House bills Nos. 261, 152, 85, 182, 83, 45, 195, and 149, which was done.

On motion of Senator Claypool, Senate bill No. 390 was taken up out of order.

Senate bill No. 390, by Senator Claypool: An act for the relief of Pierce county.

On motion of Senator Claypool, the Senate went into committee of the whole to consider the bill.

Senator Frink in the chair.

The committee of the whole arose and reported the bill back, recommending its passage.

Report of the committee adopted.

President Wilson in the chair.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Frink, Hastings, Kinnear, Kneeland, Long, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Forrest, Forsyth, Hyde, McCroskey, Smith, and Thompson (G. T.)—7.

The title of the bill to remain the title of the act.

Senator Dyer in the chair.

On motion of Senator Van Houten, Senate bill No. 28 was taken up out of order.

Senate bill No. 28, by Senator Van Houten: An act relating to a bureau of vital statistics.

Received from the House with amendments, which were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, Luce, O'Neill, Owings, Parkinson, Richards, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Van Houten, and Wilson—22.

Absent or not voting: Senators Baker, Claypool, Clough, Edens, Forsyth, Hyde, McCroskey, Preston, Rutter, Smith, Vestal, and Watt—12.

Title of the bill to remain the title of the act.

MESSAGES FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, March 5, 1891.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I have this day approved and signed Senate bill No. 68, entitled "An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors."

I have the honor to be

Your obedient servant,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting 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.

Bill of Messrs. Bowman and Eaton, stenographers, appointed for the investigation against Morris B. Sachs, was referred to a special committee consisting of Senators Luce, Parkinson and Clough.

The committee reported it back with a recommendation that it be paid.

On motion of Senator Long, Senate bill No. 248 was taken up out of order.

Senate bill No. 248, by Senator Long: An act relating to the state reform school.

Reported back by the committee recommending its passage.

Read a third time by sections.

On motion of Senator Frink, line 4, section 12, was amended by adding after school, "but not more than once a month."

Senator Drum moved to amend section 12, line 5, by adding after

trustees, "such compensation as the board may determine, not to exceed \$5 per day."

Adopted.

Senator Easterday moved to amend the title by adding after amend "sections 7 and 12 of."

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Clough, Drum, Dyer, Easterday, Edens, Eshelman, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, O'Neill, Owings, Parkinson, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Baker, Forrest, Forsyth, McCroskey, Preston, Richards, Smith, and Thompson (G. T.)—8.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, O'Neill, Owings, Parkinson, Richards, Rutter, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Forsyth, Hyde, Luce, McCroskey, Preston, Smith, Thompson (G. T.), and Van Houten—9.

On motion of Senator Kinnear, Senate bill No. 19 was taken up out of order.

Senate bill No. 19, by Senator Kinnear: An act declaring it unlawful to employ an armed body of men in the state.

Received from the House with amendments, which were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, O'Neill, Parkinson, Richards, Rutter, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—23.

Senator Owings voted in the negative.

Absent or not voting: Senators Austin, Baker, Forsyth, Hyde, Luce, McCroskey, Preston, Smith, Thompson (G. T.), and Van Houten—10.

The title of the bill to remain the title of the act.

On motion of Senator Forrest, Senate bill No. 218 was taken from the table.

Senate bill No. 218, by Senator Forrest: An act in relation to insurance business.

On motion of Senator Forrest, the bill was indefinitely postponed.

On motion of Senator Hastings, Senate bill No. 261 was taken up out of order.

Senate bill No. 261, by Senator Hastings: Relative to county printing.

Reported back by the committee recommending the bill to pass.

Read a third time by sections.

Senator Hastings moved to amend by adding a new section — section 3.

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson — 23.

Absent or not voting: Senators Austin, Baker, Forsyth, Hyde, Long, Luce, Owings, Smith, Thompson (G. T.), and Van Houten — 11.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kneeland, Long, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 27.

Absent or not voting: Senators Baker, Forsyth, Hyde, Kinnear, Luce, Smith, and Thompson (G. T.) — 7.

The title of the bill to remain the title of the act.

Senate concurrent resolution No. 26, by Senator Drum: Relative to the selection of Northern Pacific railroad lands.

Read and referred to the Committee on Memorials, with instructions to report by this afternoon.

On motion of Senator Clough, House bill No. 130 was taken up out of order.

House bill No. 130, by Mr. Youmans: 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.

On motion of Senator Clough, the Senate resolved itself into a committee of the whole to consider the bill.

Senator Frink in the chair.

The committee of the whole arose and reported the bill back, recommending its passage.

Senator Dyer in the chair.

The report of the committee was adopted.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Frink, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Van de Vanter, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Baker, Eshelman, Forsyth, Hastings, Hyde, Long, Owings, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—11.

Title of the bill to remain the title of the act.

On motion of Senator Clough, House bill No. 155 was taken up out of order.

House bill No. 155, by Mr. Yeomans: An act appropriating money for the support and education of the feeble-minded pupils of the Washington school for defective youth.

On motion of Senator Clough, the Senate went into committee of the whole to consider the bill.

Senator Rutter in the chair.

The committee of the whole arose and reported the bill back, recommending its passage.

Senator Dyer in the chair.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (G. T.), Vestal, and Watt—23.

Absent or not voting: Senators Austin, Baker, Claypool, For-

syth, Hyde, Long, Owings, Smith, Thompson (L. F.), Van de Vanter, Van Houten, and Wilson—11.

Title of the bill to remain the title of the act.

On motion of Senator Preston, House bill No. 220 was taken up out of order.

House bill No. 220, by Mr. Painter: An act appropriating money for the improvement of the Washington penitentiary.

On motion of Senator Preston, the Senate went into committee of the whole to consider the bill.

Senator Forrest in the chair.

The committee of the whole arose and reported the bill back, recommending its passage.

President Wilson in the chair.

The report of the committee adopted.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Drum, Dyer, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Baker, Cooper, Easterday, Forsyth, Hyde, Kneeland, Long, Owings, Richards, Rutter, Smith, and Thompson (L. F.)—12.

The title of the bill to remain the title of the act.

Senate bill No. 259, by the Committee on Public Revenue and Taxation: An act to provide for the assessment and collection of taxes in the State of Washington.

Received from the House with amendments.

The following were concurred in:

First amendment, page 2, section 5.

Second and third amendment, page 5, section 16.

Fourth amendment, page 12, section 43.

Fifth amendment, page 13, section 45.

Sixth amendment, page 17, section 64.

Seventh amendment, page 17, section 65.

Eighth amendment, page 18, section 69.

Ninth amendment, page 19, section 72.

Tenth and eleventh amendment, page 19, section 73.

Twelfth amendment, page 20, section 74.

Thirteenth amendment, page 21, section 80.

Fourteenth amendment, page 25, section 101.

Fifteenth amendment, page 27, section 104.

Sixteenth amendment, page 29, section 117.

The following were not concurred in:

First amendment, on page 19, section 71.

Page 20, section 78.

Page 21, section 82.

Page 24, section 93.

Page 25, section 97.

On motion of Senator Dyer, the Senate, at 12 M., adjourned till
2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, March 6, 1891. }
2 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senator Baker.

Excused.

Senate concurrent resolution No. 27, by Senator Easterday: Relative to the introduction of a bill.

Read and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Vestal, Watt, and Wilson — 23.

Absent or not voting: Senators Baker, Edens, Forsyth, Kneeland, Long, Owings, Smith, Thompson (G. T.), Van de Vanter, and Van Houten — 11.

Senate concurrent resolution No. 26, by Senator Drum: Relative to the selection of N. P. R. R. lands.

Reported back by the committee recommending its passage.

Read and adopted.

On motion of Senator Kinnear, the following W. Lair Hill code bills were taken up for consideration:

Senate bill No. 332, An act relative to county coroners.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Van de Vanter, Vestal, Watt, and Wilson — 18.

Absent or not voting: Senators Austin, Baker, Clough, Edens, Forsyth, Frink, Hastings, Kneeland, Long, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten — 16.

Title of the bill to remain the title of the act.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 6, 1891.

MR. PRESIDENT:

The House has passed Senate bill No. 140, An act to amend certain sections of the code relative to common school system, with amendments noted in the bill.

Senate bill No. 222, Relating to the possession of property.

The House has receded from its amendments to Senate bill No. 259, "the revenue bill," in which the Senate did not concur.

The House has adopted House concurrent resolution No. 27, Relative to printing 1,500 copies of Senate bill No. 259, "the revenue bill."

The House has passed 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.

House bill No. 299, Island county boundaries.

The House has concurred in Senate amendments to 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.

The speaker of the House has signed House bill No. 202, To appropriate money to pay deficiencies in appropriations for expressage, furniture and for cleaning capitol building, and for other expenses.

House bill No. 166, An act for the relief of John Huntington and John Lytle, co-partners, known as Huntington & Lytle, and declaring an emergency.

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 memorial No. 19, Memorial known and designated as the Conger pure lard bill.

House memorial No. 13, Relative to Willapa and Nasel rivers.

House bill No. 164, An act relating to private sales of real property belonging to estates.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 42, heretofore reported correctly enrolled, has been delivered to the governor March 5, 1891.

C. E. FORSYTH, Chairman,

W. J. PARKINSON.

By Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 196, entitled "An act defining forcible entry, forcible detainer and unlawful detention of real property, and providing remedies therefor by summary proceedings."

Also, Senate bill No. 217, entitled "An act making an appropriation for the maintenance and improvement of the reform school."

Also, 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."

Have been carefully compared with the original bills, and found correctly enrolled.

C. E. FORSYTH, Chairman,

W. J. PARKINSON.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate bill No. 57, entitled "An act to fix the time of the commencement of the term of office of state officers," has been carefully compared with the original bill and found correctly enrolled.

C. E. FORSYTH, Chairman,

ALEX. WATKINS,

W. J. PARKINSON,

Members of Committee.

By Committee on Memorials:

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred Senate concurrent resolution No. 26, have had the same under consideration, and beg to report the same favorably.

GEO. T. THOMPSON, Chairman,

W. C. RUTTER,

JNO. R. KINNEAR.

By the Committee on Agriculture:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred Senate bill No. 242, beg leave to report the same back without recommendation.

R. C. McCroskey, Chairman,

By the Committee on Medicine, etc.:

MR. PRESIDENT:

Your Committee on Medicine, Surgery, Dentistry, etc., to whom was referred House bill No. 178½, entitled "An act to regulate vital statistics in the State of Washington," recommend the indefinite postponement of the same, for the reason that a bill covering the same ground has already passed both houses.

F. H. LUCE, Chairman.

E. B. HYDE,

HENRY DRUM.

By the Committee on State Tide Lands:

MR. PRESIDENT:

Your Committee on State Tide Lands, to whom was referred House bill No. 255, have had the same under consideration, and report it back with the recommendation that it do pass.

W. J. PARKINSON,

J. M. FRINK,

F. H. RICHARDS,

F. W. HASTINGS.

Being all the members present.

On motion of Senator Forrest, House bill No. 205 was taken up.

House bill No. 205, by Mr. Jones: 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.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Owings, Parkinson, Preston, Rutter, Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson — 23.

Senator McCroskey voted in the negative.

Absent or not voting: Senators Baker, Forsyth, Kneeland, Long,

Luce, O'Neill, Richards, Smith, Thompson (G. T.), and Van de Vanter—10.

Senator Easterday moved to amend the title by adding after the word amend "of section 17."

Adopted.

The title of the bill to remain the title of the act.

Senate concurrent resolution No. 28, by Senator Dyer: Relative to attorney general being advised by the supreme court as to whether the 60 days allowed by law for the legislature to be in session, includes Sundays.

Read and adopted.

The president stated that he was about to sign Senate bill No. 57, which was done.

Senator Dyer in the chair.

A petition was received from the citizens of Pierce county, relative to prohibiting all persons from using seines in securing fish, less than a three inch mesh.

Read and referred to the Committee on Fisheries.

Senate bill 382, An act relative to appropriation and use of water for irrigation.

Reported back by the committee recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, O'Neill, Owings, Parkinson, Preston, Rutter, Van de Vanter, Vestal, and Watt—19.

Absent or not voting: Senators Austin, Baker, Clough, Edens, Eshelman, Forsyth, Hyde, Luce, McCroskey, Richards, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Wilson—15.

Senate bill No. 373, Relative to the payment of employes.

Reported back by the committee with the recommendation that the bill pass.

Read third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Long, Luce, O'Neill, Parkinson, Preston, Thompson (L. F.), and Van Houten—19.

Those voting in the negative were: Senators Kneeland, and Owings—2.

Absent or not voting: Senators Baker, Easterday, Edens, Forsyth, McCroskey, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Vestal, Watt, and Wilson—13.

The title of the bill to remain the title of the act.

Senate bill No. 380, An act relative to foreign corporations.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Eshelman, Forrest, Frink, Hastings, Kinnear, Long, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Clough, Easterday, Edens, Forsyth, Hyde, Kneeland, Luce, Owings, Smith, Thompson (G. T.), and Watt—13.

The title of the bill to remain the title of the act.

Senate bill No. 370, An act relative to construction of lien statutes.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Forrest, Frink, Hastings, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Van Houten, Vestal, Watt, and Wilson—20.

Absent or not voting: Senators Baker, Clough, Easterday, Edens, Eshelman, Forsyth, Hyde, Kneeland, Long, Richards, Smith, Thompson (G. T.), Thompson (L. F.), and Van de Vanter—14.

The title of the bill to remain the title of the act.

Senate bill No. 383, An act requiring bonds of contractors for public work.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Cooper, Drum, Dyer, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Claypool, Clough, Easterday, Edens, Forsyth, Hyde, Long, McCroskey, Richards, Smith, and Thompson (G. T.)—13.

The title of the bill to remain the title of the act.

Senate bill No. 358, An act relative to extradition of fugitives.

Reported back with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Thompson (L. F.), Vestal, and Watt—23.

Absent or not voting: Senators Baker, Clough, Forsyth, Hyde, Long, Richards, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Wilson—11.

The title of the bill to remain the title of the act.

Senate bill No. 359, An act relative to recovery of official bonds.

Reported back recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Dyer, Easterday, Eshelman, Forrest, Hastings, Kinnear, Kneeland, O'Neill, Owings, Parkinson, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—20.

Absent or not voting: Senators Austin, Baker, Clough, Drum, Edens, Forsyth, Frink, Hyde, Long, Luce, McCroskey, Richards, Smith, and Thompson (G. T.)—14.

The title of the bill to remain the title of the act.

Senate bill No. 345, An act relative to county officers.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, McCroskey, O'Neill, Parkinson, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—21.

Absent or not voting: Senators Austin, Baker, Clough, Cooper,

Forsyth, Hyde, Long, Luce, Owings, Preston, Richards, Smith, and Thompson (G. T.)—13.

The title of the bill to remain the title of the act.

Senate bill No. 342, An act relative to judges of supreme courts.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinneear, Kneeland, Luce, O'Neill, Parkinson, Rutter, Thompson (L. F.), and Vestal—19.

Absent or not voting: Senators Austin, Baker, Forsyth, Hyde, Long, McCroskey, Owings, Preston, Richards, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Watt, and Wilson—15.

The title of the bill to remain the title of the act.

Senate bill No. 341, An act relative to the state geologist.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinneear, Kneeland, O'Neill, Parkinson, Preston, Rutter, Thompson (L. F.), Vestal, and Watt—18.

Absent or not voting: Senators Austin, Baker, Claypool, Clough, Hyde, Long, Luce, McCroskey, Owings, Richards, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Wilson—16.

The title of the bill to remain the title of the act.

Senate bill No. 340, An act relative to the attorney general.

Reported back recommending its passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, McCroskey, O'Neill, Parkinson, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Vestal—19.

Absent or not voting: Senators Austin, Baker, Clough, Forsyth, Hyde, Kinneear, Kneeland, Long, Luce, Owings, Preston, Smith, Thompson (G. T.), Watt, and Wilson—15.

The title of the bill to remain the title of the act.

Senate bill No. 367, An act relative to county jails.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, O'Neill, Parkinson, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Vestal—19.

Absent or not voting: Senators Austin, Baker, Clough, Forsyth, Hyde, Kneeland, Long, Luce, McCroskey, Owings, Preston, Smith, Thompson (G. T.), Watt, and Wilson—15.

The title of the bill to remain the title of the act.

Senate bill No. 344, An act in relation to county commissioners.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Van Houten, and Vestal—20.

Absent or not voting: Senators Austin, Baker, Clough, Forsyth, Hyde, Kneeland, Long, Owings, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Watt, and Wilson—14.

The title of the bill to remain the title of the act.

Senate bill No. 328, An act relative to county commissioners.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Hastings, Hyde, Kinnear, Kneeland, Luce, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), and Vestal—21.

Absent or not voting: Senators Austin, Baker, Clough, Forsyth, Long, McCroskey, Owings, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Watt, and Wilson—13.

The title of bill to remain the title of the act.

Senate bill No. 350, An act relative to property of non-residents, infants and insane.

Reported back recommended to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, O'Neill, Parkinson, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, and Vestal—23.

Absent or not voting: Senators Austin, Baker, Forrest, Kneeland, McCroskey, Owings, Richards, Smith, Thompson (G. T.), Watt, and Wilson—11.

The title of the bill to remain the title of the act.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 6, 1891.

MR. PRESIDENT:

The House has passed Senate bill No. 71, by Senator Richards: An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor, with amendments as noted in the bill.

The House has concurred in Senate concurrent resolution No. 27, Relative to allowing Senator Hyde to introduce a bill relative to establishing municipal courts.

The House has passed 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.

The House has passed House bill No. 306, Artesian wells appropriation.

The House has concurred in Senate concurrent resolution No. 28, Relative to interpretation of legislative day.

The House has concurred in Senate amendments to 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.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

By the Committee on Municipal Corporations:

MR. PRESIDENT:

Your Committee on Municipal Corporations, having had Senate bill No. 385 under consideration, would respectfully recommend that it do pass.

E. B. HYDE, Chairman,

A. T. VAN DE VANTER.

Also, House bill No. 247, for an act granting to cities of the third class the power and authority to vacate streets and alleys, and declaring an emergency.

E. B. HYDE, Chairman,

L. F. THOMPSON,

A. T. VAN DE VANTER.

By Committee on State, Granted and School Lands:

MR. PRESIDENT:

Your Committee on State, Granted and School Lands, having had under consideration House bill No. 121, for the selection of lands granted to the state, report the same back with the recommendation that it do pass, with amendments.

L. F. THOMPSON, Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 6, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate bill No. 196, entitled "An act defining forcible entry," etc.

Also, Senate bill No. 19, entitled "An act relative to armed bodies of men," etc.

Also, Senate bill No. 217, entitled "An act relative to state reform school," etc.

Also, Senate bill No. 57, entitled "An act relative to state officers," etc.

And the same are herewith returned to the Senate.

T. G. NICKLIN, Chief Clerk.

President Wilson in the chair.

The president stated that he was about to sign Senate bills Nos. 196, 19, 217, House bills Nos. 202, 166, 164, 222, House memorials Nos. 13 and 19, which was done.

Senate bill No. 222 and Senate concurrent resolution No. 27 were received from the House, and ordered to be enrolled.

Senator Dyer in the chair.

On motion of Senator Forrest, Senate bill No. 259 was taken up.

Senate bill No. 259, An act to provide for the assessment and collection of taxes in the State of Washington.

Received from the House and placed on its final passage.

Passed without further amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Van de Vanter, Van Houten, Vestal, and Watt—26.

Senators Kneeland and Rutter voted in the negative.

Absent or not voting: Senators Baker, Richards, Smith, Thompson (G. T.), Thompson (L. F.), and Wilson — 6.

The title of the bill to remain the title of the act.

Senate bill No. 392, by Senator Hyde: 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 prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor, and declaring an emergency," approved February 28, 1891.

Read first time; rules suspended, read second time by title; rules were further suspended, and placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hyde, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 27.

Absent or not voting: Senators Baker, Frink, Hastings, Kneeland, Long, Smith, and Thompson (G. T.) — 7.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hyde, Kinnear, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Watt — 23.

Absent or not voting: Senators Austin, Baker, Eshelman, Hastings, Kneeland, Long, Luce, Owings, Smith, Thompson (G. T.), and Wilson — 11.

The title of the bill to remain the title of the act.

REPORT OF JOINT COMMITTEE TO INVESTIGATE STATE OFFICERS.

MR. PRESIDENT:

The joint 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 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 inspection 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 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 indexing certificates and other vouchers of the past year. 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 and 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 money 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 \$19.49, 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 31st, 1891, with the words "metal filing case" balance noted thereon, that amount was the alleged balance due on metal filing case billed July 15th, 1890, and which was not paid for, February the 28th, 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 of the unused orders drawn for postage every consecutive month, which shows an average of fifty dollars per month, and which were unaccompanied by receipts 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, 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 treasury from time to time as collected (see page 61, session laws of 1889-90).

Your committee finds that the payment of fees into the treasury were made with commendable regularity from April 11th until June 6th, 1890. There followed a lapse of a month without payments, and on July 7th 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 30th, when he paid into the treasury \$124.70. Another lapse of nearly three months went by without making any returns, and on December 27th, 1890, he covered into the state treasury the sum of \$1,000. On December 31, 1890, he paid into the treasury the sum of \$450.

On January 6th, 1891, he paid in the sum of \$472.40, so that it is apparent that the secretary had retained in his hands between September 30th, 1890, and January 6th, 1891, the sum of nearly \$2,000.

In the matter of insurance, of which the secretary of state is *ex-officio* commissioner, your committee finds that the sum of \$500 was appropriated for compensation of the assistant insurance commissioner until March 31, 1891. Section 16, session laws of 1890, relating to fees, contains this pro-

viso: "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 \$20.00. The total amount of fees charged up to February 21, 1891, including the appropriation, amounts to \$2,360.70; expenses up to February 28, 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 the 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 finds that the secretary indexed and distributed them himself, and diverted to his own use and benefit the amount so appropriated.

GOVERNOR'S OFFICE.

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, 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 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 will find vouchers and other data.

Respectfully submitted,

B. C. VAN HOUTEN,
F. H. LUCE,
GEORGE B. WALKER,
A. H. ANDERSON,
A. H. GARRETSON.

The report was ordered to be printed:

On motion of Senator Richards, Senate bill No. 71 was taken up.

Senate bill No. 71, by Senator Richards: An act in relation to the improvement of harbors and waterways in the State of Washington and providing funds therefor.

Received from the House with amendments, which were concurred in, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Vestal, and Watt—27.

Absent or not voting: Senators Baker, Kneeland, Owings, Smith, Thompson (G. T.), Van Houten, and Wilson—7.

The title of the bill to remain the title of the act.

On motion of Senator Parkinson, House bill No. 248 was taken up.

House bill No. 248, by Mr. Miller: An act to authorize cities and towns to borrow money for municipal purposes, and to issue negotiable bonds therefor.

Read first time; rules suspended, read second time by title.

The rules were further suspended and the bill was placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool,

Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Forsyth, Frink, Hastings, Hyde, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Van de Vanter, Vestal, and Wilson—25.

Absent or not voting: Senators Baker, Eshelman, Kinnear, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—9.

The emergency clause passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Van de Vanter, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Baker, Forrest, Owings, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—8.

The title of the bill to remain the title of the act.

On motion of Senator Luce, House bill No. 54 was taken up.

House bill No. 54, by Mr. Meany: An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the Worlds Columbian Exposition of 1893, and making an appropriation therefor.

Read first time; rules suspended, read second time by title; and the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections.

On motion of Senator Luce, the Senate went into committee of the whole to consider the bill.

Senator Van de Vanter in the chair.

The committee of the whole arose and reported the bill back with amendment, and recommending its passage.

President Wilson in the chair.

The report of the committee was adopted.

Senator Dyer in the chair.

Senator Drum moved to amend section 6 by adding thereto the following: "The state mining bureau are hereby authorized to cooperate with the said Washington's World's Fair Commissioner and to forward to the Columbian Exposition all the mineral collections and cabinets belonging to the state, the exhibition of which shall be under the control of the commission, and the expenses of

said exhibition of minerals shall be paid from the funds herein appropriated.”

Adopted.

Senator Drum moved to amend section 7, line 1, by inserting before the word “report” “detailed.”

Adopted.

Also, by adding to section 8, the following: *Provided*, That any portion of the appropriation made for the year 1891 and not expended during that year shall be available for the year 1892, the same as if appropriated for the year 1892.”

Adopted.

Senator Owings moved to amend by striking out section 3 and inserting a substitute.

Adopted.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Forrest, Frink, Hastings, Hyde, Kinnear, Luce, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Vestal, and Wilson—22.

In the negative: Senator McCroskey.

Absent or not voting: Senators Baker, Eshelman, Forsyth, Kneeland, Long, Preston, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—11.

The title of the bill to remain the title of the act.

On motion of Senator Forsyth, House bills Nos. 254 and 255 were taken up out of order.

House bill No. 254, Relative to oyster beds.

Reported back by the committee, with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Parkinson, Preston, Richards, Rutter, Van de Vanter, Vestal, and Watt—25.

Absent or not voting: Senators Austin, Baker, Hyde, Owings, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Wilson—9.

The title of the bill to remain the title of the act.

House bill No. 255, by Committee on Tide Lands: A bill for an act relating to tide lands and shore lands.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, and Vestal — 27.

Absent or not voting: Senators Baker, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Watt, and Wilson — 7.

The title of the bill to remain the title of the act.

FROM SECRETARY OF STATE WEIR.

STATE OF WASHINGTON, OFFICE OF SECRETARY OF STATE,
OLYMPIA, March 6, 1891.

To the Honorable President and Members of the State Senate:

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 offices, 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 at 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. Their telegram is appended to the receipted 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 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 the 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 the 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 be 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.

The report was read and ordered to be placed upon the journal.

On motion of Senator Forrest, the Senate, at 5:15, adjourned till 7:30 P. M.

EVENING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Friday, March 6, 1891. }
7:30 o'clock P. M. }

Senate called to order pursuant to adjournment. President Wilson in the chair.

Roll called; all present excepting Senators Baker, Drum, Forsyth, Frink, Hyde, Long, Smith, and Thompson (G. T.).

Excused.

House bill No. 160, by Mr. Powell: An act to appropriate money for water supply plant for the Eastern Washington hospital for the insane, was taken up.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

On motion of Senator Dyer, the Senate resolved itself into committee of the whole to consider the bill.

Senator Owings in the chair.

The committee of the whole arose and reported the bill back, recommending its passage.

President Wilson in the chair.

Read a third time by title, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forsyth, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 25.

Absent or not voting: Senators Baker, Drum, Easterday, Forrest, Frink, Hyde, Richards, Smith, and Thompson (G. T.) — 9.

Title of the bill to remain the title of the act.

On motion of Senator Austen, rule 61 was suspended for the evening.

On motion of Senator L. F. Thompson, Senate bill No. 266 was taken up out of order.

Senate bill No. 266, Relative to exchange of land for insane asylum.

Reported back by the committee recommending its passage.

Read a third time by sections and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forsyth, Hastings, Kinnear, Long, Luce, McCroskey, Owings, Parkinson, Preston, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 23.

Absent or not voting: Senators Baker, Drum, Forrest, Frink, Hyde, Kneeland, O'Neill, Richards, Smith, Thompson (G. T.), and Thompson (L. F.) — 11.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forsyth, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson — 25.

Absent or not voting: Senators Baker, Drum, Forrest, Frink, Hyde, Kneeland, Smith, Thompson (G. T.), and Van de Vanter — 9.

The title of the bill to remain the title of the act.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 6, 1891.

MR. PRESIDENT:

The House has passed House bill No. 231, An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants.

Senate bill No. 206, An amendment relating to corporations.

House bill No. 292, For the relief of Wilbur W. Waltman.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

FROM THE SUPREME JUDGES.

OLYMPIA, March 5, 1891.

To the Honorable the Senate and House of Representatives:

SIRS: The undersigned have to acknowledge the receipt 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 provisions 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 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.

On motion of Senator Claypool, Senate bill No. 244 was taken up out of order.

Senate bill No. 244, by Senator Claypool: An act to regulate the fishing industry in the State of Washington.

Reported back by the committee without recommendation.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Hastings, Kinnear, Luce, McCroskey, O'Neill, Owings, Preston,

Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Baker, Drum, Forsyth, Frink, Hyde, Kneeland, Long, Parkinson, Richards, Smith, and Thompson (G. T.)—11.

The title of the bill to remain the title of the act.

THE OKANOGAN TROUBLES.

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 obligation to Col. 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.

COPIES OF TELEGRAMS AND CORRESPONDENCE RELATIVE TO INDIAN
TROUBLES IN OKANOGAN COUNTY, JANUARY, A. D. 1891.

The following telegram was received from the commissioners of Okanogan county:

To his Excellency, Chas. E. Laughton, Governor:

An Indian who was implicated in the murder of Cole, in October, was last night taken from jail and hanged. Owing to the fact that he had given himself up to the sheriff, and the bitter feeling existing between the citizens and Indians at this time, serious trouble is feared. The priest says the Indians have held four meetings lately and the young bucks are anxious for an outbreak. They have manifested in different ways that they are angered. The citizens of the county are comparatively unarmed, and the situation at this time demands that we ask of you to do all in your power to have five hundred rifles, with sufficient ammunition, sent at once to Coulee City. This that our citizens may be armed and be prepared as well as possible for an outbreak. Please to telegraph at once if we may expect arms. Our messenger at Coulee city awaiting reply.

(Signed)

D. J. MCGILVERY,

P. C. McDONALD,

County Commissioners.

M. A. RUSH,

Sheriff of Okanogan County.

To which telegram the following reply was at once transmitted:

OLYMPIA, January 10, 1891.

The County Commissioners and Sheriff of Okanogan County, care of Messenger, Coulee City, Okanogan County, Washington:

Two hundred rifles ordered shipped express immediately. Six thousand round ball cartridges same. Officer detailed to accompany and deliver. County commissioners will be held responsible for this ordnance. Sheriffs must use every effort to maintain the peace. Arms must be used only in case of actual necessity occasioned by attack from Indians. Advise me fully of condition of affairs daily. If absolute necessity exist more rifles and cartridges will be sent as soon as obtained. I urge that every means known to the law be used to avoid any conflict with Indians. Wanton disregard by citizens in ignoring operation by courts in county cannot be tolerated at expense of state.

(Signed)

CHAS. E. LAUGHTON, Acting Governor.

Not having a sufficient number of arms in the armory for immediate transmission to the aid of the citizens of this county, orders were at once wired to Capt. E. W. Young, Camp of Sons of Veterans at Seattle, Capt. S. E. Harbox at North Yakima, Dr. E. L. Hills at Tacoma, Col. B. W. Coiner at Tacoma, Capt. W. J. Fife at Tacoma, Col. J. C. Haines at Seattle, to at once ship to Gen. A. P. Curry at Spokane Falls, all the fifty-calibre rifles in their possession. The emergency being very great, and realizing that if these guns were shipped as freight it would be from a week to ten days before they reached the city of Spokane Falls, I ordered that they be sent by express. Capt. C. S. Reinhart, commanding B Co., Second regiment, at Goldendale, was ordered to ship all the fifty-calibre guns in his possession immediately to Gen. Curry.

I followed this with a dispatch to Gen. Curry informing him of the situation, and instructing him to make a detail of officers to convey these arms to Conconully; to go himself and investigate fully the state of affairs and report by telegraph.

At the same time the general agent of the Northern Pacific Railroad Company at Tacoma was wired for transportation for General Curry and staff from Spokane Falls to Coulee City and return. It was cordially extended. Likewise the manager of the Northern Pacific Express Company, asking that they at once deliver the arms and ammunition expressed over their line to General Curry, and present their claims for freight to the state for settlement. The accommodation asked was at once extended by the managers of the respective lines.

Pending these negotiations the following dispatch was received from Alma, by Coulee City, dated January 10:

To Hon. Gov. Laughton, Olympia:

We, the citizens of Okanogon county, ask and demand that troops be sent to protect against the Indians who are preparing for an outbreak, and we demand that troops be sent immediately as there is imminent danger of trouble. There will probably be fighting ere you get this as the Indians are being reinforced every hour from British Columbia and elsewhere, all equipped and armed for war. We are arming for protection but find we have not sufficient arms, and we ask that arms and ammunition be forwarded to us immediately.

(Signed)

NATHAN SMYE.	T. HEDGES.
G. CRYSTAL.	PETER RILEY.
A. G. HEDGES.	PETER CONIGAN.
J. M. ARMSTRONG.	F. COLE McCLURE.
CHAS. GUTHEN.	A. C. JOHNS.
JAMES RILEY.	J. W. HANGER.
J. J. PLUM.	CHARLES ASTENBERG.
J. CAMPBELL.	F. J. CUMMINGS.
ED. COLE.	WALTER MOODY.
P. CARPENTER.	J. H. KAHLOW.
GEORGE WESTON.	J. S. PAGUE.
JAMES L. CARPENTER.	GEORGE RUSHTON.
RALPH GEMERG.	PHILIP GEORGE.
THOMAS SMYE.	TED MALONEY.
MIKE MALONEY.	JOHN N. PAGUE.

That dispatch was followed by one dated January 12th, from Almira, addressed:

Governor Laughton, Olympia:

We, the citizens of Almira, having met to discuss the Indian situation, conclude we are in danger in our unprotected state, and ask for fifty guns and ammunition to defend ourselves and other settlers. We will be responsible for the fire arms. Would refer you to our Representative Hutchinson.

(Signed)

HARTLINE & MINGLE,
J. C. KELLER,
FRANK IRWIN,
Merchants' Committee.

To which the following answer was sent:

To Hartline & Mingle, J. C. Keller and Frank Irwin, Merchants' Committee:

General Curry will start for Coulee City to-morrow with guns and ammunition for Okanogon county. Have wired him to give you fifty guns and one thousand cartridges. Send some of your county officers to receive and receipt for same.

(Signed)

R. G. O'BRIEN, Adjutant General.

The same day the following dispatch was received from Coulee City, dated January 12th:

Governor Laughton:

At the citizens' meeting of this date we are authorized to advise you that in our unprotected position, to state that a feeling of alarm exists, and to ask for seventy-five guns and ammunition, and we do that to protect ourselves, and for which we will be responsible.

(Signed) HUNTER, ROBERTS & JOHNSON,
Merchants' Committee.

In the meantime the following dispatch to General Curry was transmitted:

OLYMPIA, January 11, 1891.

Brigadier General A. P. Curry, Spokane Falls:

Have the officers detailed to take guns to commissioners of Okanogan county go through to Conconully. Go there yourself, and wire the situation at the earliest moment. Have shipped four thousand rounds of cartridges from here. There are one thousand fifty with G company: send them.

(Signed) R. G. O'BRIEN, Adjutant General.

On the 13th the adjutant general wired General Curry as follows:

General A. P. Curry, Spokane Falls:

Three hundred and four guns and five thousand cartridges, with the one thousand in G company, sent you. Distribute as follows: Conconully, two hundred guns, three thousand cartridges; Coulee City, fifty guns, one thousand cartridges; Almira, fifty-four guns, one thousand cartridges. Take receipt of proper authorities.

(Signed) R. G. O'BRIEN, Adjutant General.

At the same time I sent the following dispatch to General John Gibbon, commanding department of the Pacific, at San Francisco:

OLYMPIA, January 11, 1891.

Brig. Gen. John Gibbon, San Francisco, Cal.:

Telegram received from the county commissioners and citizens of Okanogan county in this state, asking for immediate presence of troops to protect the citizens against Indians preparing for an outbreak, who are being joined by Indians from British Columbia. Telegram says fighting will probably take place before it is received. I have sent two thousand rifles and ammunition to the county commissioners of Okanogan county for distribution among the citizens in case of need. I deem the situation as of such importance as to ask you to send troops to Conconully and to other places in the county from the most convenient point without delay, as scene of action is ninety miles from telegraph office at Coulee City, terminus of Washington Central Railroad. Messenger rode all night to deliver message.

(Signed) CHAS. E. LAUGHTON, Acting Governor.

To which was received the following reply:

SAN FRANCISCO, January 12, 1891.

Chas. E. Laughton, Acting Governor Washington, Olympia:

Your dispatch regarding reports of Indian troubles in the Okanogan country is received. When and by what route did you send the arms, and when will they probably reach there? I have telegraphed to Fort Spokane for information.

(Signed) JOHN GIBBON, Brigadier General.

Replying to which I gave the necessary information.

On the 14th of January Adjutant General O'Brien received the following dispatch from Gen. Curry at Spokane Falls:

Gen. R. G. O'Brien, Olympia:

Leave to-day with 176 guns and ammunition. Will take these directly to Conconully, supplying other places later. All communications in future here to Col. Booge. Staff officer at Coulee reports situation threatening. Will detail six men from here. Express on guns paid here. Nothing from home office regarding express. Must have funds sent to Booge at once.

(Signed) A. P. CURRY, Brigadier General,

Upon receipt of above dispatch Adjutant General O'Brien at once wired B. G. Hall, superintendent Northern Pacific Express Co. at Portland, as follows:

OLYMPIA, January 13, 1891.

B. G. Hall, Supt. N. P. Express Co., Portland:

I have ordered shipped to Gen. A. P. Curry at Spokane Falls three hundred stand of arms, to be delivered to the people of Okanogan county. The charges are about one hundred and fifty dollars. Will you please authorize your agent at Spokane Falls to deliver the arms to Gen. Curry and sign vouchers to the state for said transportation, and it will be paid on arrival here. Have your agents send them to me at once. Answer.

(Signed) R. G. O'BRIEN, Adjutant General.

Also telegram as follows to Gen. Curry:

OLYMPIA, January 13, 1891.

Have telegraphed for transportation for yourself and two men over the Washington Central to Coulee City and return. Ammunition should reach you to-morrow morning. Have railroad agent sign vouchers. Look into the situation and use your best judgment about issuing arms.

(Signed) R. G. O'BRIEN, Adjutant General.

On the 15th of January the following dispatch from General Curry was received:

COULEE CITY, January 15, 1891.

Adjutant General O'Brien:

Latest from scene of trouble are, no abatement of existing excitement among settlers. Conconully is being guarded at night by citizens. At the burial of Indian Steven, Indians swore revenge. Squaws who are living with white men have warned them to leave the reservation, telling them there was danger ahead. Traders have sold considerable ammunition to Indians in the past few days. Whites who have gone to the reservation have found the Indians very surly and have been ordered not to return. Lincoln and Douglas counties were each furnished fifty arms and five hundred rounds of ammunition, leaving two hundred arms for Okanogan county, which are being hurried forward under a strong escort. Moses and Joseph Indians are dancing the Messiah dance, and refuse to have anything to do with the whites.

(Signed) A. P. CURRY, Brigadier General.

The full text of the above dispatch, I wired to General Gibbon at San Francisco for his information, again urging that he send troops to the scene of action for an emergency.

Brig. Gen. John Gibbon, San Francisco, Cal.:

Have just received the following telegram from General Curry of our National Guard, at Coulee City, on his way to Conconully with orders to investigate: "COULEE CITY, January 15, 1891.—Brig. Gen. O'Brien, Olympia: Latest reports from scene of trouble are, no abatement of existing excitement among settlers. Conconully is being guarded at night by citizens. At the burial of Indian Stephen, who was lynched, Indians swore revenge. Squaws who are living with white men have warned them to leave the reservation, telling them there is danger ahead. Traders have sold considerable ammunition to Indians for the past few days. Whites who have gone to the reservation have found the Indians very surly and have been ordered not to return. Lincoln and Douglas counties were each furnished fifty arms and five hundred rounds of ammunition, leaving two hundred arms for Okanogan county, which are being hurried forward under strong escort. Moses' and Joseph's people are dancing the Messiah dance and refuse to have anything to do with the whites.—(Signed) A. P. CURRY, Brig. Gen."

I send the above for your information, which portends a serious state of affairs. I again urge that you send troops to the scene of action for an emergency.

(Signed) CHAS. E. LAUGHTON, Acting Governor.

On the same day the following was received from Brig. Gen. John Gibbon, commanding the department of the Pacific, from San Francisco:

SAN FRANCISCO, January 15, 1891.

Acting Governor Laughton, of Washington, Olympia:

Can you send me any information regarding the lynching of an Indian by white men

after he had surrendered himself for trial on a charge for having murdered a white man? This is reported as having taken place in the Okanogan country.

(Signed) JOHN GIBBON, Brig. Gen. Com'g.

To which I replied as follows:

OLYMPIA, January 15, 1891.

Brig. Gen. John Gibbon, San Francisco, Cal.:

Discontent among the Okanogan Indians has been growing for several months. In October last two Indians murdered a man named Cole. One of the Indians was killed by the sheriff's posse shortly after in endeavoring to escape. The other escaped but gave himself up about the 7th of this month. On the night of the 8th, a lawless set of men took him from his custodian and hanged him, thereby precipitating this trouble. Gen. A. P. Curry has been sent to Conconully and instructed to at once report the situation. His dispatch from Coulee City I have wired you.

(Signed) CHAS. E. LAUGHTON, Acting Governor.

On the 16th ultimo was received the following from Gen. Gibbon:

Chas. E. Laughton, Acting Governor, Olympia:

Your two dispatches of yesterday are received. I am awaiting some definite information from Port Spokane. Troops should not be sent on such vague reports as have reached me up to this time. Meanwhile, I trust the whole power of the state authorities will be brought to bear to hold to account the citizens who took the law into their own hands and hung an Indian who surrendered himself, expecting of course to be fairly tried, and who may have been innocent. A show of justice will do more to quiet the revengeful spirit among the Indians than anything else. I do not credit the reports that Moses' and Joseph's people are showing a hostile spirit, but shall know soon.

(Signed) JOHN GIBBON, Brig. Gen.

To which I replied as follows:

January 16, 1891.

Brig. Gen. John Gibbon, San Francisco, Cal.:

The state authorities are fully alive to the situation here and are putting forth every effort to secure the masked lynchers who committed the outrage in Okanogan county, and meanwhile the citizens are exposed to great danger from an expected attack of these unrestrained wards of the government. All the assurance that we can give now by an endeavor to apprehend the guilty parties can avail nothing at this time. The people must be protected from the Indians in the meantime, and the state will put forth its full power to punish the guilty lynchers.

(Signed) CHAS. E. LAUGHTON, Acting Governor.

On the 17th of January the following dispatch was received, dated, Conconully, by Coulee City, January 17, 1891.

Chas. E. Laughton, Acting Governor:

Situation not so alarming at present. Settlers on Okanogan river organized and seem confident. Towns have organized rifle companies. Indian farmer Thomas has had runners out bringing Indians in for a general council at Omak church to-day, from which good results are anticipated. Renegades may possibly act independently of council and cause some trouble. Your consignment of arms and ammunition expected to-morrow. Will advise you of any change.

(Signed) FRANK M. BAUM,

Auditor and Clerk County Commissioners.

On the 19th of January Adjutant General O'Brien received the following dispatch from John I. Booge, Assistant Adjutant General, Spokane Falls:

SPOKANE FALLS, January 15, 1891.

General R. G. O'Brien, Olympia:

Just received following dispatch: "Shipped by to-day's express one hundred stand arms with sufficient ammunition. Settlers along the Columbia in danger.—(Signed) M. E. HAY, Mayor of Wilbur, Washington."

No arms except those taken by General Curry have been received here. Have you any orders? No instructions have been sent to agent Pacific Express Company, and I must pay the charges there. Do not confound Pacific with Northern Pacific Express.

(Signed) JOHN I. BOOGE.

On the 21st ultimo the following dispatch from General Curry was received, dated Conconully, January 20, 1891:

General R. G. O'Brien, Olympia:

Arrived here Saturday night safely and delivered the arms. Young bucks threatening and dominant. Older Indians urging peace. Think there will be no trouble at present. Have sent sub-Agent Thomas to gather in the leading Indians. Will meet them Tuesday on reservation for consultation. Think I can with his help stop further trouble. Will start for home Wednesday. (Signed) A. P. CURRY, Brigadier General.

On the 22d ultimo a message was received from General Curry, as follows:

General R. G. O'Brien:

ALMA, WASHINGTON, January 25, 1891.

Arrived here last night and met sub-Agent Thomas and Father Derouge, who have been active in assisting me in gathering the different chiefs and rulers for the purpose of the conference. It will take place to-day. We expect Chiefs Switkin and Antoine and Captains Ames, Gabriel Marcia and Klapellaton, with from seventy-five to one hundred of the people. Indians much excited on account of the arrival of guns, but think with the aid of the priests and sub-Agent E. T. Thomas, can avoid trouble for the present. (Signed) A. P. CURRY, Brigadier General.

The above dispatch was followed by one from Coulee City, dated January 22, 1891, as follows:

Gen. R. G. O'Brien:

I had a council on the reservation with about seventy Indians, including all the chiefs in this locality. Have exacted from them promises to stop their dancing or carrying arms, except when hunting, and to stop making threats against the whites who they supposed took part in hanging their comrade Stephen. Also, promises to assist in ferreting out parties who sold whiskey to Indians, which is the prime cause of all this trouble. I am satisfied that this conference has done much good, and think there will be no more trouble at present. I have been assisted by Father Derouge and Indian farmer Thomas, who have been very active in this matter, and whose services were of great value. Leave for home in the morning. (Signed) A. P. CURRY, Brigadier General.

I have the honor to report herewith the report of Gen. Curry, *in extenso*, and memorandum of the cost attaching thereto, aggregating \$683.42, unpaid.

I have the honor to be, very respectfully, your obedient servant,

(Signed) R. G. O'BRIEN, Adjutant General.

The following petition was received on January 21, 1891:

RUBY, OKANOGAN COUNTY, WASHINGTON, }
January 10, 1891. }

Governor Chas. F. Laughton, Olympia, Washington:

SIR—Events are transpiring in our midst that demand prompt action. Therefore we respectfully petition you, as the executive of the state, to send us troops, also arms and ammunition. This we ask may be done without any delay. You know our defenseless state. At this time there are less men and more women and children here than at any other time during our history.

Our reasons for this pressing request are these: A short time since a white man by name of Cole was murdered on the verge of the reservation. Two of his murderers have been taken. One endeavored to kill the officer when being arrested, and in self-defense the officer shot him dead. The other was arrested and placed in jail, and on the night of January 6th persons unknown to us did by force take the prisoner from jail and hang him until dead. The people who did this are wholly unknown. It is unnecessary to say we do not approve of this act, but it has brought down on us who are innocent the threatened vengeance of the dead Indian's relatives and friends, and other Indians who have been in the late dance on the reserve, and at this time they are gathered in force near Malot's place. If we were supplied with arms and ammunition, and our families and those of others were not here, we would not ask aid, but aid we must have.

Every indication is that there will soon be some dirty work here. Settlers on the river are asking for reinforcements to-night.

Old Indian fighters here say the signs are serious. Send us aid and avert if possible this threatened catastrophe to these settlements.

The probable force of Indians we may have to contend with will be about four hundred bucks. The number now collected will number about one hundred.

(Signed)

GEO. J. HURLEY.	WM. W. WEEKS.
C. F. WEBB.	C. H. BALLARD.
J. STANTON.	JOHN BARTLETT.
GEO. BEALE.	G. W. EVANS.
H. ALLEN.	Z. T. EAST.
J. MCKINNEY.	ED. MCNALL.
M. C. DUFFY.	E. A. SCHAKELFORD.
EDWARD ROURKE.	J. MULHOLLAND.
H. J. DORWIN.	A. H. ALFORD.
R. H. BLIVEN.	FRED. SPABLING.
H. A. MAYER.	A. B. OLSEN.
J. W. JEWETT.	P. PERKINS.
A. STROBEL.	H. A. HUNTLY.
CHAS. GUTHRIE.	H. M. KEENE.

Which petition was answered as follows:

OLYMPIA, January 23, 1891.

Messrs. Geo. W. Hurley, Wm. W. Weeks, C. F. Webb, and others, Ruby, Okanogan County:

GENTLEMEN — I am in receipt of your letter bearing date of the 10th inst., and am glad to note by telegraphic reports received yesterday from Brigadier General Curry that any threatened trouble in your county has been averted. It is indeed a deplorable fact that serious danger should menace defenceless women and children by overt acts committed by our citizens; and it is to be deplored that the operations of the law should be disregarded and violated, as seems to have been the case, by some parties unknown, in your county. Vigorous measures and active efforts should be put forth by the peace officers to bring the guilty parties to justice, and I beg to assure you that prompt action will be had by the executive department in case any manifestation of hostilities upon the part of the Indians warrant.

I have the honor to be, gentlemen, very respectfully, your obedient servant,

(Signed)

CHAS. E. LAUGHTON,
Acting Governor.

HEADQUARTERS FIRST BRIGADE N. G. W.,

Spokane Falls, Wash., January 24, 1891. }

To R. G. O'Brien, Adjutant General, N. G. W., Olympia, Washington:

DEAR SIR — In pursuance to telegrams received from you, I sent Lieut. Col. Waters to Coulee City to arrange for transportation to Conconully, a distance of ninety miles from railroad. I left here with Lieut. J. J. White Wednesday, January 14th, with the arms and ammunition and an escort of four men. We arrived at Coulee City on the evening of January 14th, and delivered fifty guns and five hundred rounds of ammunition to J. C. Kellner for Almira, Lincoln county, and fifty-two guns and five hundred and thirty-two rounds of ammunition to J. R. Lewis, chairman county commissioners of Douglas county, for Coulee City. On Thursday, January 15th, we started for Conconully, and arrived there Saturday evening, January 17th, and delivered one hundred and seventy-eight guns and thirty-two hundred and forty rounds of ammunition to D. McGilora, chairman of county commissioners of Okanogan county. While crossing the Columbia River, I learned that the Indian farmer Thomas was in the neighborhood, and I dispatched a courier to have him meet me at Conconully; and at Ruby City I engaged the services of Lew Brodie and his squaw to gather together all the Indians with a view to hold a consultation. Learning that the Indian farmer Thomas had a good deal of influence with the Indians, I proposed to him to go into the upper part of the country and invite the leading men and the young men to meet me for a conference on the reservation on Tuesday. After assisting in forming an independent military company at Conconully, giving them some instructions and advice on military drill, we left for Cumming's Ferry, a distance of twenty miles, on Monday, January 19th, and arrived there that night. On Tuesday, January 20th, we crossed the Okanogan River on to the reservation, and there

met Chief Smitkin, Antwine, and Capt. Ameos, Gabrael, Narcis, and Klappellatan, with about seventy-five of their men.

We held a council, with Father Derogue as interpreter, and I told them that bringing arms into the country did not mean war, but if the white men were attacked they would defend themselves, but the arms were not brought in to shoot Indians. I told them that I represented the state with a large force of well equipped and drilled men; that the white men became alarmed and asked the governor to send troops and arms, but that the governor, instead of sending troops, had sent me to investigate, and I hoped that on my return I should be able to make a favorable report; that the Indians must not hold all the white men responsible for the acts of a few white men; that two wrongs did not make a right; that I did not uphold the white men in hanging the Indian Steven, but that if the Indians went to war it would probably be a war of extermination; that I should recommend that when the court met that an investigation be made to try and bring to justice all parties concerned in the hanging of their comrade Steven; that I could not promise them that the men would be punished, for I knew not whether their guilt could be proven. I told them that it was understood by a few white men that when the Indians dance it meant war, and exacted a promise from them to stop it, because had white men might take advantage of it and do something rash which would cause war. I told them above all things to let whisky alone, and try and help ferret out all parties concerned in selling them whisky, and report them to the farmer, Thomas, whose heart was in the right place for the Indians.

Chief Smitkin then arose and said: I am but a poor man and not a great chief. I and my men work for the church, and the church teaches us to be good and behave ourselves and give up drinking; that he was glad that we came and sorry at what had happened; that now that we were there we could see for ourselves and state things in their true light. If we had not come, things would be all in the dark. We could see for ourselves that they were all good; that they came from all over the country to see us; that there was no truth in what had been said; that the Indian farmer two days ago had heard their minds, and there had been no change since; that he was glad we had come and glad to meet us.

I asked him if he knew of any one who had made any threats to kill white men in order to get even for the hanging of the Indian Steven, and he answered that he never heard any of his boys making any threats to kill white men; that they were all glad at the treatment the boy had had after his death; that the white man who had brought the body to them was very much afraid, but I told him there was no danger. I slept with him myself that night under my blanket, and in the morning took him to Cummings. I never heard of anything to be done to the white men; that is all I have to say, and am glad to have met you.

I asked him if there was any truth in the report that some of the younger boys had threatened to get even in one, two or three moons, and if he knew them, and in case of an outbreak if he could control them; and he answered that he had not heard of any threats being made, and that now, after this conference, he thought the young men would listen to the advice of the older men and chiefs.

Doc John, the father of the dead boy, then arose and said: That he had told all the boys to be of good heart; of course they were all sorry for what had happened, but that they were not mad or angry, and that nobody had any intention of doing anything wrong that the white people might be ashamed of; and the chiefs of all the tribes around there had always told them to keep the peace. If he were a great chief he would say more, but would never cease to speak well of the white people; that he was glad we had come to our own children to know their minds; they did not know themselves what the matter was with the white people, and that perhaps, now that we were there, we might be able to make the hearts of all the white people feel glad; that the whisky came to them from the white people and not from the Indians, and that perhaps the white chief might be able to stop that, and if so, it would do them much good.

I told him that the white chief could not stop the manufacture of liquor, but with their help could stop the sale of liquor to the Indians; also, that the Indians must not go around armed, unless when hunting, in order not to arouse new comers; also, that when runners came to them from British Columbia and the buffalo country in order to enlist them in warfare, they must report the matter to the officers; that if war was declared with another country, they were expected to defend this their own country. Doc John replied that he would not talk any more; that he had no hard feelings against the white people, and

would not take his gun with him except when out hunting for something to eat for his family.

Puck Miakin, who has heretofore been regarded as the leader of the bad young men, being called upon arose and said: All here are the white men's friends, and that they would always do as their chief told them, and their chief never told them to do anything but what was good, and they did everything told them with a good heart; that he was one of the chief's boys, and did not want any one to think that he or any of the boys wanted to do wrong: that all the boys wished to do right. Thereupon he called upon all the young men present to endorse what he had said, which they all did. I told them that I was glad to hear them speak as they had, and on my return would make as favorable report as I could, telling the white people that all was quiet; also, that the chiefs must report to the agent whenever any of their boys did wrong and have them punished; also, report white men or Indians that sell them whisky.

Chief Antwine then arose and said: Long ago the soldiers came into the country and the Indians were scattered around on top of the rocks, and the white chief told them it was bad and they took his word and tried to be good and live like white people; from them they learned what was good and now they were good and not bad. They always remembered the first white chief, Colonel Wright, that came there and he told them to be good and try to do what was told them, and from that time to now the Indians had grown up and tried to remember what had been told them. Although white people were living all around them he thought that no one could say that they were bad, and wanted the white people to understand that they meant no harm; that they were all glad that we had come for I think that you will put things in their true light and make them feel happy, and hope that you will speak to the white people and tell them what we say and stop all further trouble.

I then told them that should trouble arise and even one Indian kill another that they must report the matter to the officers and let the law take its course.

Klappellatan next arose and said that he had come a long way to meet and to see us, and that he hoped our speaking to the Indians would put a stop to the drinking and gambling among them, and thanked us from the bottom of his heart for our coming.

He, as well as all the rest of the Indians, assured me that they never gambled except when under the influence of liquor, and I told them I was glad to hear of their assurance and hoped that they would stop drinking and gambling.

Chief Suwaykin next spoke as follows: There is no wrong to be feared from the Indians. Who is it from the white people that say the Indians want to fight? Letters have been sent telling that we were going to war but we knew nothing about it. Long ago the white chiefs came to us and they spoke about war, and after that we put our arms away and have lived in peace ever since. How is it that the question has arisen again about war? Let no one believe the lies spread abroad against us, and stop all further trouble. All the older people tell the Indians to be good, and that advice the boys will always follow.

On our return from the reservation we met a committee of ten citizens, residing on the Okanogan river, who insisted upon troops being sent in, claiming that they did not think their families were safe, but when informed of the result of our conference and the pledges given, not only by the chiefs but old Indians and young bucks, that they would faithfully carry out the promises made to me, they seemed to be satisfied, and they in turn promised to be careful and commit no overt acts which might lead to an outbreak, and that they would also assist in bringing to justice the peddlers of whiskey to the Indians.

The following is a copy of letters addressed, one to the chairman of the county commissioners of Okanogan county, and one addressed to the mayor of Ruby City, for publication:

ALMA, OKANOGAN COUNTY, January 20, 1891.

D. McGilora, Esq., Chairman County Commissioners, Okanogan County:

DEAR SIR — We held a conference to-day on the reservation with about seventy-five Indians, including all the chiefs in this part of the country. They were told through the interpreter by me that bringing guns into the country did not mean war, but to insure peace. That the white people were determined to defend their homes, and if there was any outbreak on the part of the Indians there would be a war of extermination. That the citizens and state troops, and if necessary the regular army, would make short work of them; but if they behaved themselves and controlled their young men, the whites

would treat them kindly and no soldiers would be brought in. That they must discontinue their dances and stop carrying guns except when hunting, and do all in their power to assist in ferreting out white men or Indians who sold liquor to Indians. To all the above a sacred pledge was exacted from chiefs and all young bucks present. They promised to take no further action in regard to the hanging of the Indian Steven, and make no threats, but let the matter entirely rest for the action of the courts. I am quite satisfied from the thorough and earnest way in which the matter was discussed, pledges exacted, earnestness of the answers, that all of these promises will be carried out in good faith. So they well understand that if they break these pledges to me that no mercy will be shown them, and the entire tribe will be held responsible for the action of any of its members. I have pledged for the white people kind treatment to the Indians, and also their assistance to bring to justice those who may so far forget themselves as to sell liquor to an Indian, and I earnestly request that the citizens of Okanogan county, as well as Douglas county, will use their best endeavors to carry out these promises.

Yours truly,

A. P. CURRY, Brig. Gen. Com'g.

Per J. J. WHITE, A. A. G.

We then left Cummings and arrived at Coulee City Thursday evening, January 22d without anything worthy of note, and arrived home Friday, January 23d.

In conversing with the white men and Indians regarding this trouble I have come to the following conclusion: That the Indians maddened by the hanging of their comrade, Steven, determined to get even with the whites, and made many threats; that they sent runners to the British Columbia Indians, the Kettle River Indians, and also to Joseph and Moses bands asking for assistance in case of an uprising; that the two former bands, Kettle River and British Columbia, promised substantial aid; that Moses and Joseph both declined to take part but failed to denounce and discourage it as they should have done. Those upon whom they depended and who had promised them assistance in case of an outbreak would number from three hundred and fifty to four hundred. This action, however, was confined entirely to the younger class and did not meet the approval of the older ones nor their local chiefs. The prompt action of the state authorities and the best council of the older men and chiefs aided by the priest and farmer Indian prevailed, and I anticipate no more trouble except some trifling white man or Indian should, through the influence of liquor, commit some overt act which might be mistaken as a general uprising.

I cannot close this report without urging a more thorough investigation and prosecution of the tariff of liquor on the reservation. or to Indians under any circumstances. and the bringing to justice of the parties concerned in the hanging of the Indian boy Steven. Liquor was the cause of this trouble, and such is the case with nearly every trouble in the country. I cannot speak too highly of the work done by the priest, Father De rouge, and the Indian farmer, Thomas, who seem to have great influence with the Indians, and helped me greatly in bringing the Indians together for the conference.

Very respectfully yours,

A. P. CURRY, Brig. Gen. Com'g N. G. W.

The following will exhibit the expenses incurred in carrying out the instructions received in telegraphic orders relative to the Okanogan county Indian troubles, to wit:

For transportation of arms and ammunition, via—	
Northern Pacific Express Co.....	\$92 60
Pacific Express Co.....	26 60
Transportation furnished Gen. A. P. Curry and escort from Spokane Falls to Coulee City, over N. P. R.....	71 75
To amounts paid by Gen. Curry en route from Spokane Falls to Conconully and return, as follows, to wit:	
Cartage on guns, etc.....	\$1 25
Telegrams.....	6 35
Hotel bill at Coulee City.....	9 00
Team from Coulee City to Conconully and return.....	40 00

Amounts paid by Gen. Curry:

Meals and stable bill for escort, and team from Coulee City to Con-		
conully and return for self and escort.....	\$63 50	
Meals of escort returning to Coulee City, being sent back in advance...	15 00	
To amount paid Louis Broder as courier by Gen. A. P. Curry.....	10 00	
		\$145 10
To 12 days' pay for services of Gen. A. P. Curry, at \$10.00 per day.....	\$120 00	
To 12 days' pay for services of Lt. Col. Waters, asst., \$5.00.....	60 00	
To 12 days' pay for services of Lt. J. J. White, A. D. C., \$5.00.....	60 00	
To 10 days' pay for services of Frank E. Howard as escort, \$3.00.....	30 00	
To 10 days' pay for services of Byron M. Swingler as escort, \$3.00.....	30 00	
To 10 days' pay for services of Ellsworth F. Weston as escort, \$3.00.....	30 00	
		330 00
Telegrams by adjutant general to Gen. Curry, and elsewhere, ordering		
shipment of guns to Spokane Falls for Okanogan county, as fol-		
lows:		
Western Union.....	\$26 50	
Pacific Postal Tel. Co.....	41 52	
		68 02
Total.....		\$734 07
Less amount paid Gen. A. P. Curry by commissioners of Okanogan county on ac-		
count expenses of transportation of arms, etc., from Coulee City to Con-		
conully.....		50 00
Total due by state.....		\$684 07

On motion of Senator Dyer, the communication was ordered to be placed upon the journal.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 6, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 120, entitled "An act for the relief of L. Coffin and Mary E. Teal, and making an appropriation.

The House has passed House bill No. 301, Dissecting of human dead bodies.

The House has receded from its amendments to Senate bill No. 24, Relative to fees of county clerks, except amendment No. 4.

The House has concurred in Senate amendments to House bill No. 54, World's Fair appropriation.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

By Committee on State Prisons:

MR. PRESIDENT:

Your Committee on State Prison, to which was referred Senate bill No. 264, entitled "An act in relation to the care of United States prisoners

in the Washington penitentiary," report the same back and recommend its passage.

P. A. PRESTON, Chairman,
ALEX. WATT.

By the Committee on Agriculture:

MR. PRESIDENT:

We, your committee, to whom was referred House bill No. 228, beg leave to report the same back with the recommendation that it pass.

R. C. McCROSKEY, Chairman.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that 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," and Senate memorial No. 9, Relative to ship railway at The Dalles, and Senate joint resolution No. 1, Relative to establishment of heavy ordnance, etc., have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman,
W. J. PARKINSON,
Members of committee.

TITLE TO CAPITAL GROUNDS.

By Joint Committee:

TO THE SENATE:

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 the 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 the land immediately west and north of the present grounds, about fifteen acres, 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 buildings 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.

Read and adopted.

On motion of Senator Long, House bill No. 279 was taken up out of order.

House bill No. 279, by Mr. Dysart: An act to provide for the committing of juvenile offenders to the state reform school at Chehalis.

Read first time; rules suspended, read second time by title; the rules were further suspended and the bill placed on its final passage.

Read a third time by sections.

Senator Kinnear moved to amend by inserting "16" and striking out "18" in sections 1 and 2, wherever it appears.

Adopted.

On motion of Senator Kinnear, "21" was stricken out and "18" inserted in section 7, wherever it appears.

Senator Easterday moved to amend section 3, last line, by inserting "or may hereafter be" after the word "now."

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forsyth, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Baker, Drum, Forrest, Frink, Hyde, Kneeland, Smith, and Thompson (G. T.)—8.

The title of the bill to remain the title of the act.

On motion of Senator Dyer, House bill No. 178½ was taken up out of order.

House bill No. 178½, by Mr. Wasson: An act to regulate vital statistics in the State of Washington.

Reported back by the committee with recommendation to pass.

On motion of Senator Van Houten the bill was laid upon the table.

On motion of Senator Van Houten, House bill No. 128 was taken up out of order.

House bill No. 128, by Mr. Reinhardt: An act to make time checks bear interest from date of issue.

Reported back by the committee with recommendation to pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool,

Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Hastings, Kinnear, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Drum, Frink, Hyde, Long, Luce, Owings, Richards, Smith, and Thompson (G. T.)—10.

The title of the bill to remain the title of the act.

On motion of Senator Preston, Senate bill No. 264 was taken up out of order.

Senate bill No. 264, by the Committee on State Prisons: An act in relation to the care of United States prisoners in the Washington penitentiary.

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Hastings, Kinnear, Kneeland, Luce, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Baker, Drum, Forrest, Forsyth, Frink, Hyde, Long, McCroskey, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—12.

The title of the bill to remain the title of the act.

On motion of Senator Van de Vanter, Senate bill No. 385 was taken up out of order.

Senate bill No. 385, by Senator Richards: An act to provide for the formation of corporations for the purpose of carrying on the business of accident insurance and loaning money, and declaring an emergency.

Reported back by the committee with recommendation that the bill pass.

On motion of Senator Dyer, the bill was indefinitely postponed.

On motion of Senator Claypool, Senate bill No. 253 was taken up out of order.

Senate bill No. 253, Relative to state militia to use certain grounds.

Reported back by the committee with the recommendation that the bill pass.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Kinnear, Long, McCroskey, O'Neill, Parkinson, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Baker, Drum, Forsyth, Frink, Hyde, Hastings, Kneeland, Luce, Owings, Preston, Smith, and Thompson (G. T.)—12.

The title of the bill to remain the title of the act.

On motion of Senator Rutter, House bill No. 86 was taken up out of order.

House bill No. 86, by Mr. Parcell: An act relative to lawful money for wages.

Reported back by the committee recommending its passage.

On motion of Senator Claypool, the bill was indefinitely postponed.

On motion of Senator Kneeland, Senate bill No. 236 was taken up out of order.

Senate bill No. 236, by Senator Kneeland: An act to amend an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency."

Reported back by the committee with recommendation that the bill pass.

Read a third time by sections.

Senator Easterday moved to amend section 1 by adding after acres "in one body."

Adopted.

Also, to amend the title by adding after amend "section 15."

Adopted.

The bill then passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Parkinson, Rutter, Thompson (L. F.), Van de Vanter, Vestal, and Wilson—20.

Absent or not voting: Senators Baker, Drum, Forrest, Forsyth, Frink, Hyde, Luce, Owings, Preston, Richards, Smith, Thompson (G. T.), Van Houten, and Watt—14.

The title of the bill to remain the title of the act.

On motion of Senator Claypool, all House bills were taken up out of order.

House bill No. 121, by Mr. McKay: An act to provide for the selection of land granted to the State of Washington.

On motion of Senator Dyer, it was made a special order for 10 A. M., Saturday, March 7th.

House concurrent resolution No. 25, by Mr. Miller: Relative to providing for printing and distributing the journals of the House and Senate of the present session.

Read and adopted.

House concurrent resolution No. 26, by Mr. Megler: Providing for the printing and distributing of the session laws.

Read and adopted.

The president stated that he was about to sign Senate memorial No. 9, Senate joint resolution No. 1, and Senate bill No. 28, which was done.

House bill No. 299, by Mr. Morse: An act defining the boundaries of Island county.

Read first time; rules suspended, read second time by title, and referred to Committee on County and County Lines.

House bill No. 292, by the Committee on Ways and Means: An act for the relief of Wilbur W. Waltman.

Read first time; rules suspended, read second time by title, rules further suspended, and placed on its final passage.

On motion of Senator Claypool, the Senate went into a committee of the whole to consider the bill.

Senator Frink in the chair.

The committee of the whole arose and reported the bill back recommending its passage.

President Wilson in the chair.

The report of the committee of the whole adopted.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Drum, Dyer, Easterday, Eshelman, Forsyth, Frink, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—22.

Absent or not voting: Senators Baker, Clough, Cooper, Edens,

Forrest, Hastings, Hyde, Preston, Smith, Thompson (G. T.), and Watt — 12.

The title of the bill to remain the title of the act.

House bill No. 71, by Mr. Yeomans: An act to provide for the completion of the building of the Washington school for defective youth, and to appropriate money therefor.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

On motion of Senator Dyer, the Senate resolved itself into a committee of the whole.

Senator Hastings in the chair.

The committee of the whole arose and reported the bill back, recommending its passage.

President Wilson in the chair.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Vestal, Watt, and Wilson — 25.

Absent or not voting: Senators Baker, Cooper, Drum, Hyde, Preston, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten — 9.

Title of the bill to remain the title of the act.

House bill No. 258, by Mr. Hunsaker: An act requiring persons, companies or corporations owning or controlling railroads coterminus with or constructed around any obstruction to navigation to keep in good repair and operate the same, etc.

Read first time; rules suspended, read second time by title, and placed on general file.

House bill No. 156, by Mr. Arrasmith: 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.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Baker, Drum, Edens, Forsyth, Hyde, Long, Preston, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten—12.

The title of the bill to remain the title of the act.

House bill No. 204, by Mr. Jones: An act for the registration of votes of precincts where an incorporated city or town, or any portion thereof, forms a part of a voting precinct.

Read first time; rules suspended, read second time by title; the rules were further suspended and the bill placed on its final passage.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Vestal, Watt, and Wilson—23.

Voting in the negative: Senator Forsyth—1.

Absent or not voting: Senators Baker, Drum, Hastings, Hyde, Long, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten—10.

The title of the bill to remain the title of the act.

House bill No. 231, by Mr. Spinning: An act to prescribe the duties of the state board of horticulture in relation to hops and hop plants.

Read first time; rules suspended, read second time by title, the rules were further suspended, and the bill placed upon its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill,

Owings, Parkinson, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Baker, Drum, Hastings, Hyde, Preston, Smith, Thompson (G. T.), and Thompson (L. F.)—8.

Title of the bill to remain the title of the act.

House memorial No. 16, by Mr. Berry: Relative to Federal courts.

Read first time; rules suspended, read second time by title; rules further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Kinnear, Long, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Drum, Hastings, Hyde, Kneeland, Luce, McCroskey, Smith, Thompson (G. T.), and Thompson (L. F.)—10.

House memorial No. 15, by Mr. Chambers: Relative to an appropriation by Congress for dredging the channel to enable deep draught vessels to arrive at Olympia.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill was placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Kinnear, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Drum, Hastings, Hyde, Kneeland, Long, Richards, Smith, Thompson (G. T.), and Thompson (L. F.)—10.

House joint resolution No. 6, by the special fisheries committee: Relative to habits of fish.

Read and adopted.

House bill No. 244, by Committee on Corporations other than

Municipal: An act relative to building, loan and saving associations, and declaring an emergency.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Dyer, Eshelman, Forrest, Forsyth, Frink, Kinnear, Long, Luce, McCroskey, O'Neill, Parkinson, Richards, Rutter; Van de Vanter, Van Houten, Vestal, and Watt—18.

Those voting in the negative were: Senators Austin, Clough, Cooper, Easterday, Edens, and Wilson—6.

Absent or not voting: Senators Baker, Drum, Hastings, Hyde, Kneeland, Owings, Preston, Smith, Thompson (G. T.), and Thompson (L. F.)—10.

The title of the bill to remain the title of the act.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Senator Austin voted in the negative.

Absent or not voting: Senators Baker, Drum, Easterday, Hastings, Hyde, Kneeland, Smith, and Thompson (G. T.)—8.

The title of the bill to remain the title of the act.

House bill No. 306, by Mr. Snively: A bill for an act 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, 1888."

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections.

On motion of Senator Rutter, the Senate went into a committee of the whole to consider the bill.

Senator Clough in the chair.

The committee of the whole arose, and reported the bill back, recommending its passage.

President Wilson in the chair.

The report of the committee of the whole adopted.

The bill passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest Forsyth, Frink, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Drum, Hastings, Hyde, Kneeland, Preston, Smith, Thompson (G. T.), and Thompson (L. F.)—9.

The title of the bill to remain the title of the act.

House bill No. 217, by Mr. Bothell: An act regulating the business of logging.

Read first time; rules suspended, read second time by title, the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote.

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Drum, Hastings, Hyde, Kneeland, Preston, Smith, Thompson (G. T.), and Thompson (L. F.)—9.

The emergency clause was passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—25.

Absent or not voting: Senators Baker, Drum, Hastings, Hyde, Kneeland, Preston, Smith, Thompson (G. T.), and Thompson (L. F.)—9.

The title of the bill to remain the title of the act.

House concurrent resolution No. 27, by Mr. Meany: Relative to printing the revenue law of Washington.

Read and adopted.

Senate memorial No. 11, by Senator Van de Vanter: Relative to reciprocity with Canada.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the memorial placed on its final passage.

The memorial passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Edens, Eshelman, Forrest, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Rutter, Van de Vanter, Van Houten, and Wilson—19.

Absent or not voting: Senators Baker, Drum, Easterday, Forsyth, Frink, Hastings, Hyde, Kneeland, Preston, Smith, Thompson (G. T.), Thompson (L. F.), Vestal, and Watt—15.

On motion of Senator Eshelman, House bill No. 258 was taken up out of order, and indefinitely postponed.

House bill No. 258, by Mr. Hunsaker: An act requiring persons, companies or corporations owning or controlling railroads coterminous with or constructed around any obstruction to navigation, etc., to keep the same in good repair.

House bill No. 299, by Mr. Morse: An act defining the boundaries of Island county.

On motion of Senator Vestal, laid upon the table.

Senate bill No. 140, by the Committee on Education: An act to amend sections 3, 4, etc., 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.

Received from the House with amendments, which were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Kinnear, Luce, McCroskey, O'Neill, Parkinson, Richards, Rutter, Van de Vanter, Vestal, Watt, and Wilson—20.

Voting in the negative: Senator Frink—1.

Absent or not voting: Senators Baker, Clough, Drum, Hastings, Kneeland, Hyde, Long, Owings, Preston, Smith, Thompson (G. T.), Thompson (L. F.), and Van Houten—13.

The title of the bill to remain the title of the act.

The president stated that he was about to sign House bill No. 120, which was done.

On motion of Senator Watt, the Senate, at 10:15, adjourned.

SIXTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, March 7, 1891. }
10 o'clock A. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, and G. T. Thompson. Excused.

Senator Dyer in the chair.

On motion of Senator Easterday, the reading of the journal of yesterday, March 6th, was dispensed with, and the same considered approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 7, 1891.

MR. PRESIDENT:

The House has passed Senate bill No. 69, entitled "An act relative to organization, classification, incorporation and government, etc.," with amendment to emergency clause.

Also, House bill No. 203, an act relative to appraising and disposing of the tide and shore lands, etc.

Also, Senate bill No. 235, State university.

Also, House bill No. 300, entitled "An act making an 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."

The speaker of the House has signed Senate bill No. 28, entitled "An act relative to board of health and bureau of statistics, etc."

Also, Senate memorial No. 9, Relative to obstructions at The Dalles.

Also, Senate joint resolution No. 1, Relative to gun factory on Puget Sound.

The same are herewith transmitted to the senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

By the Judiciary Committee:

MR. PRESIDENT:

The Judiciary Committee report back the following bills without recommendation:

- Senate bill No. 240, Relative to summary proceedings, etc.
- Senate bill No. 386, Relative to boards of commissioners.
- Senate bill No. 258, Relative to idiots, etc.
- Senate bill No. 126, Relative to juries, etc.
- Senate bill No. 362, Relative to practice of medicine.

J. R. KINNEAR, Chairman.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bills Nos. 19, 57, 196, and 217, heretofore reported correctly enrolled, have been this 6th day of March, 1891, delivered to governor.

C. E. FORSYTH, Chairman,

ALEX. WATT,

Member of committee.

By the Committee on Corporations other than Municipal.

MR. PRESIDENT:

Your Committee on Corporations other than Municipal, having had under consideration House bill No. 16, for "An act requiring railroad corporations to fence their tracks," report the same back without recommendation.

B. C. VAN HOUTEN, Chairman.

Mr. Preston presented the following resolution, passed by the Walla Walla board of trade September 29, 1890.

WHEREAS, Experience has demonstrated that the health of the inhabitants, the beauty of the city and the safety of the property in Walla Walla have been greatly increased by the growth of shade trees on the sides of the streets; and

WHEREAS, We believe that the health, beauty and security of every town and village in Washington can be enhanced by the growing of shade trees, not only on the streets of the corporation but on the sides of the public highways leading to it; and

WHEREAS, We believe that the American people can be benefited by adding to their short list of holidays; therefore, be it

Resolved, That the Walla Walla board of trade respectfully requests the Walla Walla delegation in the state legislature to heartily co-operate in any attempt to encourage the planting of shade trees in public highways by incorporating in the laws of Washington full provision for establishing and observing the modern holiday styled "arbor day."

On motion of Senator L. F. Thompson, House bill No. 121 was made a special order for 3 P. M.

House bill No. 301, by Mr. Gandy: An act for the dissection of dead bodies.

Read first time; rules suspended, read second time by title, and placed on general file.

House bill No. 16, by Mr. Sharpstein: An act requiring railroad corporations to fence their tracks.

Reported back by the committee, without recommendation.

Read a third time by sections.

On motion of Senator Van de Vanter, the bill was indefinitely postponed.

On motion of Senator Clough, House bill No. 259 was taken up out of order.

House bill No. 259, by Mr. Sharpstein: Directors of state institutions.

Reported back by the committee, recommending the passage of the bill.

The bill was read a third time by sections, and failed to pass by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Eshelman, Luce, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, and Wilson—17.

Those voting in the negative were: Senators Easterday, Forsyth, and Kinnear—3.

Absent or not voting: Senators Austin, Baker, Drum, Edens, Forrest, Frink, Hastings, Hyde, Kneeland, Long, McCroskey, Parkinson, Thompson (G. T.), and Watt—14.

On motion of Senator Kinnear, Senate bill No. 24 was taken up out of order.

Senate bill No. 24, by Senator Dyer: An act regulating fees of county clerks for services to be rendered as ex-officio officers of the superior court.

Senator Kneeland in the chair.

Received from the House with amendments, which were concurred in, and the bill failed to pass by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Hastings, Kneeland, Long, Preston, Van de Vanter, and Van Houten—13.

Those voting in the negative were: Senators Eshelman, Forrest,

Forsyth, Frink, Kinnear, O'Neill, Owings, Parkinson, Thompson (L. F.), Vestal, and Watt—11.

Absent or not voting: Senators Baker, Drum, Hyde, Luce, McCroskey, Richards, Rutter, Smith, Thompson (G. T.) and Wilson—10.

Senate bill No. 212, by Senator Preston: An act declaring arbor day a legal holiday.

Reported back by the committee, recommending its passage.

Read a third time by sections, and passed by the following vote without amendment:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Luce, O'Neill, Preston, Richards, Thompson (L. F.), and Vestal—18.

Senator Forsyth voted in the negative.

Absent or not voting: Senators Baker, Drum, Edens, Hyde, Long, McCroskey, Owings, Parkinson, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Watt, and Wilson—15.

The title of the bill to remain the title of the act.

On motion of Senator Claypool, unanimous consent being given, House bill No. 16 was taken up.

House bill No. 16, Relative to railroad corporations fencing their tracks.

Senator Claypool moved to strike out "double" in line 13.

Adopted.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, McCroskey, O'Neill, Parkinson, Preston, Thompson (L. F.), Vestal, and Wilson—19.

Those voting in the negative were: Senators Forsyth, and Owings—2.

Absent or not voting: Senators Austin, Baker, Edens, Hyde, Long, Luce, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Watt—13.

The title of the bill to remain the title of the act.

On motion of Senator Vestal, House bill No. 299 was taken from the table.

House bill No. 299, by Mr. Morse: An act defining the boundaries of Island county.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Thompson (G. T.), Thompson (L. F.), Vestal, and Watt—26.

Absent or not voting: Senators Austin, Baker, Hyde, Rutter, Smith, Van de Vanter, Van Houten, and Wilson—8.

The title of the bill to remain the title of the act.

On motion of Senator Kinnear, the rules were suspended and House bill No. 259 was taken up.

House bill No. 259, by Mr. Sharpstein: Relative to directors of the state institutions.

Passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Edens, Eshelman, Forrest, Forsyth, Frink, Hastings, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Richards, Thompson (G. T.), Thompson (L. F.), Vestal, Watt, and Wilson—24.

Those voting in the negative were: Senators Easterday, and Kinnear—2.

Absent or not voting: Senators Baker, Hyde, Long, Preston, Rutter, Smith, Van de Vanter, and Van Houten—8.

The title of the bill to remain the title of the act.

House Memorial No. 3, by Mr. McKay: Relative to public lands.

Reported back by the committee with the recommendation that the bill pass.

The memorial was read a third time, and passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Parkinson, Preston, Richards, Rutter, Thompson (L. F.), and Vestal—23.

Absent or not voting: Senators Austin, Baker, Edens, Hyde, Long, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Watt, and Wilson—11.

Senate bill No. 192, by Senator Baker: Relating to the classification of counties.

Reported back by the committee without recommendation.

Read a third time by sections.

On motion of Senator Easterday, the bill was indefinitely postponed.

Senate bill No. 18, by Senator Kinnear: Relative to railroad commission.

On motion of Senator Easterday, the bill was indefinitely postponed.

On motion of Senator Rutter, rule 61 was suspended.

Senate bill No. 198, by Senator Cooper: An act to establish a state normal school.

On motion of Senator Rutter, the bill was laid upon the table.

Senate bill No. 228, by Senator Smith: An act in relation to transportation companies.

On motion of Senator Kinnear, the bill was laid upon the table.

Senate bill No. 135, by Senator Frink: An act making railroad companies liable for damages.

On motion of Senator Rutter, the bill was laid upon the table.

House bill No. 300, by Committee on Appropriations: An act appropriating money for sundry and civil expenses of the state government for the fiscal term beginning April 1, 1891, and ending March 31, 1893, and for other purposes.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

On motion of Senator Kinnear, the Senate resolved itself into a committee of the whole to consider the bill.

Senator Frink in the chair.

The committee of the whole arose temporarily to receive a message from the House.

The committee of the whole arose and reported the bill back, with the recommendation that the bill pass as amended.

Senator Dyer in the chair.

The report of the committee as reported, adopted.

Read a third time by sections and passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, Parkinson, Preston, Rutter, Van Houten, Vestal, Watt, and Wilson—20.

Those voting in the negative were: Senators Long, and Owings — 2.

Absent or not voting: Senators Baker, Drum, Forrest, Forsyth, Frink, O'Neill, Richards, Smith, Thompson (G. T.), Thompson (L. F.), and Van de Vanter — 12.

The title of the bill to remain the title of the act.

Senate bill No. 235 received from the House with amendments, and ordered to be enrolled.

On motion of Senator Wilson, the Senate, at 12:20, adjourned till 2 P. M.

AFTERNOON SESSION.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Saturday, March 7, 1891. }
2 o'clock P. M. }

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; all present excepting Senators Baker, Edens, Parkinson, and G. T. Thompson. Excused.

On motion of Senator Richards, House bill No. 203 was taken up out of order.

House bill No. 203, by the 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.

Read a third time by sections, and, on motion of Senator Kinear, made a special order for 3:30 P. M.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 7, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 170, entitled "An act relative to location and maintenance of agricultural college, experimental station, etc."

House bill No. 205, An act relative to public ballots, etc.

The House has passed House bill No. 167, entitled "An act for the protection of feathered game."

The House has concurred in Senate amendment to House bill No. 16, An act relative to railroad corporations fencing their tracks.

House bill No. 217, An act in relation to logging.

House bill No. 278, An act in relation to juvenile offenders; yeas 63, nays 0.

The House has passed House concurrent resolution No. 10, Relative to amending state constitution, article VIII.

Senate bill No. 266, An act empowering the board of county commissioners of the hospital for the insane at Medical Lake to purchase, sell and exchange lands, etc.

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. 227, Prosecuting offenses.

The House has passed Senate bill No. 122, An act authorizing county commissioners to build bridges across navigable streams.

House bill No. 287, Land department.

The House has concurred in Senate amendments to House bill No. 300, An act relative to sundry civil expenses, etc. First amendment, yeas 41, nays 19; and second amendment, yeas 44, nays 4.

The speaker of the House has signed House bill No. 54, entitled "An act relative to World's Columbian Exposition, etc.

House bill No. 130, An act relative to the feeble minded, etc.

House bill No. 71, An act relative to building school for defective youth, etc.

House bill No. 231, An act relative to hops, etc.

House bill No. 219, An act relative to penitentiary, etc.

House bill No. 254, An act relative to oysters.

House bill No. 292, An act for the relief of W. W. Waltman, etc.

House bill No. 217, An act relative to logging, etc.

House concurrent resolution No. 27, Relative to revenue law, etc.

House concurrent resolution No. 25, Relative to journal, etc.

House concurrent resolution No. 26, Relative to session laws, etc.

The speaker of the House has signed House bill No. 128, entitled "An act relative to time checks," etc.

The House has passed House bill No. 314, An act relative to county lines, etc.

The speaker of the House has signed House bill No. 156, entitled "An act relative to railroad companies, etc.

House bill No. 204, An act relative to votes, etc.

House bill No. 279, An act relative juvenile offenders, etc.

House bill No. 160, An act relative to water supply, etc.

House bill No. 255, An act relative to tide and shore lands, etc.

House bill No. 259, An act relative to state institutions, etc.

House bill No. 220, An act relative to state penitentiary.

The House has concurred in Senate concurrent resolution No. 29, Relative to introduction of a new bill. Yeas 61; nays 0.

The House has passed House bill No. 57, An act relative to trespass.

Also, House bill No. 250, An act relative to townsites.
And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

By Committee on State School for Defective Youth:

MR. PRESIDENT:

Your Committee on State School for Defective Youth, to whom was referred Senate bill No. 35, have had the same under consideration, and as a bill embodying the appropriation therein asked has already passed the Senate, your committee respectfully recommend that the same be indefinitely postponed.

L. B. CLOUGH, Chairman Committee.

Senate concurrent resolution No. 29, by Senator Claypool: Relative to granting leave to Senator Forrest to introduce a bill.

Read and adopted by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Drum, Easterday, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, McCroskey, O'Neill, Owings, Richards, Rutter, Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson — 23.

Absent or not voting: Senators Baker, Edens, Eshelman, Frink, Long, Luce, Parkinson, Preston, Smith, Thompson (G. T.), and Van de Vanter — 11.

On motion of Senator Owings, Senate bill No. 229 was taken up out of order.

Senate bill No. 229, by Senator Owings: An act creating a commission to acquire title to certain lands.

Reported back by the committee with the recommendation that the bill pass.

On motion of Senator Dyer, the Senate resolved itself into a committee of the whole.

Senator Claypool in the chair.

The committee of the whole arose and reported the bill back without recommendation.

President Wilson in the chair.

Read a third time by sections.

Senator Dyer moved to amend by striking out, in section 3, lines 1, 2, 3, 4, 5, 6 and 7, as far as the word "then."

Adopted.

Also, in section 4, strike lines 1, 2 and 3, as far as the word "they," and insert "whenever all of said above described land and premises shall be condemned as provided by law, said commissioners."

Also, in line 4, strike out "agreed upon to be purchased" and insert "condemned."

Also, in line 6, strike out purchased and insert "condemned."

Senators Owings, Austin and Claypool moved the previous question.

On the question "shall the main question be put?" it was so ordered.

The bill then failed to pass by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Dyer, Easterday, Forrest, Frink, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Smith, and Thompson (L. F.)—17.

Those voting in the negative were: Senators Clough, Drum, Hastings, Hyde, Kinnear, Rutter, Van de Vanter, Van Houten, Vestal, and Watt—10.

Absent or not voting: Senators Baker, Edens, Eshelman, Forsyth, Parkinson, Thompson (G. T.), and Wilson—7.

The president stated that he was about to sign House bills Nos. 205, 170, 130, 71, 231, 219, 254, 292, 217, and House concurrent resolutions Nos. 27, 25, and 26, which was done.

Senate bills Nos. 266 and 122, and Senate concurrent resolution No. 29, received from the House and ordered to be enrolled.

The special order assigned for 3 p. m., House bill No. 121, was continued till 8 p. m.

The following resolution by Senator Rutter:

Resolved by the Senate, That the compensation of the clerk to the following committees be increased to correspond with that of other committee clerks, viz.: Committees on Mines and Mining, Labor and Labor Statistics, and Memorials, to date from her appointment as such clerk.

Read and adopted.

House bill No. 203, by Committee on Tide Lands: An act to amend section 8 of an act relative to tide lands:

Taken up under special order for 3:30 p. m.

Passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Forrest, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Richards, Rutter, Thompson (L. F.), Van Houten, Vestal, and Wilson—21.

Senator Frink voted in the negative:

Absent or not voting: Senators Baker, Drum, Edens, Eshelman,

Forsyth, Hastings, Parkinson, Preston, Smith, Thompson (G. T.), Van de Vanter, and Watt—12.

The title of the bill to remain the title of the act.

On motion of Senator L. F. Thompson, House bill No. 287 was taken up.

House bill No. 287, by Mr. Anderson: An act to provide for the appointment of an agent to prosecute the claims of the State of Washington against the United States, etc.

Read first time; rules suspended, read second time by title, the rules were further suspended, and the bill was placed on its final passage.

Read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Kneeland, Luce, McCroskey, O'Neill, Owings, Richards, Thompson (L. F.), Van de Vanter, and Vestal—19.

Absent or not voting: Senators Baker, Edens, Forsyth, Hastings, Hyde, Kinnear, Long, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Van Houten, Watt, and Wilson—15.

The title of the bill to remain the title of the act.

The emergency clause then failed to pass by the following vote:

Those voting in the affirmative were: Senators Austin, Clough, Dyer, Easterday, Hastings, McCroskey, O'Neill, Richards, Van de Vanter, and Vestal—10.

Those voting in the negative were: Senators Claypool, Drum, Forrest, Frink, Kinnear, Long, Owings, Preston, and Watt—9.

Absent or not voting: Senators Baker, Cooper, Edens, Eshelman, Forsyth, Hyde, Kneeland, Luce, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Wilson—15.

Senator Claypool in the chair.

On motion of Senator Forrest, House bill No. 185 was taken up out of order.

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.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Eshelman, Forsyth, Hastings, Hyde, Kneeland, Luce, McCroskey, O'Neill, Owings, Richards, Thompson (L. F.), Van de Vanter, and Vestal—19.

land, Luce, O'Neill, Owings, Preston, Richards, Van de Vanter, Van Houten, Vestal, and Watt—19.

Absent or not voting: Senators Baker, Drum, Easterday, Edens, Forrest, Frink, Kinnear, Long, McCroskey, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Wilson—15.

The title of the bill to remain the title of the act.

On motion of Senator Austin, House bill No. 227 was taken up out of order.

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,

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Dyer, Easterday, Eshelman, Forrest, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Richards, Van de Vanter, Van Houten, Vestal, and Watt—21.

Absent or not voting: Senators Baker, Clough, Drum, Edens, Frink, Long, Parkinson, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), and Wilson—13.

The title of the bill to remain the title of the act.

Senate bill No. 393, by Senator Forrest: An act to regulate the disbursement of all moneys 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.

Read first time; rules suspended, read second time by title; and the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections.

Senator Kneeland moved to strike out "shall" in section 3 and insert "may."

Adopted.

The bill passed as amended, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Edens, Forsyth, Hyde,

Luce, Parkinson, Rutter, Smith, Thompson (L. F.), and Thompson (G. T.)—10.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Van de Vanter, Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Baker, Edens, Forsyth, Frink, Hyde, Luce, Parkinson, Rutter, Smith, Thompson (G. T.), and Thompson (L. F.)—11.

The title of the bill to remain the title of the act.

President Wilson in the chair.

The president stated that he was about to sign House bills Nos. 128, 156, 204, 279, 160, 255, 259, 220, which was done.

On motion of Senator Easterday, House bill No. 247 was taken up out of order.

House bill No. 247, by Mr. Spinning: An act granting to cities of the third class the power and the authority to vacate streets and alleys.

On motion of Senator Long, the bill was laid upon the table.

On motion of Senator Kneeland, House bill No. 228 was taken up out of order.

House bill No. 228, by Mr. Rockwell: An act to prevent the destruction of forests by fire on public lands.

Reported back by the committee recommending its passage.

Read a third time by sections and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Hyde, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Vestal, Watt, and Wilson—20.

Absent or not voting: Senators Baker, Clough, Edens, Forsyth, Kinnear, Luce, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Van Houten—14.

The title of the bill to remain the title of the act.

Senator Edens was excused for the remainder of the session.

Senate bill No. 158, by Senator Kinnear: An act to amend an act relative to the registration of voters in cities, etc.

On motion of Senator Kinnear, it was laid upon the table.

Senate bill No. 284, Relative to school for defective youth.

On motion of Senator McCroskey, it was laid upon the table.

Senate bill No. 251, by Senator Kinnear: An act relative to liens of mechanics and others upon real property.

On motion of Senator Kinnear, it was laid upon the table.

House memorial No. 14, by Mr. Peterson: Relative to the reclamation of desert lauds.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Edens, Eshelman, Forrest, Frink, Kneeland, McCroskey, Owings, Preston, Richards, Van de Vanter, Vestal, and Wilson—18.

Absent or not voting: Senators Baker, Drum, Forsyth, Hastings, Hyde, Kinnear, Long, Luce, O'Neill, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—16.

On motion of Senator Eshelman, Senate bill No. 208 was taken up out of order.

Senate bill No. 208, by Senator Eshelman: An act to prevent cruelty to animals, fowls and birds.

Reported back by the committee recommending its passage.

Read a third time by sections.

On motion of Senator Eshelman, section 4 was stricken out.

The bill passed as amended by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Van Houten, Vestal, and Wilson—20.

Those voting in the negative were: Senators Cooper, and Hastings—2.

Absent or not voting: Senators Baker, Edens, Forsyth, Hyde, Kneeland, Parkinson, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, and Watt—12.

The title of the bill to remain the title of the act.

The following resolution was offered by Senator Kinnear:

Resolved, That the bill clerk of the Senate be allowed five dollars per day, to correspond with the amount allowed committee clerks of the Senate.

Read and adopted.

On motion of Senator Eshelman, Senate bill No. 388 was taken up out of order.

Senate bill No. 388, by Committee on Public Morals: An act providing for the commitment in cities and towns of certain females, etc.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Kinnear, Luce, O'Neill, Owings, Preston, Richards, Rutter, Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 21.

Absent or not voting: Senators Baker, Edens, Forsyth, Hastings, Hyde, Kneeland, Long, McCroskey, Parkinson, Smith, Thompson (G. T.), and Thompson (L. F.) — 10.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Long, Luce, O'Neill, Owings, Preston, Richards, Van de Vanter, Van Houten, Vestal, Watt, and Wilson — 23.

Absent or not voting: Senators Baker, Edens, Forsyth, Hyde, Kneeland, McCroskey, Parkinson, Rutter, Smith, Thompson (G. T.), and Thompson (L. F.) — 11.

Title of the bill to remain the title of the act.

The following resolution by Senator Claypool:

Resolved by the Senate, That the sergeant-at-arms be allowed \$25 for storing furniture and other work after adjournment.

Read and adopted.

By Senator Preston:

Resolved, That the assistant sergeant-at-arms of the Senate be allowed \$5 per day to correspond with the committee clerks and bill clerk of the Senate.

Read and adopted.

On motion of Senator Luce, the janitor and assistant janitor were allowed \$5 per day from the date of their commencement in office.

On motion of Senator Long, the messenger was allowed \$5 per day from the date of his commencement in office.

The Senate, on motion of Senator Dyer, at 4:45, adjourned till 7 P. M.

EVENING SESSION.

SENATE CHAMBER,
 OLYMPIA, WASHINGTON, Saturday, March 7, 1891. }
 7 o'clock P. M.

Senate called to order pursuant to adjournment, President Wilson in the chair.

Roll called; no quorum being present the Senate took a recess for 15 minutes.

Senate called to order at 7:20 P. M.

Roll called; all present excepting Senators Baker, Claypool, Drum, Edens, Eshelman, Forsyth, Hyde, Owings, Parkinson, Preston, and G. T. Thompson. Excused.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
 OLYMPIA, WASH., March 7, 1891.

MR. PRESIDENT:

The House has passed Senate bill No. 391, entitled "An act in relation to water and water supply."

House bill No. 262, An act in relation to a fish hatchery.

Senate bill No. 59, An act in relation to National Guard of Washington.

The speaker of the House has signed House bill No. 299, entitled "An act defining boundaries of Island county."

Senate bill No. 259, An act in relation to taxes.

House bill No. 306, An act in relation to artesian wells.

Senate concurrent resolution No. 29, Relative to the introduction of a new bill.

The House has indefinitely postponed Senate bill No. 389, An act creating a board of land commissioners, etc.

The speaker of the House has signed Senate bill No. 244, entitled "An act in relation to savings associations."

Senate bill No. 71, An act in relation to harbors and water ways.

Senate bill No. 266, An act in relation to hospital for insane.

Senate bill No. 206, An act in relation to corporations.

Senate bill No. 222, An act in relation to summary proceedings.

Senate concurrent resolution No. 27, Relative to Senator Hyde introducing a bill.

House bill No. 306, An act in relation to artesian wells.

The House has passed Senate bill No. 132, entitled "An act in relation to municipal corporations," with amendment and emergency clause.

The speaker of the House has signed Senate bill No. 200, entitled "An act relating to the penitentiary at Walla Walla."

Senate bill No. 241, An act in relation to exemption of mines, etc.

The House has passed Senate bill No. 46, entitled "An act in relation to warehouses," with amendments as noted in bill.

House concurrent resolution No. 29, Relative to Thos. Cavanaugh.

The speaker of the House has signed House bill No. 203, entitled "An act in relation to tide lands.

House bill No. 300, An act in relation to sundry civil expenses.

House bill No. 57, An act in relation to trespass.

House bill No. 228, An act in relation to fires.

House bill No. 248, An act in relation to negotiable bonds.

House bill No. 227, An act in relation to public offenses.

House bill No. 167, An act in relation to feathered game.

The speaker of the House has signed House bill No. 297, entitled "An act in relation to state offices."

House bill No. 301, An act in relation to dead bodies.

House concurrent resolution No. 10, Relative to amending constitution.

Senate bill No. 140, An act relating to schools.

Senate bill No. 122, An act relating to bridges.

Senate bill No. 235, An act in relation to the University.

Senate bill No. 393, An act relating to officers.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORTS OF COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 181, entitled "An act to authorize cities and town to submit to the voters therein propositions to fund indebtedness of such cities and towns, etc."

Also, Senate bill No. 122, entitled "An act authorizing county commissioners to build bridges across navigable streams."

Also, Senate bill No. 235, entitled "An act providing for the establishment, maintenance and support of the university of Washington."

Have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman,

ALEX. WATT.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 7, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 287, entitled "An act in relation to agent to prosecute land claims."

And the same is herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

REPORT OF COMMITTEE.

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate concurrent resolution No. 29, Relative to introduction of new bills.

Also, Senate bill No. 259, entitled "An act to provide for the assessment and collection of taxes in the State of Washington, and declaring an emergency."

Have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman,
ALEX. WATT.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 7, 1891.

MR. PRESIDENT:

The Speaker of the House has signed House bill No. 185, entitled "An act relative to elections," etc.

House bill No. 16, An act in relation to railroads, etc.

House bill No. 155, An act in relation to feeble minded children of Washington school, etc.

House joint resolution No. 6, Relative to habits of fish.

House bill No. 262, entitled "An act relative to payment of salaries, etc.

Senate bill No. 181, An act relative to funding indebtedness, etc.

Senate bill No. 180, An act relative to cities and towns validating certain warrants.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report, that Senate bill No. 266, entitled "An act empowering the board of commissioners of the hospital for the insane at Medical Lake to purchase, sell or exchange lands."

Senate bill No. 71, entitled "An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor."

Also, 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."

Also Senate concurrent resolution No. 27, Authorizing introduction of bill by Senator Hyde.

Also Senate bill No. 206, An act to amend section 2421 of chapter CLXXXV of the code of 1881, relating to corporations.

Have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman,
ALEX. WATT,
Member of Committee.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 7, 1891.

MR. PRESIDENT:

The House has passed House bill No. 297, entitled "An act relative to leasing building for state offices," etc.

Senate bill No. 393, An act relative to disbursements of all moneys by officers of the state, etc.

Senate bill No. 80. An act relative to proceedings in probate court, etc.

Senate bill No. 74, An act relating to appeals to supreme court, etc.

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, March 6, 1891.

To the Honorable the Senate of the State of Washington:

I have this day approved and signed 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."

Senate bill No. 57, entitled "An act to fix the time of the commencement of the term of office of state officers."

Senate bill No. 217, entitled "An act making an appropriation for the maintenance and improvement of the state reform school."

I have the honor to be your obedient servant,

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

REPORT OF COMMITTEE.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 140, entitled "An act to amend certain sections of an act entitled 'An act to establish a system of common schools,'" etc.

Also, Senate bill No. 393, entitled "An act to regulate the disbursement of all moneys by the officers of the State of Washington, and all district, county and precinct officers and commissions of the State of Washington," etc.

Have been carefully compared with the original bills, and found correctly enrolled.

C. E. FORSYTH, Chairman,
ALEX. WATT.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF WASHINGTON,
OLYMPIA, March 7, 1891.

To the honorable the Senate of the State of Washington:

I have this day approved and signed Senate bill No. 196, entitled "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings."

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."

I have the honor to be your obedient servant,

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

The following resolution was offered by Senator Kinnear:

Resolved, That the secretary of state be and is hereby directed to employ the secretary of the Senate to prepare the Senate journal for publication, and index the same, for the sum of \$250, as provided in the general appropriation bill.

Read and adopted.

By Senator O'Neill:

Resolved, That the watchman's wages be raised from \$4.00 to \$5.00 per day.

Adopted.

By Senator Luce:

Resolved, That the salary of the minute clerk be made \$5.00 per day during service as minute clerk of Senate, to correspond with salaries of other clerks, from January 8 to January 19, inclusive, in all twelve days.

Read and adopted.

The following telegram was read and ordered placed on the journal:

PORT TOWNSEND, WASH., March 7, 1891.

To Hon. Eugene Wilson:

Telegram of yesterday sent under erroneous impression in heat of passion. We withdraw offensive remarks and tender apology.

R. W. JENNINGS.

H. S. BURKETT.

F. C. ROBERTSON.

E. C. JOHNSON.

R. A. BALLENGER.

R. E. MOODY.

WARREN CARROL.

On motion of Senator Kinnear, House bill No. 121 was taken up out of order.

House bill No. 121, by Mr. McKay: An act to provide for the selection of lands granted to the State of Washington.

Taken up under special order, and failed to pass by the following vote:

Those voting in the affirmative were: Senators Forrest, Frink, Kneeland, Richards, and Van de Vanter — 5.

Those voting in the negative were: Senators Clough, Cooper, Dyer, Easterday, Forsyth, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Rutter, Smith, Thompson (L. F.), and Watt — 15.

Absent or not voting: Senators Austin, Baker, Claypool, Drum, Edens, Eshelman, Hyde, Owings, Parkinson, Preston, Thompson (G. T.), Van Houten, Vestal, and Wilson — 14.

On motion of Senator Rutter, Senate bill No. 260 was taken up out of order.

Senate bill No. 260, by Senator Forrest: An act to regulate the duties and compensation of county surveyors and their deputies and assistants.

On motion of Senator Forrest, indefinitely postponed.

House bill No. 314, by Judiciary Committee: An act to provide for annexing certain county territory to a neighboring county to which it is contiguous.

On motion of Senator Forrest, made a special order for 9:15 P. M.

The president stated that he was about to sign Senate bills Nos. 71, 206, 222, Senate concurrent resolution No. 27, and House bills Nos. 266, 155, 16, 185, Senate bill No. 259, House joint resolution No. 6, Senate concurrent resolution No. 29, House bills Nos. 287, 244, 206, Senate bills Nos. 235, 122, House bills Nos. 306 and 299, Senate concurrent resolution No. 29, Senate bills Nos. 393, 140, House bills Nos. 203, 300, 57, 228, 248, 227, 167, 262 and 59, Senate bill No. 181, House bills Nos. 297, 301, and House concurrent resolution No. 10, which was done.

House bill No. 250, by Mr. Adams: An act to amend section 1 of an act entitled "An act providing for the organization, etc., of municipal corporations, and declaring an emergency."

Read a first time; rules suspended, read second time by title; and the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and failed to pass by the following vote:

Those voting in the affirmative were: Senators Austin, Dyer, McCroskey, O'Neill, Rutter, and Wilson — 6.

Those voting in the negative were: Senators Cooper, Drum, Easterday, Forrest, Forsyth, Frink, Hastings, Kinnear, Richards, Smith, Van de Vanter, Van Houten, and Watt—13.

Absent or not voting: Senators Baker, Claypool, Clough, Edens, Eshelman, Hyde, Kneeland, Long, Luce, Owings, Parkinson, Preston, Thompson (G. T.), Thompson (L. F.), and Vestal—15.

House bill No. 297, by Mr. Chambers: An act to create a commission ex-officio composed of state officers, and for the purpose of leasing suitable accommodations for the state officers, etc.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on final passage.

On motion of Senator Dyer, the Senate resolved itself into a committee of the whole to consider the bill.

Senator Forrest in the chair.

The committee of the whole arose and reported the bill back recommending its passage.

President Wilson in the chair.

The report of the committee was adopted.

Read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Forrest, Forsyth, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—27.

Absent or not voting: Senators Baker, Edens, Eshelman, Hyde, Parkinson, Preston, and Thompson (G. T.)—7.

The title of the bill to remain the title of the act.

House bill No. 57, by Mr. Bothell: Relative to malicious trespass.

Read first time; rules suspended, read second time by title, and the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Preston, Richards, Smith, Thompson (L. F.), Van de Vanter, and Vestal—21.

Those voting in the negative were: Senators Easterday, and Owings—2.

Absent or not voting: Senators Baker, Edens, Eshelman, Forsyth, Hyde, Parkinson, Rutter, Thompson (G. T.), Van Houten, Watt, and Wilson—11.

The title of the bill to remain the title of the act.

House bill No. 167, by Mr. Sallee: An act for the protection of all feathered game in the State of Washington.

Read first time; rules suspended, read second time by title, the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Dyer, Forrest, Forsyth, Frink, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Rutter, Smith, Thompson (L. F.), Van Houten, Vestal, and Watt—18.

Those voting in the negative were: Senators Cooper and Easterday—2.

Absent or not voting: Senators Baker, Drum, Edens, Eshelman, Hastings, Hyde, Long, Owings, Parkinson, Preston, Richards, Thompson (G. T.), Van de Vanter, and Wilson—14.

The title of bill to remain the title of the act.

On motion of President Wilson, the pay of the sergeant-at-arms was raised to \$6 per day from his commencement in office.

Senator Rutter in the chair.

House bill No. 272, by Mr. Ready: 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.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections and indefinitely postponed, on motion of Senator Owings.

President Wilson in the chair.

House concurrent resolution No. 10, by Mr. Young: Relative to increasing the indebtedness of the state.

On motion of Senators Owings, Claypool and Dyer, a call of the Senate was ordered, which resulted as follows:

Present: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Eshelman, Forsyth, Frink, Hastings, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter,

Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—26.

Absent: Senators Baker, Drum, Edens, Forrest, Hyde, Long, Parkinson, and Thompson (G. T.)—8.

On motion of Senator Eshelman, the further call of the Senate was dispensed with.

House concurrent resolution No. 10 was then passed, by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Vestal, and Wilson—24.

Senator Clough voted in the negative.

Absent or not voting: Senators Baker, Edens, Forsyth, Hyde, Long, Parkinson, Thompson (L. F.), Van Houten, and Watt—9.

House bill No. 263, by Mr. Megler: An act relating to payment of salaries of state officers, and declaring an emergency.

Read first time; rules suspended, read second time by title; and the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and failed to pass by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Forrest, Hastings, O'Neill, Richards, Rutter, Van de Vanter, Vestal, and Wilson—15.

Those voting in the negative were: Senators Eshelman, Frink, Kinnear, Kneeland, McCroskey, Preston, and Smith—7.

Absent or not voting: Senators Baker, Edens, Forsyth, Hyde, Long, Luce, Owings, Parkinson, Thompson (G. T.), Thompson (L. F.), Van Houten, and Watt—12.

On motion of Senator Luce, House bill No. 301 was taken up out of order.

House bill No. 301, by Mr. Gandy: Relative to the dissection of dead bodies.

Read first time; rules suspended, read second time by title; the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool,

Cooper, Drum, Dyer, Easterday, Forrest, Frink, Kinnear, Kneeland, Luce, O'Neill, Owings, Preston, Richards, Rutter, Smith, Van de Vanter, Van Houten, and Wilson — 20.

Those voting in the negative were: Senators Clough, and Eshelman — 2.

Absent or not voting: Senators Baker, Edens, Forsyth, Hastings, Hyde, Long, McCroskey, Parkinson, Thompson (G. T.), Thompson (L. F.), Vestal, and Watt — 12.

The title of the bill to remain the title of the act.

The following resolution by Senator Kinnear:

Resolved, That the Senate extends to Capt. Hatch, of the steamer Baily Gatzert, a vote of thanks, for kindly consenting to defer the time of sailing, from 7 to 10 A. M., to-morrow, for the accommodation of the members of the legislature.

Read and adopted.

The following resolution by Senator Kneeland:

Resolved, That the pay of the assistant secretary of the Senate be made \$7 per day from January 20th, to correspond with the pay of the assistant chief clerk of the House, and that Mr. J. Clarendon's, janitor of committee room, pay be raised to \$5, to correspond with the pay of other janitors, also that the pay of the journal clerks be raised to \$6 per day.

Read and adopted.

Senator Kneeland in the chair.

House bill No. 314, by the Judiciary Committee, An act to provide for annexing certain county territory to a neighboring county to which it is contiguous.

Taken up under special order.

Read a third time by sections.

A call of the Senate was unanimously demanded, which resulted as follows:

Those present were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Watt, and Wilson — 24.

Those absent were: Senators Baker, Clough, Edens, Eshelman, Forsyth, Hyde, Luce, Parkinson, Thompson (G. T.), and Vestal — 10.

On motion of Senator Forrest, the further call of the Senate was dispensed with.

The bill (House bill No. 314) passed without amendment by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, Owings, Preston, Richards, Smith, and Thompson (L. F.) — 18.

Those voting in the negative were: Senators McCroskey, O'Neill, Rutter, Van de Vanter, Van Houten, and Wilson — 6.

Absent or not voting: Senators Baker, Clough, Edens, Forsyth, Hyde, Luce, Parkinson, Thompson (G. T.), Vestal, and Watt — 10.

The title of the bill to remain the title of the act.

On motion of Senator Long, Senate bill No. 132 was taken up out of order.

Senate bill No. 132, by Senator Long: An act to amend an act providing for the organization, etc., of municipal corporations.

Received from the House with amendments, which were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, and Wilson — 23.

Absent or not voting: Senators Baker, Edens, Eshelman, Forsyth, Hyde, Luce, Parkinson, Thompson (G. T.), Van Houten, Vestal, and Watt — 11.

The emergency clause then passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Drum, Dyer, Easterday, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, McCroskey, Owings, Preston, Richards, Rutter, Smith, Thompson (L. F.), Van de Vanter, Vestal, and Wilson — 23.

Absent or not voting: Senators Baker, Edens, Eshelman, Forsyth, Hyde, Luce, O'Neill, Parkinson, Thompson (G. T.), Van Houten, and Watt — 11.

The title of the bill to remain the title of the act.

On motion of Senator McCroskey, the vote by which House bill No. 263 was lost was reconsidered.

Senate bill No. 69, by Senator O'Neill: An act to amend section 165 of an act relative to the organization, classification, etc., of municipal corporations.

Taken up for the passage of the emergency clause.

The emergency clause failed to pass by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Eshelman, Forrest, Frink, Kinnear, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Van de Vanter, Vestal, and Wilson—19.

Those voting in the negative were: Senators Drum, and Thompson (L. F.)—2.

Absent or not voting: Senators Austin, Baker, Edens, Forsyth, Hastings, Hyde, Kneeland, Long, Parkinson, Thompson (G. T.), Van Houten, and Watt—13.

The title of the bill as amended to remain the title of the act.

On motion of Senator McCroskey, House bill No. 263 was taken up out of order.

House bill No. 263, by Mr. Megler: An act relating to the payment of salaries of state officers, and declaring an emergency.

Read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Kinnear, Luce, McCroskey, O'Neill, Owings, Preston, Smith, Van de Vanter, Vestal, and Wilson—18.

Those voting in the negative were: Senators Austin, and Thompson (L. F.)—2.

Absent or not voting: Senators Baker, Edens, Forsyth, Hastings, Hyde, Kneeland, Long, Parkinson, Richards, Rutter, Thompson (G. T.), Van Houten, and Watt—14.

The emergency clause then failed to pass by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Kinnear, Luce, McCroskey, O'Neill, Owings, Preston, Smith, Thompson (L. F.), Vestal, Watt, and Wilson—20.

Senator Austin voted in the negative.

Absent or not voting: Senators Baker, Edens, Forsyth, Hastings, Hyde, Kneeland, Long, Parkinson, Richards, Rutter, Thompson (G. T.), Van de Vanter, and Van Houten—13.

The title of the bill to remain the title of the act.

House concurrent resolution No. 29, by Mr. Tyler: Relative to the legislature of the State of Washington expressing confidence in Surveyor General Cavanaugh.

Read and adopted.

Senate bill No. 223, by Senator Austin: An act to create and organize new counties.

Indefinitely postponed.

Senate bill No. 240, by Senator Kinnear: Relative to amending section 10 of an act relating to summary proceeding for obtaining possession of real property.

Laid upon the table.

Senate bill No. 386, by Senator Kinnear: An act authorizing boards of commissioners and other corporate authorities having control or superintending of parks and public grounds of cities in this state to acquire and condemn lands therefor.

Laid upon the table.

Senate bill No. 126, by Senator Dyer: An act requiring the court to instruct the jury in writing when requested, etc.

Laid upon the table.

Senate bill No. 242, by Senator Kneeland: An act to provide for an annual agricultural and industrial fair at the state capital.

On motion of Senator Kneeland, it was indefinitely postponed.

On motion of Senator Dyer, the vote by which House bill No. 121 was indefinitely postponed, was by unanimous consent reconsidered.

House bill No. 121, by Mr. McKay: An act to provide for the selection of lands granted to the State of Washington, etc.

Amended by Senator Owings, and passed as amended by the following vote.

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Clough, Drum, Dyer, Easterday, Forrest, Frink, Hastings, Kneeland, Luce, McCroskey, O'Neill, Owings, Preston, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—24.

Absent or not voting: Senators Baker, Edens, Eshelman, Forsyth, Hyde, Kinnear, Long, Parkinson, Richards, and Thompson (G. T.)—10.

Title of the bill to remain the title of the act.

House bill No. 262, by Mr. Megler: An act to create a fish hatchery and making an appropriation therefor.

On motion of Senator Dyer, the Senate went into committee of the whole to consider the bill.

Senator Dyer in the chair.

The committee of the whole arose and reported the bill back, recommending its passage.

President Wilson in the chair.

The report was adopted.

The bill was read a third time by sections, and passed without amendment by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Forrest, Luce, McCroskey, O'Neill, Owings, Preston, Rutter, Smith, Thompson (L. F.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—19.

Absent or not voting: Senators Austin, Baker, Drum, Edens, Eshelman, Forsyth, Frink, Hastings, Hyde, Kinnear, Kneeland, Long, Parkinson, Richards, and Thompson (G. T.)—15.

The title of the bill to remain the title of the act.

Senate bill No. 46, by Senator McCroskey: An act in relation to warehouses.

Received from the House with amendments, which were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Clough, Dyer, Easterday, Forrest, Frink, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van de Vanter, Vestal, Watt, and Wilson—19.

Those voting in the negative were: Senators Austin, Claypool, and Drum—3.

Absent or not voting: Senators Baker, Cooper, Edens, Eshelman, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, Parkinson, and Van Houten—12.

The title of the bill to remain the title of the act.

Senate bill No. 59, by Senator Claypool: Relative to appropriating money for the national guard.

Received from the House with amendments, which were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Drum, Dyer, Eshelman, Forrest, Frink, O'Neill, Owings, Preston, Rutter, Smith, Thompson (G. T.), Thompson (L. F.), Van Houten, Vestal, Watt, and Wilson—19.

Senator Van de Vanter voted in the negative.

Absent or not voting: Senators Austin, Baker, Easterday, Edens, Forsyth, Hastings, Hyde, Kinnear, Kneeland, Long, Luce, McCroskey, Parkinson, and Richards—14.

Title of the bill to remain the title of the act.

By Senator Clough:

Resolved, That the thanks of the newspaper correspondents and of each one thereof are due and are hereby tendered to President pro tem. Eugene T. Wilson for the uniform courteous manner in which he has treated them during the present session of the legislature.

Read and adopted by a rising vote.

By Senator Drum:

Resolved by the Senate: That the gavel and chair used by President pro tem. Eugene T. Wilson during the present session of the Senate be presented to that official for his marked efficiency, uniform fairness and courteous manner while presiding during the session, and that the best wishes of his brother senators are hereby tendered to him with the hope that his future may be blessed with great prosperity.

Read and adopted by a standing vote.

On motion of Senator Dyer, the Senate took a recess, subject to the call of the president.

AFTER RECESS.

Senate called to order pursuant to recess taken.

REPORT OF COMMITTEE.

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 180, entitled "An act to enable cities and towns to validate certain warrants and other obligations," etc.

Also, Senate bill No. 80, entitled "An act in relation to proceedings in probate, amending certain sections of code of Washington of 1881," etc.

Also, Senate bill No. 391, entitled "An act concerning appropriation of water for irrigation," etc.

Also, Senate bill No. 46, entitled "An act to regulate warehouse men, wharfingers, commission men," etc.

Also, Senate bill No. 49, entitled "An act to regulate practice of pharmacy," etc.

Also, Senate bill No. 69, entitled "An act to amend section 165 of an act providing for organization, classification," etc.

Also, Senate bill No. 74, entitled "An act providing for appeals to the supreme court."

Also, Senate bill No. 59, entitled "An act appropriating \$18,778.69 on account of a deficiency in the fund for support of N. G. W. for 1889-90."

Have been carefully compared with the original bills and found correctly enrolled.

Also, that Senate bills Nos. 235, 393, 122, 140, 259, 266, 206, 71, and 222, heretofore reported correctly enrolled, have been delivered to governor this March 7, 1891.

Also, that Senate concurrent resolutions Nos. 27 and 29 were this day delivered to secretary of state.

C. E. FORSYTH, Chairman,
ALEX. WATT.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,

OLYMPIA, March 7, 1891.

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

I have this day approved and signed 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."

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."

Senate bill No. 266, entitled "An act empowering the board of commissioners of the hospital for insane at Medical Lake to purchase, sell or exchange lands, to condemn other lands for state purposes, and declaring an emergency."

I have the honor to be

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

FOR EXTRA SERVICES.

OLYMPIA, March 7, 1891.

I hereby certify that the following named persons are entitled to pay for the number of days extra services in enrolling bills as is set opposite their respective names, to wit:

Miss Leib.....	1
Nellie P. Crowl.....	1
J. W. Potter.....	1
Robert Black.....	2
D. W. Huggins.....	1
A. J. Munson.....	2
H. C. Adams.....	1
W. H. Whittemore.....	1
A. M. Mitchell.....	1
Addie Libbey.....	1
Edith Nims.....	1
T. N. Henry.....	1
H. M. Lee.....	1
W. W. Needham.....	1
Josie Ferry.....	2
J. G. McClinton.....	1
Total number of days.....	19

Amount due therefor, at \$5.00 per day, \$95.00. Warrant to be issued to Hon. J. H. Long, in accordance with a resolution of the Senate heretofore adopted.

J. G. McCLINTON, Supervising Clerk.

Approved.

J. H. LONG.

W. H. KNEELAND.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 7, 1891.

MR. PRESIDENT:

The speaker of the House has signed House bill No. 314, entitled "An act in relation to annexing territory.

House bill No. 262, An act relative to fish.

House bill No. 263, An act relating to salaries.

Senate bill No. 168, An act in relation to harbor lines, failed to pass by a vote of 29 yeas to 34 nays.

The House has passed House bill No. 233, entitled "An act in relation to community property.

The House concurred in Senate amendments to House bill No. 121, An act in relation to state lands; yeas 50, nays 2.

The speaker has signed Senate bill No. 181, An act relative to indebtedness.

The House has passed Senate bill No. 182, An act relative to drainage of cities.

The House has passed Senate bill No. 193, entitled "An act relating to bonds, amended by inserting an enacting clause."

The speaker of the House has signed Senate bill No. 46, entitled "An act relating to warehouses."

Senate bill No. 49, In relation to pharmacy.

Senate bill No. 59, Relating to the national guard.

Senate bill No. 69, Relating to municipal corporations.

Senate bill No. 74, Providing for appeals to supreme court.

The House has passed Senate bill No. 49, entitled "An act in relation to practice of medicine."

Senate bill No. 392, An act relative to municipal courts.

The speaker of the House has signed Senate bill No. 391, Relative to water supply.

Senate bill No. 80, An act amending the code relative to probate.

The House has passed Senate bill No. 179, An act relative to state treasurer, amended as stated in bill.

The speaker of the House has signed House bill No. 297, entitled "An act relative to state officers."

House bill No. 121, An act relative to granted lands.

House bill No. 233, An act in relation to community property.

The House failed to pass Senate bill No. 230, An act relative to attachments.

The House has passed Senate bill No. 253, An act relative to Militia.

The House has indefinitely postponed all House and Senate bills not heretofore acted upon by the House.

The House has passed House bill No. 315, entitled "An act relative to voting on an amendment to the constitution."

And the same are herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

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 Senate of the Legislature of the State of Washington:

I have this day approved and signed 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 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."

Senate bill No. 295, entitled "An act providing for the establishment, location, maintenance, and support of the university of Washington."

Senate bill No. 393, entitled "An act to regulate the disbursement of all moneys by officers of the State of Washington, and all district, county, and precinct officers and commissions of the State of Washington, and declaring an emergency."

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 to exist."

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 issuing of bonds therefor at the same election at which the previous attempted incurring of such indebtedness or any part thereof may be ratified."

I have the honor to be,

CHAS. E. LAUGHTON,

Lieutenant Governor and Acting Governor.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bills Nos. 74, 69, 59, 46 and 49, heretofore reported correctly enrolled, have been this day delivered to the governor. Also 80, 391, 180 and 181.

Also, Senate bill No. 132, entitled "An act to provide for the drainage of cities of second, third and fourth class," etc.

Senate bill No. 179, entitled "An act making the state treasurer ex-officio fiscal agent," etc.

Senate bill No. 193, entitled "An act to amend an act authorizing cities and towns to construct internal improvements."

Have been carefully compared with the original bills and found correctly enrolled.

Also, Senate bills Nos. 132 and 200, heretofore reported correctly enrolled, have been this day delivered to the governor.

C. E. FORSYTH, Chairman,

ALEX. WATT,

Member of Committee.

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 Senate of the Legislature of the State of Washington:

I have this day approved and signed:

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, and providing penalties for violation of this act."

Senate bill No. 69, entitled "An act to amend section 165 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.'"

Senate bill No. 59, entitled "An act appropriating \$18,778.69 on account of a deficiency in the fund for the support of the National Guard of Washington for the years 1889-90."

Senate bill No. 179, entitled "An act making the state treasurer ex-officio fiscal agent for the State of Washington, defining his duties."

Senate bill No. 253, entitled "An act to authorize the use of the grounds of the Soldiers' Home by the state militia for their annual encampment."

I have the honor to be,

CHAS. E. LAUGHTON,

Lieut. and Acting Governor.

REPORTS OF STANDING COMMITTEES.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 253, entitled "An act to authorize the state militia to use certain grounds for encampment," etc.; and Senate bill No. 392, entitled "An act to amend an act to establish municipal courts," etc. have been carefully compared with the original bills, and found correctly enrolled.

Also, Senate bills Nos. 179, 193, 182, 253 and 392, heretofore reported correctly enrolled, have been this day delivered to the governor.

C. E. FORSYTH, Chairman,

ALEX. WATT,

Member of Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 7, 1891.

MR. PRESIDENT:

The speaker of the House has signed Senate bill No. 393, Relative to municipal courts.

Also, Senate bill No. 253, Relative to state militia.

Also, Senate bill No. 182, Relative to drainage of cities, etc.

Also, Senate bill No. 193, Relative to authorizing cities and towns to issue bonds, etc.

Also, Senate bill No. 179, Making the state treasurer fiscal agent, etc.

Also, Senate bill No. 132, Relative to municipal corporations.

Also, Senate bill No. 200, Relative to state penitentiary.

And the same are herewith returned to the Senate.

The speaker of the House has signed House bill No. 315, Relating to constitutional amendment.

And the same is herewith transmitted to the Senate.

T. G. NICKLIN, Chief Clerk.

By the Committee on Enrolled Bills:

MR. PRESIDENT:

Your standing Committee on Enrolled Bills begs leave to report that Senate bill No. 200, entitled "An act to define, regulate and govern the state penitentiary," etc.

Also, Senate bill 132, entitled "An act to amend certain sections of an act entitled "An act providing for the organization, classification," etc.

Have been carefully compared with the original bills and found correctly enrolled.

C. E. FORSYTH, Chairman,

ALEX. WATT.

House bill No. 315, by the Committee on Constitution and Revision: An act to provide for voting on constitutional amendment.

Read first time by title; rules suspended, read second time by title, the rules were further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Cooper, Drum, Dyer, Easterday, Eshelman, Forrest, Frink, Hastings, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—26.

Absent or not voting: Senators Baker, Clough, Edens, Forsyth, Hyde, Kinnear, Parkinson, and Thompson (L. F.)—8.

The title of the bill to remain the title of the act.

Senate bill No. 179, An act relative to the state treasurer.

Received from the House with amendment, which was concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Dyer, Easterday, Forrest, Frink, Hastings, Kinnear, Kneeland, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, and Watt—23.

Absent or not voting: Senators Baker, Cooper, Drum, Edens, Eshelman, Forsyth, Hyde, Parkinson, Thompson (L. F.), Vestal, and Wilson—11.

Title of the bill to remain the title of the act.

By Senator Kinnear:

Resolved by the Senate, That a vote of thanks be extended to M. D. Smith, Esq., the courteous and efficient sergeant-at-arms of the Senate, for the satisfactory manner in which he has discharged the duties of his office.

Read and adopted.

The president stated that he was about to sign House bills Nos. 263, 262, and 314; Senate bills Nos. 80 and 391; House bills Nos. 127, 233, and 297; Senate bills Nos. 46, 49, 59, 69, 74, 182, 193, and 179; House bill No. 315; Senate bills Nos. 253, 392, 132, and 200, which was done.

All bills on the general file were indefinitely postponed.

The following resolution was offered by Senator McCroskey:

Resolved, That the thanks of the Senate be extended to our able, efficient and ever accommodating secretary, whose large experience and peculiar fitness have contributed largely to expediting business. His stentorian voice and facile smile will long be remembered by each member of the Senate.

Read and adopted.

Owing to the inability of Senator Long to serve as a delegate to the commercial congress at Kansas City, the president appointed Senator Van Houten as a delegate.

By Senator Kinnear:

Resolved, That a vote of thanks be extended to C. M. Barton, Esq., the able and efficient secretary of the Senate, for the able manner in which he has discharged the duties of his onerous and responsible position.

Read and adopted.

House bill No. 233, by Mr. Hanson: Relative to community property.

Read first time; rules suspended, read second time by title; rules further suspended, and the bill placed on its final passage.

Read a third time by sections, and passed by the following vote:

Those voting in the affirmative were: Senators Austin, Claypool, Clough, Cooper, Dyer, Easterday, Eshelman, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Preston, Richards, Rutter, Smith, Thompson (G. T.), Van Houten, Vestal, Watt, and Wilson—23.

Absent or not voting: Senators Baker, Drum, Edens, Forrest, Forsyth, Frink, Hyde, Kneeland, Parkinson, Thompson (L. F.), and Van de Vanter—11.

The title of the bill to remain the title of the act.

Senate bill No. 193, by Senator Long: An act to amend an act authorizing cities and towns to make improvements and issue bonds.

Received from the House with amendments, which were concurred in, and the bill passed by the following vote:

Those voting in the affirmative were: Senators Claypool, Clough, Cooper, Dyer, Easterday, Forrest, Frink, Hastings, Kinnear, Long, Luce, McCroskey, O'Neill, Owings, Rutter, Smith, Thompson (G. T.), Van de Vanter, Van Houten, Vestal, Watt, and Wilson—22.

Absent or not voting: Senators Austin, Baker, Drum, Edens, Eshelman, Forsyth, Hyde, Kneeland, Parkinson, Preston, Richards, and Thompson (L. F.)—12.

The title of the bill to remain the title of the act.

On motion of Senator Owings, the journal was considered read and the same approved.

On motion of Senator Dyer, a vote of thanks was extended to the various employes of the Senate for the faithful performance of their various duties.

Senator Owings moved that the Senate report to the House that the Senate was ready to adjourn, and that a committee of two be appointed to act with a like committee on the part of the House and inform the acting governor that both houses were prepared to adjourn and ask if he had any communication to present to that body.

Adopted.

The president appointed Senators Owings and Claypool to act on the part of the Senate.

On motion of Senator Drum a vote of thanks was extended to Senators Forsyth and Watt for their arduous duties on the Enrolling Committee.

The special committee, Senators Owings and Claypool, reported that the acting governor extended his hearty thanks to the Senate for its labors, and that he had no further communication to make.

On motion of Senator Dyer, the Senate adjourned *sine die*.

CLARENCE M. BARTON,

EUGENE T. WILSON,

Secretary of the Senate.

President pro tem. of the Senate.

APPENDIX "A,"

SENATE 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 45,738 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 elected 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.

ELLENSBURGH 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 Agassiz, 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-

ated 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 counties 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, 736,875.]

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.....	\$4,092,237
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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 $\frac{9}{10}$ 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 $\frac{7}{10}$ 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 $\frac{7}{10}$ cents, there will remain a net cost to the state of 41 $\frac{8}{10}$ 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. Today, 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).....	1,248 08
	<u>\$35,271 33</u>
Less cash on hand—	<u>\$575,006 24</u>
General fund.....	\$4,144 66
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:

	Mills.
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 $2\frac{1}{2}$ 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 revisal 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,"
SENATE 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, 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 proceedings. 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 Eisenbies & 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 mst 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 particu'arly—

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 n't 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'nt 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:

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)

PORT TOWNSEND.

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 employcd? 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 that

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 *Leuder*? 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 county—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, lansquenette, 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, 1880, 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.

M. L. NATHANSON.

} Confession of Judgment.

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.

Received August 11, 1890, 4:45 P. M.
 R. DELANTY, Sheriff.
 By WM. J. JONES, DEPUTY.

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.

[Seal.]

(Signed)

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 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 6,882, 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. 2232.

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.

OFFICE OF
JEFFERSON COUNTY. 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
	\$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 \$1,886.89, 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 garnished 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 go 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. B. 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. P. 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 or 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. DESTIEGUER: 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. DESTEIGUER: 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 approve 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 Suohomish 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 SWEENEY.

JOSEPH SWEENEY, 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 inunctating 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 arguement. 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.

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ERRATA.

- In officers of Senate read *Martin D. Smith* instead of "Mark D. Smith."
Page 119, make Senate memorial No. "6" read No. 4.
Page 152, make Senate memorial No. "5" read No. 6.
Page 157, make Senate bill No. "125" read No. 135.
Page 157, make Senate bill No. "23" read No. 33.
Page 160, make Senate bill No. "12" read No. 13.
Page 219, make Senate bill No. "174" read No. 175.
Page 233, make "House" bill No. 26 read *Senate* bill.
Page 251, make "Senate" bill No. 134 read *House* bill.
Page 253, make Senate concurrent resolution No. "3" read No. 5.
Page 274, make "Columbia" read *Colville* in Senate memorial No. 7.
Page 290, make Senate bill No. "198" read No. 194.
Page 293, make Senate concurrent resolution No. "28" read No. 20.
Page 302, make Senate joint resolution No. "1" read No. 2.
Page 323, make Senate joint resolution No. "1" read No. 2.
Page 329, make Senate joint resolution No. "1" read No. 2.
Page 343, make House bill No. "162" read No. 182.
Page 344, make Senate bill No. "7" read No. 6.
Page 344, make Senate bill No. "6" read No. 7.
Page 356, make Senate bill No. "144" read No. 184.
Page 377, make "House" concurrent resolution No. 22 read *Senate*.
Page 376, make Senate bill No. "108" read No. 109.
Page 392, make Senate bill No. "209" read No. 201.
Page 396, make Senate bill No. 337 read *relative to the fee bill*.
Page 414, make House joint "resolution" No. 13 read *memorial*.
Page 430, in House bill No. 45 make "delinquent taxes" read *defective titles*.
Page 465, make "House" bill No. 119 read *Senate*.
Page 512, make House bill No. "149" read No. 139.
Page 553, make "capital" grounds read *capitol*.
Page 569, make Senate bill No. "198" read No. 191.
Page 571, make House bill No. "278" read No. 279.
Page 579, make "Senate" bill No. 579 read *House*.
Page 592, make "warehouses" read *warehousemen*.
Page 597, make Senate bill No. "393" read No. 392.
Page 599, make House bill No. "127" read No. 121.